

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 5

Representatives Williams, Willis

**Cosponsors: Representatives Bird, Click, Creech, Fischer, Fowler Arthur, Gross,
Johnson, Klopfenstein, Miller, K., Miller, M., Mullins, Newman, Ray**

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, 2953.26,	4
2953.32, 2953.34, 2953.61, 4723.28, 4729.16,	5
4729.56, 4729.57, 4729.96, and 4752.09 and to	6
enact sections 2941.1427, 2941.1428, and	7
2953.321 of the Revised Code to enact the Repeat	8
Offender Act to create a repeat offender	9
classification, to create and modify certain	10
firearm specifications, to increase the	11
penalties for certain firearm offenses and	12
specifications, to broaden the scope of relief	13
from firearms disability, and to modify the	14
sealing procedure for misdemeanors and fourth	15
and fifth degree felonies.	16

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

Section 1. That sections 109.57, 109.572, 109.578,	17
109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 2929.01,	18

2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 2941.146, 19
2953.25, 2953.26, 2953.32, 2953.34, 2953.61, 4723.28, 4729.16, 20
4729.56, 4729.57, 4729.96, and 4752.09 be amended and sections 21
2941.1427, 2941.1428, and 2953.321 of the Revised Code be 22
enacted to read as follows: 23

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

probable cause to believe that the child may have committed an 50
act that would be a felony or an offense of violence if 51
committed by an adult shall furnish such material to the 52
superintendent of the bureau. Fingerprints, photographs, or 53
other descriptive information of a child who is under eighteen 54
years of age, has not been arrested or otherwise taken into 55
custody for committing an act that would be a felony or an 56
offense of violence who is not in any other category of child 57
specified in this division, if committed by an adult, has not 58
been adjudicated a delinquent child for committing an act that 59
would be a felony or an offense of violence if committed by an 60
adult, has not been convicted of or pleaded guilty to committing 61
a felony or an offense of violence, and is not a child with 62
respect to whom there is probable cause to believe that the 63
child may have committed an act that would be a felony or an 64
offense of violence if committed by an adult shall not be 65
procured by the superintendent or furnished by any person in 66
charge of any county, multicounty, municipal, municipal-county, 67
or multicounty-municipal jail or workhouse, community-based 68
correctional facility, halfway house, alternative residential 69
facility, or state correctional institution, except as 70
authorized in section 2151.313 of the Revised Code. 71

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

delinquent child for committing an act that would be a felony or 81
an offense of violence if committed by an adult. The clerk of 82
the court of common pleas shall include in the report and 83
summary the clerk sends under this division all information 84
described in divisions (A) (2) (a) to (f) of this section 85
regarding a case before the court of appeals that is served by 86
that clerk. The summary shall be written on the standard forms 87
furnished by the superintendent pursuant to division (B) of this 88
section and shall include the following information: 89

(a) The incident tracking number contained on the standard 90
forms furnished by the superintendent pursuant to division (B) 91
of this section; 92

(b) The style and number of the case; 93

(c) The date of arrest, offense, summons, or arraignment; 94

(d) The date that the person was convicted of or pleaded 95
guilty to the offense, adjudicated a delinquent child for 96
committing the act that would be a felony or an offense of 97
violence if committed by an adult, found not guilty of the 98
offense, or found not to be a delinquent child for committing an 99
act that would be a felony or an offense of violence if 100
committed by an adult, the date of an entry dismissing the 101
charge, an entry declaring a mistrial of the offense in which 102
the person is discharged, an entry finding that the person or 103
child is not competent to stand trial, or an entry of a nolle 104
prosequi, or the date of any other determination that 105
constitutes final resolution of the case; 106

(e) A statement of the original charge with the section of 107
the Revised Code that was alleged to be violated; 108

(f) If the person or child was convicted, pleaded guilty, 109

or was adjudicated a delinquent child, the sentence or terms of 110
probation imposed or any other disposition of the offender or 111
the delinquent child. 112

If the offense involved the disarming of a law enforcement 113
officer or an attempt to disarm a law enforcement officer, the 114
clerk shall clearly state that fact in the summary, and the 115
superintendent shall ensure that a clear statement of that fact 116
is placed in the bureau's records. 117

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

would be a felony or an offense of violence if committed by an 141
adult, and any other information that the superintendent may 142
receive from law enforcement officials of the state and its 143
political subdivisions. 144

(4) The superintendent shall carry out Chapter 2950. of 145
the Revised Code with respect to the registration of persons who 146
are convicted of or plead guilty to a sexually oriented offense 147
or a child-victim oriented offense and with respect to all other 148
duties imposed on the bureau under that chapter. 149

(5) The bureau shall perform centralized recordkeeping 150
functions for criminal history records and services in this 151
state for purposes of the national crime prevention and privacy 152
compact set forth in section 109.571 of the Revised Code and is 153
the criminal history record repository as defined in that 154
section for purposes of that compact. The superintendent or the 155
superintendent's designee is the compact officer for purposes of 156
that compact and shall carry out the responsibilities of the 157
compact officer specified in that compact. 158

