

As Passed by the House

133rd General Assembly

Regular Session

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Am. Sub. S. B. No. 10

Senator Wilson

Cosponsors: Senators Peterson, Uecker, Coley, Hoagland, Gavarone, Antonio, Craig, Dolan, Eklund, Hackett, Hill, Hottinger, Huffman, M., Huffman, S., Kunze, Lehner, Maharath, McColley, Obhof, O'Brien, Roegner, Rulli, Sykes, Thomas, Williams Representatives Plummer, Leland, Crossman, Cupp, Galonski, Rogers, Smith, T., West, Lang, Grendell, Seitz, Clites, Greenspan, Hambley, Manning, G., Patton, Perales

A BILL

To amend sections 319.16, 2307.382, 2921.41,	1
2953.32, 2953.321, 2953.36, 2953.51, 2953.54,	2
and 5747.12 and to enact section 117.116 of the	3
Revised Code and to amend Section 22 of H.B. 197	4
of the 133rd General Assembly to expand the	5
penalties for theft in office based on the	6
amount stolen, to include as restitution audit	7
costs of the entity that suffered the loss, to	8
modify various aspects of the laws regarding	9
criminal and delinquency record sealing and	10
expungement, to expand the list of debts toward	11
satisfaction of which the Tax Commissioner may	12
apply a tax refund due to a taxpayer, to expand	13
the basis of a court's exercise of personal	14
jurisdiction, to specify a separate standard for	15
the issuing of warrants upon presentation of a	16
court order, and to declare an emergency.	17

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

Section 1. That sections 319.16, 2307.382, 2921.41, 18
2953.32, 2953.321, 2953.36, 2953.51, 2953.54, and 5747.12 be 19
amended and section 117.116 of the Revised Code be enacted to 20
read as follows: 21

Sec. 117.116. The auditor of state, upon receiving 22
notification that a county auditor has filed a warrant under 23
protest as specified in section 319.16 of the Revised Code, may 24
review that warrant as part of the auditor of state's next 25
regularly scheduled audit of the public office that presented 26
documents under that section that led to issuance of the warrant 27
under protest. 28

Sec. 319.16. (A) The county auditor shall issue warrants, 29
including electronic warrants authorizing direct deposit for 30
payment of county obligations in accordance with division (F) of 31
section 9.37 of the Revised Code, on the county treasurer for 32
all moneys payable from the county treasury, upon presentation 33
of either of the following: 34

(1) Any proper order or voucher and evidentiary matter~~for~~ 35
~~the moneys, and;~~ 36

(2) Any proper court order for expenses of any court 37
funded through the county treasury and, upon request of the 38
county auditor, legible copies of any court-approved invoice, 39
bill, receipt, check, or contract related to the order, redacted 40
as required by law, to the extent those documents exist. 41

(B) When a court order described in division (A) (2) of 42
this section is presented, the auditor shall have no liability 43
for that expenditure. The county auditor shall keep a record of 44
all such warrants showing the number, date of issue, amount for 45
which drawn, in whose favor, for what purpose, -and on what 46

fund. ~~The~~

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(C) The auditor shall not issue a warrant for the payment
of any claim against the county, unless it is allowed by the
board of county commissioners, except where the amount due is
fixed by law or is allowed by an officer or tribunal, including
a county board of mental health or county board of developmental
disabilities, so authorized by law. ~~If~~

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(D) If the auditor questions the validity of an
expenditure under division (A) (2) of this section that is within
available appropriations ~~and for which a proper order or voucher~~
~~and evidentiary matter is presented, the auditor shall notify~~
the court that presented the documents, issue the warrant under
protest, and notify the auditor of state of the protest. When a
warrant is issued under division (D) of this section, the
auditor has no liability for that expenditure. If the auditor
refuses to issue the warrant, a writ of mandamus may be sought.
The court shall issue a writ of mandamus for issuance of the
warrant if the court determines that the claim is valid.

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(E) If the auditor questions the validity of an
expenditure presented under division (A) (1) of this section that
is within available appropriations, the auditor shall ~~notify~~
the board, officer, or tribunal who presented the
~~voucher documents.~~ ~~If the board, officer, or tribunal determines~~
that the expenditure ~~is valid and the auditor continues to~~
~~refuse~~ refuses to issue the appropriate warrant on the county
treasury, a writ of mandamus may be sought. The court shall
issue a writ of mandamus for issuance ~~of the warrant if the~~
court determines that the claim is valid.

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Evidentiary matter includes original invoices, receipts,
bills and checks, and legible copies of contracts.

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Sec. 2307.382. (A) A court may exercise personal	77
jurisdiction over a person who acts directly or by an agent, as	78
to a cause of action arising from the person's:	79
(1) Transacting any business in this state;	80
(2) Contracting to supply services or goods in this state;	81
(3) Causing tortious injury by an act or omission in this	82
state;	83
(4) Causing tortious injury in this state by an act or	84
omission outside this state if he <u>the person</u> regularly does or	85
solicits business, or engages in any other persistent course of	86
conduct, or derives substantial revenue from goods used or	87
consumed or services rendered in this state;	88
(5) Causing injury in this state to any person by breach	89
of warranty expressly or impliedly made in the sale of goods	90
outside this state when he <u>the person</u> might reasonably have	91
expected such person to use, consume, or be affected by the	92
goods in this state, provided that he <u>the person</u> also regularly	93
does or solicits business, or engages in any other persistent	94
course of conduct, or derives substantial revenue from goods	95
used or consumed or services rendered in this state;	96
(6) Causing tortious injury in this state to any person by	97
an act outside this state committed with the purpose of injuring	98
persons, when he <u>the person</u> might reasonably have expected that	99
some person would be injured thereby in this state;	100
(7) Causing tortious injury to any person by a criminal	101
act, any element of which takes place in this state, which he	102
<u>the person</u> commits or in the commission of which he <u>the person</u>	103
is guilty of complicity.	104

(8) Having an interest in, using, or possessing real 105
property in this state; 106

(9) Contracting to insure any person, property, or risk 107
located within this state at the time of contracting. 108

(B) For purposes of this section, a person who enters into 109
an agreement, as a principal, with a sales representative for 110
the solicitation of orders in this state is transacting business 111
in this state. As used in this division, "principal" and "sales 112
representative" have the same meanings as in section 1335.11 of 113
the Revised Code. 114

(C) ~~When~~ In addition to a court's exercise of personal 115
jurisdiction under division (A) of this section, a court may 116
exercise personal jurisdiction over a person is based solely 117
upon this section, only a cause of action arising from acts 118
enumerated in this section may be asserted against him on any 119
basis consistent with the Ohio Constitution and the United 120
States Constitution. 121

Sec. 2921.41. (A) No public official or party official 122
shall commit any theft offense, as defined in division (K) of 123
section 2913.01 of the Revised Code, when either of the 124
following applies: 125

(1) The offender uses the offender's office in aid of 126
committing the offense or permits or assents to its use in aid 127
of committing the offense; 128

(2) The property or service involved is owned by this 129
state, any other state, the United States, a county, a municipal 130
corporation, a township, or any political subdivision, 131
department, or agency of any of them, is owned by a political 132
party, or is part of a political campaign fund. 133

(B) Whoever violates this section is guilty of theft in 134
office. Except as otherwise provided in this division, theft in 135
office is a felony of the fifth degree. If the value of property 136
or services stolen is one thousand dollars or more and is less 137
than seven thousand five hundred dollars, theft in office is a 138
felony of the fourth degree. If the value of property or 139
services stolen is seven thousand five hundred dollars or more 140
and is less than one hundred fifty thousand dollars, theft in 141
office is a felony of the third degree. If the value of property 142
or services stolen is one hundred fifty thousand dollars or more 143
and is less than seven hundred fifty thousand dollars, theft in 144
office is a felony of the second degree. If the value of 145
property or services stolen is seven hundred fifty thousand 146
dollars or more, theft in office is a felony of the first 147
degree. 148

(C) (1) A public official or party official who pleads 149
guilty to theft in office and whose plea is accepted by the 150
court or a public official or party official against whom a 151
verdict or finding of guilt for committing theft in office is 152
returned is forever disqualified from holding any public office, 153
employment, or position of trust in this state. 154

(2) (a) (i) A court that imposes sentence for a violation of 155
this section based on conduct described in division (A) (2) of 156
this section shall require the public official or party official 157
who is convicted of or pleads guilty to the offense to make 158
restitution for all of the property or the service that is the 159
subject of the offense, in addition to the term of imprisonment 160
and any fine imposed. The total amount of restitution imposed 161
under this division shall include costs of auditing the public 162
entities specified in division (A) (2) of this section that own 163
the property or service involved in the conduct described in 164

that division that is a violation of this section, but, except 165
as otherwise provided in a negotiated plea agreement, shall not 166
exceed the amount of the restitution imposed for all of the 167
property or the service that is the subject of the offense. 168

(ii) A court that imposes sentence for a violation of this 169
section based on conduct described in division (A) (1) of this 170
section and that determines at trial that this state or a 171
political subdivision of this state if the offender is a public 172
official, or a political party in the United States or this 173
state if the offender is a party official, suffered actual loss 174
as a result of the offense shall require the offender to make 175
restitution to the state, political subdivision, or political 176
party for all of the actual loss experienced, in addition to the 177
term of imprisonment and any fine imposed. The total amount of 178
restitution imposed under this division shall include costs of 179
auditing the state, political subdivision, or political party 180
that suffered the actual loss based on conduct described in that 181
division that is a violation of this section, but, except as 182
otherwise provided in a negotiated plea agreement, shall not 183
exceed the amount of the restitution imposed for all of the 184
actual loss suffered. 185

(b) (i) In any case in which a sentencing court is required 186
to order restitution under division (C) (2) (a) of this section 187
and in which the offender, at the time of the commission of the 188
offense or at any other time, was a member of the public 189
employees retirement system, the Ohio police and fire pension 190
fund, the state teachers retirement system, the school employees 191
retirement system, or the state highway patrol retirement 192
system; was an electing employee, as defined in section 3305.01 193
of the Revised Code, participating in an alternative retirement 194
plan provided pursuant to Chapter 3305. of the Revised Code; was 195

a participating employee or continuing member, as defined in 196
section 148.01 of the Revised Code, in a deferred compensation 197
program offered by the Ohio public employees deferred 198
compensation board; was an officer or employee of a municipal 199
corporation who was a participant in a deferred compensation 200
program offered by that municipal corporation; was an officer or 201
employee of a government unit, as defined in section 148.06 of 202
the Revised Code, who was a participant in a deferred 203
compensation program offered by that government unit, or was a 204
participating employee, continuing member, or participant in any 205
deferred compensation program described in this division and a 206
member of a retirement system specified in this division or a 207
retirement system of a municipal corporation, the entity to 208
which restitution is to be made may file a motion with the 209
sentencing court specifying any retirement system, any provider 210
as defined in section 3305.01 of the Revised Code, and any 211
deferred compensation program of which the offender was a 212
member, electing employee, participating employee, continuing 213
member, or participant and requesting the court to issue an 214
order requiring the specified retirement system, the specified 215
provider under the alternative retirement plan, or the specified 216
deferred compensation program, or, if more than one is specified 217
in the motion, the applicable combination of these, to withhold 218
the amount required as restitution from any payment that is to 219
be made under a pension, annuity, or allowance, under an option 220
in the alternative retirement plan, under a participant account, 221
as defined in section 148.01 of the Revised Code, or under any 222
other type of benefit, other than a survivorship benefit, that 223
has been or is in the future granted to the offender, from any 224
payment of accumulated employee contributions standing to the 225
offender's credit with that retirement system, that provider of 226
the option under the alternative retirement plan, or that 227

deferred compensation program, or, if more than one is specified 228
in the motion, the applicable combination of these, and from any 229
payment of any other amounts to be paid to the offender upon the 230
offender's withdrawal of the offender's contributions pursuant 231
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 232
Revised Code. A motion described in this division may be filed 233
at any time subsequent to the conviction of the offender or 234
entry of a guilty plea. Upon the filing of the motion, the clerk 235
of the court in which the motion is filed shall notify the 236
offender, the specified retirement system, the specified 237
provider under the alternative retirement plan, or the specified 238
deferred compensation program, or, if more than one is specified 239
in the motion, the applicable combination of these, in writing, 240
of all of the following: that the motion was filed; that the 241
offender will be granted a hearing on the issuance of the 242
requested order if the offender files a written request for a 243
hearing with the clerk prior to the expiration of thirty days 244
after the offender receives the notice; that, if a hearing is 245
requested, the court will schedule a hearing as soon as possible 246
and notify the offender, any specified retirement system, any 247
specified provider under an alternative retirement plan, and any 248
specified deferred compensation program of the date, time, and 249
place of the hearing; that, if a hearing is conducted, it will 250
be limited only to a consideration of whether the offender can 251
show good cause why the requested order should not be issued; 252
that, if a hearing is conducted, the court will not issue the 253
requested order if the court determines, based on evidence 254
presented at the hearing by the offender, that there is good 255
cause for the requested order not to be issued; that the court 256
will issue the requested order if a hearing is not requested or 257
if a hearing is conducted but the court does not determine, 258
based on evidence presented at the hearing by the offender, that 259

there is good cause for the requested order not to be issued; 260
and that, if the requested order is issued, any retirement 261
system, any provider under an alternative retirement plan, and 262
any deferred compensation program specified in the motion will 263
be required to withhold the amount required as restitution from 264
payments to the offender. 265

(ii) In any case in which a sentencing court is required 266
to order restitution under division (C) (2) (a) of this section 267
and in which a motion requesting the issuance of a withholding 268
order as described in division (C) (2) (b) (i) of this section is 269
filed, the offender may receive a hearing on the motion by 270
delivering a written request for a hearing to the court prior to 271
the expiration of thirty days after the offender's receipt of 272
the notice provided pursuant to division (C) (2) (b) (i) of this 273
section. If a request for a hearing is made by the offender 274
within the prescribed time, the court shall schedule a hearing 275
as soon as possible after the request is made and shall notify 276
the offender, the specified retirement system, the specified 277
provider under the alternative retirement plan, or the specified 278
deferred compensation program, or, if more than one is specified 279
in the motion, the applicable combination of these, of the date, 280
time, and place of the hearing. A hearing scheduled under this 281
division shall be limited to a consideration of whether there is 282
good cause, based on evidence presented by the offender, for the 283
requested order not to be issued. If the court determines, based 284
on evidence presented by the offender, that there is good cause 285
for the order not to be issued, the court shall deny the motion 286
and shall not issue the requested order. If the offender does 287
not request a hearing within the prescribed time or if the court 288
conducts a hearing but does not determine, based on evidence 289
presented by the offender, that there is good cause for the 290

order not to be issued, the court shall order the specified 291
retirement system, the specified provider under the alternative 292
retirement plan, or the specified deferred compensation program, 293
or, if more than one is specified in the motion, the applicable 294
combination of these, to withhold the amount required as 295
restitution under division (C) (2) (a) of this section from any 296
payments to be made under a pension, annuity, or allowance, 297
under a participant account, as defined in section 148.01 of the 298
Revised Code, under an option in the alternative retirement 299
plan, or under any other type of benefit, other than a 300
survivorship benefit, that has been or is in the future granted 301
to the offender, from any payment of accumulated employee 302
contributions standing to the offender's credit with that 303
retirement system, that provider under the alternative 304
retirement plan, or that deferred compensation program, or, if 305
more than one is specified in the motion, the applicable 306
combination of these, and from any payment of any other amounts 307
to be paid to the offender upon the offender's withdrawal of the 308
offender's contributions pursuant to Chapter 145., 148., 742., 309
3307., 3309., or 5505. of the Revised Code, and to continue the 310
withholding for that purpose, in accordance with the order, out 311
of each payment to be made on or after the date of issuance of 312
the order, until further order of the court. Upon receipt of an 313
order issued under this division, the public employees 314
retirement system, the Ohio police and fire pension fund, the 315
state teachers retirement system, the school employees 316
retirement system, the state highway patrol retirement system, a 317
municipal corporation retirement system, the provider under the 318
alternative retirement plan, and the deferred compensation 319
program offered by the Ohio public employees deferred 320
compensation board, a municipal corporation, or a government 321
unit, as defined in section 148.06 of the Revised Code, 322

whichever are applicable, shall withhold the amount required as 323
restitution, in accordance with the order, from any such 324
payments and immediately shall forward the amount withheld to 325
the clerk of the court in which the order was issued for payment 326
to the entity to which restitution is to be made. 327

(iii) Service of a notice required by division (C) (2) (b) 328
(i) or (ii) of this section shall be effected in the same manner 329
as provided in the Rules of Civil Procedure for the service of 330
process. 331

(c) Consistent with the ruling of the supreme court of the 332
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 333
restitution imposed under division (C) (2) (a) of this section is 334
not dischargeable under Chapter 7 of the United States 335
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 336

(D) Upon the filing of charges against a person under this 337
section, the prosecutor, as defined in section 2935.01 of the 338
Revised Code, who is assigned the case shall send written notice 339
that charges have been filed against that person to the public 340
employees retirement system, the Ohio police and fire pension 341
fund, the state teachers retirement system, the school employees 342
retirement system, the state highway patrol retirement system, 343
the provider under an alternative retirement plan, any municipal 344
corporation retirement system in this state, and the deferred 345
compensation program offered by the Ohio public employees 346
deferred compensation board, a municipal corporation, or a 347
government unit, as defined in section 148.06 of the Revised 348
Code. The written notice shall specifically identify the person 349
charged. 350

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 351
of the Revised Code or as otherwise provided in division (A) (1) 352

(d) of this section, an eligible offender may apply to the 353
sentencing court if convicted in this state, or to a court of 354
common pleas if convicted in another state or in a federal 355
court, for the sealing of the record of the case that pertains 356
to the conviction. Application may be made at one of the 357
following times: 358

(a) At the expiration of three years after the offender's 359
final discharge if convicted of one felony, so long as none of 360
the offenses is a violation of section 2921.43 of the Revised 361
Code; 362

(b) When division (A) (1) (a) of section 2953.31 of the 363
Revised Code applies to the offender, at the expiration of four 364
years after the offender's final discharge if convicted of two 365
felonies, or at the expiration of five years after final 366
discharge if convicted of three, four, or five felonies, so long 367
as none of the offenses is a violation of section 2921.43 of the 368
Revised Code; 369

(c) At the expiration of one year after the offender's 370
final discharge if convicted of a misdemeanor, so long as none 371
of the offenses is a violation of section 2921.43 of the Revised 372
Code; 373

(d) At the expiration of seven years after the offender's 374
final discharge if the record includes a conviction of 375
soliciting improper compensation in violation of section 2921.43 376
of the Revised Code. 377

(2) Any person who has been arrested for any misdemeanor 378
offense and who has effected a bail forfeiture for the offense 379
charged may apply to the court in which the misdemeanor criminal 380
case was pending when bail was forfeited for the sealing of the 381

record of the case that pertains to the charge. Except as 382
provided in section 2953.61 of the Revised Code, the application 383
may be filed at any time after the expiration of one year from 384
the date on which the bail forfeiture was entered upon the 385
minutes of the court or the journal, whichever entry occurs 386
first. 387

(B) Upon the filing of an application under this section, 388
the court shall set a date for a hearing and shall notify the 389
prosecutor for the case of the hearing on the application. The 390
prosecutor may object to the granting of the application by 391
filing an objection with the court prior to the date set for the 392
hearing. The prosecutor shall specify in the objection the 393
reasons for believing a denial of the application is justified. 394
The court shall direct its regular probation officer, a state 395
probation officer, or the department of probation of the county 396
in which the applicant resides to make inquiries and written 397
reports as the court requires concerning the applicant. The 398
probation officer or county department of probation that the 399
court directs to make inquiries concerning the applicant shall 400
determine whether or not the applicant was fingerprinted at the 401
time of arrest or under section 109.60 of the Revised Code. If 402
the applicant was so fingerprinted, the probation officer or 403
county department of probation shall include with the written 404
report a record of the applicant's fingerprints. If the 405
applicant was convicted of or pleaded guilty to a violation of 406
division (A) (2) or (B) of section 2919.21 of the Revised Code, 407
the probation officer or county department of probation that the 408
court directed to make inquiries concerning the applicant shall 409
contact the child support enforcement agency enforcing the 410
applicant's obligations under the child support order to inquire 411
about the offender's compliance with the child support order. 412

(C) (1) The court shall do each of the following: 413

(a) Determine whether the applicant is an eligible 414
offender or whether the forfeiture of bail was agreed to by the 415
applicant and the prosecutor in the case. If the applicant 416
applies as an eligible offender pursuant to division (A) (1) of 417
this section and has two or three convictions that result from 418
the same indictment, information, or complaint, from the same 419
plea of guilty, or from the same official proceeding, and result 420
from related criminal acts that were committed within a three- 421
month period but do not result from the same act or from 422
offenses committed at the same time, in making its determination 423
under this division, the court initially shall determine whether 424
it is not in the public interest for the two or three 425
convictions to be counted as one conviction. If the court 426
determines that it is not in the public interest for the two or 427
three convictions to be counted as one conviction, the court 428
shall determine that the applicant is not an eligible offender; 429
if the court does not make that determination, the court shall 430
determine that the offender is an eligible offender. 431

(b) Determine whether criminal proceedings are pending 432
against the applicant; 433

(c) If the applicant is an eligible offender who applies 434
pursuant to division (A) (1) of this section, determine whether 435
the applicant has been rehabilitated to the satisfaction of the 436
court; 437

(d) If the prosecutor has filed an objection in accordance 438
with division (B) of this section, consider the reasons against 439
granting the application specified by the prosecutor in the 440
objection; 441

(e) Weigh the interests of the applicant in having the 442
records pertaining to the applicant's conviction or bail 443
forfeiture sealed against the legitimate needs, if any, of the 444
government to maintain those records. 445

(2) If the court determines, after complying with division 446
(C) (1) of this section, that the applicant is an eligible 447
offender or the subject of a bail forfeiture, that no criminal 448
proceeding is pending against the applicant, that the interests 449
of the applicant in having the records pertaining to the 450
applicant's conviction or bail forfeiture sealed are not 451
outweighed by any legitimate governmental needs to maintain 452
those records, and that the rehabilitation of an applicant who 453
is an eligible offender applying pursuant to division (A) (1) of 454
this section has been attained to the satisfaction of the court, 455
the court, except as provided in division (C) (4), (G), (H), or 456
(I) of this section, shall order all official records of the 457
case that pertain to the conviction or bail forfeiture sealed 458
and, except as provided in division (F) of this section, all 459
index references to the case that pertain to the conviction or 460
bail forfeiture deleted and, in the case of bail forfeitures, 461
shall dismiss the charges in the case. The proceedings in the 462
case that pertain to the conviction or bail forfeiture shall be 463
considered not to have occurred and the conviction or bail 464
forfeiture of the person who is the subject of the proceedings 465
shall be sealed, except that upon conviction of a subsequent 466
offense, the sealed record of prior conviction or bail 467
forfeiture may be considered by the court in determining the 468
sentence or other appropriate disposition, including the relief 469
provided for in sections 2953.31 to 2953.33 of the Revised Code. 470

(3) An applicant may request the sealing of the records of 471
more than one case in a single application under this section. 472

Upon the filing of an application under this section, the 473
applicant, unless indigent, shall pay a fee of fifty dollars, 474
regardless of the number of records the application requests to 475
have sealed. The court shall pay thirty dollars of the fee into 476
the state treasury. It shall pay twenty dollars of the fee into 477
the county general revenue fund if the sealed conviction or bail 478
forfeiture was pursuant to a state statute, or into the general 479
revenue fund of the municipal corporation involved if the sealed 480
conviction or bail forfeiture was pursuant to a municipal 481
ordinance. 482

(4) If the court orders the official records pertaining to 483
the case sealed, the court shall do one of the following: 484

(a) If the applicant was fingerprinted at the time of 485
arrest or under section 109.60 of the Revised Code and the 486
record of the applicant's fingerprints was provided to the court 487
under division (B) of this section, forward a copy of the 488
sealing order and the record of the applicant's fingerprints to 489
the bureau of criminal identification and investigation. 490

(b) If the applicant was not fingerprinted at the time of 491
arrest or under section 109.60 of the Revised Code, or the 492
record of the applicant's fingerprints was not provided to the 493
court under division (B) of this section, but fingerprinting was 494
required for the offense, order the applicant to appear before a 495
sheriff to have the applicant's fingerprints taken according to 496
the fingerprint system of identification on the forms furnished 497
by the superintendent of the bureau of criminal identification 498
and investigation. The sheriff shall forward the applicant's 499
fingerprints to the court. The court shall forward the 500
applicant's fingerprints and a copy of the sealing order to the 501
bureau of criminal identification and investigation. 502

Failure of the court to order fingerprints at the time of 503
sealing does not constitute a reversible error. 504

(D) Inspection of the sealed records included in the order 505
may be made only by the following persons or for the following 506
purposes: 507

(1) By a law enforcement officer or prosecutor, or the 508
assistants of either, to determine whether the nature and 509
character of the offense with which a person is to be charged 510
would be affected by virtue of the person's previously having 511
been convicted of a crime; 512

(2) By the parole or probation officer of the person who 513
is the subject of the records, for the exclusive use of the 514
officer in supervising the person while on parole or under a 515
community control sanction or a post-release control sanction, 516
and in making inquiries and written reports as requested by the 517
court or adult parole authority; 518

(3) Upon application by the person who is the subject of 519
the records, by the persons named in the application; 520

(4) By a law enforcement officer who was involved in the 521
case, for use in the officer's defense of a civil action arising 522
out of the officer's involvement in that case; 523

(5) By a prosecuting attorney or the prosecuting 524
attorney's assistants, to determine a defendant's eligibility to 525
enter a pre-trial diversion program established pursuant to 526
section 2935.36 of the Revised Code; 527

(6) By any law enforcement agency or any authorized 528
employee of a law enforcement agency or by the department of 529
rehabilitation and correction or department of youth services as 530
part of a background investigation of a person who applies for 531

employment with the agency or with the department; 532

(7) By any law enforcement agency or any authorized 533
employee of a law enforcement agency, for the purposes set forth 534
in, and in the manner provided in, section 2953.321 of the 535
Revised Code; 536

(8) By the bureau of criminal identification and 537
investigation or any authorized employee of the bureau for the 538
purpose of providing information to a board or person pursuant 539
to division (F) or (G) of section 109.57 of the Revised Code; 540

(9) By the bureau of criminal identification and 541
investigation or any authorized employee of the bureau for the 542
purpose of performing a criminal history records check on a 543
person to whom a certificate as prescribed in section 109.77 of 544
the Revised Code is to be awarded; 545

(10) By the bureau of criminal identification and 546
investigation or any authorized employee of the bureau for the 547
purpose of conducting a criminal records check of an individual 548
pursuant to division (B) of section 109.572 of the Revised Code 549
that was requested pursuant to any of the sections identified in 550
division (B)(1) of that section; 551

(11) By the bureau of criminal identification and 552
investigation, an authorized employee of the bureau, a sheriff, 553
or an authorized employee of a sheriff in connection with a 554
criminal records check described in section 311.41 of the 555
Revised Code; 556

(12) By the attorney general or an authorized employee of 557
the attorney general or a court for purposes of determining a 558
person's classification pursuant to Chapter 2950. of the Revised 559
Code; 560

(13) By a court, the registrar of motor vehicles, a 561
prosecuting attorney or the prosecuting attorney's assistants, 562
or a law enforcement officer for the purpose of assessing points 563
against a person under section 4510.036 of the Revised Code or 564
for taking action with regard to points assessed. 565

When the nature and character of the offense with which a 566
person is to be charged would be affected by the information, it 567
may be used for the purpose of charging the person with an 568
offense. 569

(E) In any criminal proceeding, proof of any otherwise 570
admissible prior conviction may be introduced and proved, 571
notwithstanding the fact that for any such prior conviction an 572
order of sealing previously was issued pursuant to sections 573
2953.31 to 2953.36 of the Revised Code. 574

(F) The person or governmental agency, office, or 575
department that maintains sealed records pertaining to 576
convictions or bail forfeitures that have been sealed pursuant 577
to this section may maintain a manual or computerized index to 578
the sealed records. The index shall contain only the name of, 579
and alphanumeric identifiers that relate to, the persons who are 580
the subject of the sealed records, the word "sealed," and the 581
name of the person, agency, office, or department that has 582
custody of the sealed records, and shall not contain the name of 583
the crime committed. The index shall be made available by the 584
person who has custody of the sealed records only for the 585
purposes set forth in divisions (C), (D), and (E) of this 586
section. 587

(G) Notwithstanding any provision of this section or 588
section 2953.33 of the Revised Code that requires otherwise, a 589
board of education of a city, local, exempted village, or joint 590

vocational school district that maintains records of an 591
individual who has been permanently excluded under sections 592
3301.121 and 3313.662 of the Revised Code is permitted to 593
maintain records regarding a conviction that was used as the 594
basis for the individual's permanent exclusion, regardless of a 595
court order to seal the record. An order issued under this 596
section to seal the record of a conviction does not revoke the 597
adjudication order of the superintendent of public instruction 598
to permanently exclude the individual who is the subject of the 599
sealing order. An order issued under this section to seal the 600
record of a conviction of an individual may be presented to a 601
district superintendent as evidence to support the contention 602
that the superintendent should recommend that the permanent 603
exclusion of the individual who is the subject of the sealing 604
order be revoked. Except as otherwise authorized by this 605
division and sections 3301.121 and 3313.662 of the Revised Code, 606
any school employee in possession of or having access to the 607
sealed conviction records of an individual that were the basis 608
of a permanent exclusion of the individual is subject to section 609
2953.35 of the Revised Code. 610

(H) Notwithstanding any provision of this section or 611
section 2953.33 of the Revised Code that requires otherwise, if 612
the auditor of state or a prosecutor maintains records, reports, 613
or audits of an individual who has been forever disqualified 614
from holding public office, employment, or position of trust in 615
this state under sections 2921.41 and 2921.43 of the Revised 616
Code, or has otherwise been convicted of an offense based upon 617
the records, reports, or audits of the auditor of state, the 618
auditor of state or prosecutor is permitted to maintain those 619
records to the extent they were used as the basis for the 620
individual's disqualification or conviction, and shall not be 621

compelled by court order to seal those records.

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

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

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Sec. 2953.321. (A) As used in this section, "investigatory
work product" means any records or reports of a law enforcement
officer or agency that are excepted from the definition of
"official records" contained in section 2953.51 of the Revised
Code and that pertain to a conviction or bail forfeiture the
records of which have been ordered sealed pursuant to division
(C) (2) of section 2953.32 of the Revised Code or that pertain to
a conviction or delinquent child adjudication the records of
which have been ordered expunged pursuant to division (E) of
section 2151.358, division (D) (2) of section 2953.37, or
division (G) of section 2953.38 of the Revised Code.

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(B) Upon the issuance of an order by a court pursuant to
division (C) (2) of section 2953.32 of the Revised Code directing
that all official records of a case pertaining to a conviction
or bail forfeiture be sealed or an order by a court pursuant to
division (E) of section 2151.358, division (D) (2) of section

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2953.37, or division (G) of section 2953.38 of the Revised Code 652
directing that all official records of a case pertaining to a 653
conviction or delinquent child adjudication be expunged: 654

(1) Every law enforcement officer who possesses 655
investigatory work product immediately shall deliver that work 656
product to the law enforcement officer's employing law 657
enforcement agency. 658

(2) Except as provided in division (B) (3) or (4) of this 659
section, every law enforcement agency that possesses 660
investigatory work product shall close that work product to all 661
persons who are not directly employed by the law enforcement 662
agency and shall treat that work product, in relation to all 663
persons other than those who are directly employed by the law 664
enforcement agency, as if it did not exist and never had 665
existed. 666

(3) A law enforcement agency that possesses investigatory 667
work product may permit another law enforcement agency to use 668
that work product in the investigation of another offense if the 669
facts incident to the offense being investigated by the other 670
law enforcement agency and the facts incident to an offense that 671
is the subject of the case are reasonably similar. The agency 672
that permits the use of investigatory work product may provide 673
the other agency with the name of the person who is the subject 674
of the case if it believes that the name of the person is 675
necessary to the conduct of the investigation by the other 676
agency. 677

(4) The auditor of state may provide to or discuss with 678
other parties investigatory work product maintained pursuant to 679
Chapter 117. of the Revised Code by the auditor of state. 680

(C) (1) Except as provided in division (B) (3) or (4) of 681
this section, no law enforcement officer or other person 682
employed by a law enforcement agency shall knowingly release, 683
disseminate, or otherwise make the investigatory work product or 684
any information contained in that work product available to, or 685
discuss any information contained in it with, any person not 686
employed by the employing law enforcement agency. 687

(2) No law enforcement agency, or person employed by a law 688
enforcement agency, that receives investigatory work product 689
pursuant to division (B) (3) or (4) of this section shall use 690
that work product for any purpose other than the investigation 691
of the offense for which it was obtained from the other law 692
enforcement agency, or disclose the name of the person who is 693
the subject of the work product except when necessary for the 694
conduct of the investigation of the offense, or the prosecution 695
of the person for committing the offense, for which it was 696
obtained from the other law enforcement agency. 697

(3) It is not a violation of division (C) (1) or (2) of 698
this section for the bureau of criminal identification and 699
investigation or any authorized employee of the bureau 700
participating in the investigation of criminal activity to 701
release, disseminate, or otherwise make available to, or discuss 702
with, a person directly employed by a law enforcement agency DNA 703
records collected in the DNA database or fingerprints filed for 704
record by the superintendent of the bureau of criminal 705
identification and investigation. 706

(D) Whoever violates division (C) (1) or (2) of this 707
section is guilty of divulging confidential investigatory work 708
product, a misdemeanor of the fourth degree. 709

Sec. 2953.36. (A) Except as otherwise provided in division 710

(B) of this section, sections 2953.31 to 2953.35 of the Revised 711
Code do not apply to any of the following: 712

(1) Convictions when the offender is subject to a 713
mandatory prison term; 714

(2) Convictions under section 2907.02, 2907.03, 2907.04, 715
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former 716
section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. 717
of the Revised Code, or a conviction for a violation of a 718
municipal ordinance that is substantially similar to any section 719
contained in any of those chapters, except as otherwise provided 720
in section 2953.61 of the Revised Code; 721

(3) Convictions of an offense of violence when the offense 722
is a misdemeanor of the first degree or a felony and when the 723
offense is not a violation of section 2917.03 of the Revised 724
Code and is not a violation of section 2903.13, 2917.01, or 725
2917.31 of the Revised Code that is a misdemeanor of the first 726
degree; 727

(4) Convictions on or after October 10, 2007, under 728
section 2907.07 of the Revised Code or a conviction on or after 729
October 10, 2007, for a violation of a municipal ordinance that 730
is substantially similar to that section; 731

(5) Convictions on or after October 10, 2007, under 732
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 733
2907.311, 2907.32, or 2907.33 of the Revised Code when the 734
victim of the offense was under eighteen years of age; 735

(6) Convictions of an offense in circumstances in which 736
the victim of the offense was less than sixteen years of age 737
when the offense is a misdemeanor of the first degree or a 738
felony, except for convictions under section 2919.21 of the 739

Revised Code; 740

(7) Convictions of a felony of the first or second degree; 741

(8) Bail forfeitures in a traffic case as defined in 742
Traffic Rule 2; 743

(9) Convictions of theft in office in violation of section 744
2921.41 of the Revised Code. 745

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 746
to a conviction listed in this section if, on the date of the 747
conviction, those sections did not apply to the conviction, but 748
after the date of the conviction, the penalty for or 749
classification of the offense was changed so that those sections 750
apply to the conviction. 751

Sec. 2953.51. As used in sections 2953.51 to 2953.56 of 752
the Revised Code: 753

(A) "No bill" means a report by the foreperson or deputy 754
foreperson of a grand jury that an indictment is not found by 755
the grand jury against a person who has been held to answer 756
before the grand jury for the commission of an offense. 757

(B) "Prosecutor" has the same meaning as in section 758
2953.31 of the Revised Code. 759

(C) "Court" means the court in which a case is pending at 760
the time a finding of not guilty in the case or a dismissal of 761
the complaint, indictment, or information in the case is entered 762
on the minutes or journal of the court, or the court to which 763
the foreperson or deputy foreperson of a grand jury reports, 764
pursuant to section 2939.23 of the Revised Code, that the grand 765
jury has returned a no bill. 766

(D) "Official records" means all records that are 767

possessed by any public office or agency that relate to a 768
criminal case, including, but not limited to: the notation to 769
the case in the criminal docket; all subpoenas issued in the 770
case; all papers and documents filed by the defendant or the 771
prosecutor in the case; all records of all testimony and 772
evidence presented in all proceedings in the case; all court 773
files, papers, documents, folders, entries, affidavits, or writs 774
that pertain to the case; all computer, microfilm, microfiche, 775
or microdot records, indices, or references to the case; all 776
index references to the case; all fingerprints and photographs; 777
all DNA specimens, DNA records, and DNA profiles; all records 778
and investigative reports pertaining to the case that are 779
possessed by any law enforcement officer or agency, except that 780
any records or reports that are the specific investigatory work 781
product of a law enforcement officer or agency are not and shall 782
not be considered to be official records when they are in the 783
possession of that officer or agency; and all investigative 784
records and reports other than those possessed by a law 785
enforcement officer or agency pertaining to the case. "Official 786
records" does not include any of the following: 787

(1) Records or reports maintained pursuant to section 788
2151.421 of the Revised Code by a public children services 789
agency or the department of job and family services; 790

(2) Any report of an investigation maintained by the 791
inspector general pursuant to section 121.42 of the Revised 792
Code, to the extent that the report contains information that 793
pertains to an individual who was convicted of or pleaded guilty 794
to an offense discovered in or related to the investigation and 795
whose conviction or guilty plea was not overturned on appeal; 796

(3) Records, reports, or audits maintained by the auditor 797

of state pursuant to Chapter 117. of the Revised Code. 798

(E) "DNA database," "DNA record," "DNA specimen," and "law 799
enforcement agency" have the same meanings as in section 109.573 800
of the Revised Code. 801

(F) "Fingerprints filed for record" has the same meaning 802
as in section 2953.31 of the Revised Code. 803

Sec. 2953.54. (A) Except as otherwise provided in Chapter 804
2950. of the Revised Code, upon the issuance of an order by a 805
court under division (B) of section 2953.52 of the Revised Code 806
directing that all official records pertaining to a case be 807
sealed and that the proceedings in the case be deemed not to 808
have occurred: 809

(1) Every law enforcement officer possessing records or 810
reports pertaining to the case that are the officer's specific 811
investigatory work product and that are excepted from the 812
definition of "official records" contained in section 2953.51 of 813
the Revised Code shall immediately deliver the records and 814
reports to the officer's employing law enforcement agency. 815
Except as provided in division (A) (3) or (4) of this section, no 816
such officer shall knowingly release, disseminate, or otherwise 817
make the records and reports or any information contained in 818
them available to, or discuss any information contained in them 819
with, any person not employed by the officer's employing law 820
enforcement agency. 821

(2) Every law enforcement agency that possesses records or 822
reports pertaining to the case that are its specific 823
investigatory work product and that are excepted from the 824
definition of "official records" contained in section 2953.51 of 825
the Revised Code, or that are the specific investigatory work 826

product of a law enforcement officer it employs and that were 827
delivered to it under division (A)(1) of this section shall, 828
except as provided in division (A)(3) or (4) of this section, 829
close the records and reports to all persons who are not 830
directly employed by the law enforcement agency and shall, 831
except as provided in division (A)(3) or (4) of this section, 832
treat the records and reports, in relation to all persons other 833
than those who are directly employed by the law enforcement 834
agency, as if they did not exist and had never existed. Except 835
as provided in division (A)(3) or (4) of this section, no person 836
who is employed by the law enforcement agency shall knowingly 837
release, disseminate, or otherwise make the records and reports 838
in the possession of the employing law enforcement agency or any 839
information contained in them available to, or discuss any 840
information contained in them with, any person not employed by 841
the employing law enforcement agency. 842

(3) A law enforcement agency that possesses records or 843
reports pertaining to the case that are its specific 844
investigatory work product and that are excepted from the 845
definition of "official records" contained in division (D) of 846
section 2953.51 of the Revised Code, or that are the specific 847
investigatory work product of a law enforcement officer it 848
employs and that were delivered to it under division (A)(1) of 849
this section may permit another law enforcement agency to use 850
the records or reports in the investigation of another offense, 851
if the facts incident to the offense being investigated by the 852
other law enforcement agency and the facts incident to an 853
offense that is the subject of the case are reasonably similar. 854
The agency that provides the records and reports may provide the 855
other agency with the name of the person who is the subject of 856
the case, if it believes that the name of the person is 857

necessary to the conduct of the investigation by the other 858
agency. 859

No law enforcement agency, or person employed by a law 860
enforcement agency, that receives from another law enforcement 861
agency records or reports pertaining to a case the records of 862
which have been ordered sealed pursuant to division (B) of 863
section 2953.52 of the Revised Code shall use the records and 864
reports for any purpose other than the investigation of the 865
offense for which they were obtained from the other law 866
enforcement agency, or disclose the name of the person who is 867
the subject of the records or reports except when necessary for 868
the conduct of the investigation of the offense, or the 869
prosecution of the person for committing the offense, for which 870
they were obtained from the other law enforcement agency. 871

(4) The auditor of state may provide to or discuss with 872
other parties records, reports, or audits maintained by the 873
auditor of state pursuant to Chapter 117. of the Revised Code 874
pertaining to the case that are the auditor of state's specific 875
investigatory work product and that are excepted from the 876
definition of "official records" contained in division (D) of 877
section 2953.51 of the Revised Code, or that are the specific 878
investigatory work product of a law enforcement officer the 879
auditor of state employs and that were delivered to the auditor 880
of state under division (A)(1) of this section. 881

(B) Whoever violates division (A)(1), (2), or (3) of this 882
section is guilty of divulging confidential information, a 883
misdemeanor of the fourth degree. 884

(C) It is not a violation of this section for the bureau 885
of criminal identification and investigation or any authorized 886
employee of the bureau participating in the investigation of 887

criminal activity to release, disseminate, or otherwise make 888
available to, or discuss with, a person directly employed by a 889
law enforcement agency DNA records collected in the DNA database 890
or fingerprints filed for record by the superintendent of the 891
bureau of criminal identification and investigation. 892

Sec. 5747.12. (A) If a person entitled to a refund under 893
section 5747.11 or 5747.13 of the Revised Code is indebted to 894
this state for any of the following, the amount refundable may 895
be applied in satisfaction of the debt: 896

(1) To this state for any tax, workers' compensation 897
premium due under section 4123.35 of the Revised Code, or 898
unemployment compensation contribution due under section 4141.25 899
of the Revised Code; 900

(2) To the state or a political subdivision for a 901
certified claim under section 131.02 or 131.021 of the Revised 902
Code; or a finding for recovery included in a certified report 903
that has been filed with the attorney general pursuant to 904
sections 117.28 and 117.30 of the Revised Code; 905

(3) For a fee that is paid to the state or to the clerk of 906
courts pursuant to section 4505.06 of the Revised Code; or; 907

(4) For any charge, penalty, collection cost, or interest 908
arising from such a tax, workers' compensation premium, 909
unemployment compensation contribution, certified claim, or fee, 910
the amount refundable may be applied in satisfaction of the 911
debt a debt listed in divisions (A) (1) to (3) of this section. If 912

(B) If the amount refundable is less than the amount of 913
the debt owed under division (A) of this section, it may be 914
applied in partial satisfaction of the debt. If the amount 915
refundable is greater than the amount of the that debt, the 916

amount remaining after satisfaction of the debt shall be 917
refunded. If the person has more than one ~~such debt~~ listed in 918
division (A) of this section, any debt subject to section 919
5739.33 or division (G) of section 5747.07 of the Revised Code 920
or arising under section 5747.063 or 5747.064 of the Revised 921
Code shall be satisfied first. ~~Except~~ 922

(C) Except as provided in section 131.021 of the Revised 923
Code, this section applies only to debts that have become final. 924

(D) The tax commissioner may charge each respective agency 925
of the state for the commissioner's cost in applying refunds to 926
debts due to the state and may charge the attorney general for 927
the commissioner's cost in applying refunds to certified claims. 928
~~The~~ 929

(E) ~~The~~ commissioner may promulgate rules to implement 930
this section. The rules may address, among other things, 931
situations such as those where persons may jointly be entitled 932
to a refund but do not jointly owe a debt or certified claim. 933

(F) The commissioner may, with the consent of the 934
taxpayer, provide for the crediting, against tax imposed under 935
this chapter or Chapter 5748. of the Revised Code and due for 936
any taxable year, of the amount of any refund due the taxpayer 937
under this chapter or Chapter 5748. of the Revised Code, as 938
appropriate, for a preceding taxable year. 939

Section 2. That existing sections 319.16, 2307.382, 940
2921.41, 2953.32, 2953.321, 2953.36, 2953.51, 2953.54, and 941
5747.12 of the Revised Code are hereby repealed. 942

Section 3. Section 2953.36 of the Revised Code is 943
presented in this act as a composite of the section as amended 944
by H.B. 53, H.B. 56, and H.B. 164, all of the 131st General 945

Assembly. The General Assembly, applying the principle stated in 946
division (B) of section 1.52 of the Revised Code that amendments 947
are to be harmonized if reasonably capable of simultaneous 948
operation, finds that the composite is the resulting version of 949
the section in effect prior to the effective date of the section 950
as presented in this act. 951

Section 4. That Section 22 of H.B. 197 of the 133rd 952
General Assembly be amended to read as follows: 953

Sec. 22. (A) The following that are set to expire between 954
March 9, 2020, and July 30, 2020, shall be tolled: 955

(1) A statute of limitation, as follows: 956

(a) For any criminal offense, notwithstanding any other 957
provision of law to the contrary, the applicable period of 958
limitation set forth in section 2901.13 of the Revised Code for 959
the criminal offense; 960

(b) When a civil cause of action accrues against a person, 961
notwithstanding any other provision of law to the contrary, the 962
period of limitation for commencement of the action as provided 963
under any section in Chapter 2305. of the Revised Code, or under 964
any other provision of the Revised Code that applies to the 965
cause of action; 966

(c) For any administrative action or proceeding, the 967
period of limitation for the action or proceeding as provided 968
under the Revised Code or the Administrative Code, if 969
applicable. 970

(2) The time within which a bill of indictment or an 971
accusation must be returned or the time within which a matter 972
must be brought before a grand jury; 973

(3) The time within which an accused person must be 974
brought to trial or, in the case of a felony, to a preliminary 975
hearing and trial; 976

(4) Time deadlines and other schedule requirements 977
regarding a juvenile, including detaining a juvenile; 978

(5) The time within which a commitment hearing must be 979
held; 980

(6) The time by which a warrant must be issued; 981

(7) The time within which discovery or any aspect of 982
discovery must be completed; 983

(8) The time within which a party must be served; 984

(9) The time within which an appearance regarding a 985
dissolution of marriage must occur pursuant to section 3105.64 986
of the Revised Code; 987

(10) Any other criminal, civil, or administrative time 988
limitation under the Revised Code. 989

(B) This section applies retroactively to the date of the 990
emergency declared by Executive Order 2020-01D, issued on March 991
9, 2020. 992

(C) Division (A) of this section expires on ~~the date the~~ 993
~~period of emergency ends or July 30, 2020, whichever is sooner.~~ 994

(D) The time period from March 9, 2020, to July 30, 2020, 995
shall not be computed as part of the periods of limitation and 996
time limitations described in division (A) of this section. 997

Section 5. That existing Section 22 of H.B. 197 of the 998
133rd General Assembly is hereby repealed. 999

Section 6. Sections 1, 2, and 3 of this act take effect 1000

ninety days after the effective date of this section. 1001

Section 7. This act is hereby declared to be an emergency 1002
measure necessary for the immediate preservation of the public 1003
peace, health, and safety. The reason for such necessity is to 1004
respond to the declared pandemic and global health emergency 1005
related to COVID-19. Therefore, this act shall go into immediate 1006
effect. 1007