(6) The superintendent shall, upon request, assist a 159
county coroner in the identification of a deceased person 160
through the use of fingerprint impressions obtained pursuant to 161
division (A)(1) of this section or collected pursuant to section 162
109.572 or 311.41 of the Revised Code. 163

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

under division (A) of this section. The standard forms that the 171
superintendent prepares pursuant to this division may be in a 172
tangible format, in an electronic format, or in both tangible 173
formats and electronic formats. 174

(C) (1) The superintendent may operate a center for 175
electronic, automated, or other data processing for the storage 176
and retrieval of information, data, and statistics pertaining to 177
criminals and to children under eighteen years of age who are 178
adjudicated delinquent children for committing an act that would 179
be a felony or an offense of violence if committed by an adult, 180
criminal activity, crime prevention, law enforcement, and 181
criminal justice, and may establish and operate a statewide 182
communications network to be known as the Ohio law enforcement 183
gateway to gather and disseminate information, data, and 184
statistics for the use of law enforcement agencies and for other 185
uses specified in this division. The superintendent may gather, 186
store, retrieve, and disseminate information, data, and 187
statistics that pertain to children who are under eighteen years 188
of age and that are gathered pursuant to sections 109.57 to 189
109.61 of the Revised Code together with information, data, and 190
statistics that pertain to adults and that are gathered pursuant 191
to those sections. 192

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

operated pursuant to division (A) (13) of that section and for 202
possible inclusion in the internet database operated pursuant to 203
division (A) (11) of that section. 204

(3) In addition to any other authorized use of 205
information, data, and statistics of the nature described in 206
division (C) (1) of this section, the superintendent or the 207
superintendent's designee may provide and exchange the 208
information, data, and statistics pursuant to the national crime 209
prevention and privacy compact as described in division (A) (5) 210
of this section. 211

(4) The Ohio law enforcement gateway shall contain the 212
name, confidential address, and telephone number of program 213
participants in the address confidentiality program established 214
under sections 111.41 to 111.47 of the Revised Code. 215

(5) The attorney general may adopt rules under Chapter 216
119. of the Revised Code establishing guidelines for the 217
operation of and participation in the Ohio law enforcement 218
gateway. The rules may include criteria for granting and 219
restricting access to information gathered and disseminated 220
through the Ohio law enforcement gateway. The attorney general 221
shall adopt rules under Chapter 119. of the Revised Code that 222
grant access to information in the gateway regarding an address 223
confidentiality program participant under sections 111.41 to 224
111.47 of the Revised Code to only chiefs of police, village 225
marshals, county sheriffs, county prosecuting attorneys, and a 226
designee of each of these individuals. The attorney general 227
shall permit an office of a county coroner, the state medical 228
board, and board of nursing to access and view, but not alter, 229
information gathered and disseminated through the Ohio law 230
enforcement gateway. 231

The attorney general may appoint a steering committee to 232
advise the attorney general in the operation of the Ohio law 233
enforcement gateway that is comprised of persons who are 234
representatives of the criminal justice agencies in this state 235
that use the Ohio law enforcement gateway and is chaired by the 236
superintendent or the superintendent's designee. 237

(D) (1) The following are not public records under section 238
149.43 of the Revised Code: 239

(a) Information and materials furnished to the 240
superintendent pursuant to division (A) of this section; 241

(b) Information, data, and statistics gathered or 242
disseminated through the Ohio law enforcement gateway pursuant 243
to division (C) (1) of this section; 244

(c) Information and materials furnished to any board or 245
person under division (F) or (G) of this section. 246

(2) The superintendent or the superintendent's designee 247
shall gather and retain information so furnished under division 248
(A) of this section that pertains to the offense and delinquency 249
history of a person who has been convicted of, pleaded guilty 250
to, or been adjudicated a delinquent child for committing a 251
sexually oriented offense or a child-victim oriented offense for 252
the purposes described in division (C) (2) of this section. 253

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

whether a person the service plans to refer to an employment 261
position has been convicted of or pleaded guilty to an offense 262
listed or described in division (A) (1), (2), or (3) of section 263
109.572 of the Revised Code, the request shall be treated as a 264
single request and only one fee shall be charged. 265

(2) Except as otherwise provided in this division or 266
division (E) (3) or (4) of this section, a rule adopted under 267
division (E) (1) of this section may provide only for the release 268
of information gathered pursuant to division (A) of this section 269
that relates to the conviction of a person, or a person's plea 270
of guilty to, a criminal offense or to the arrest of a person as 271
provided in division (E) (3) of this section. The superintendent 272
shall not release, and the attorney general shall not adopt any 273
rule under division (E) (1) of this section that permits the 274
release of, any information gathered pursuant to division (A) of 275
this section that relates to an adjudication of a child as a 276
delinquent child, or that relates to a criminal conviction of a 277
person under eighteen years of age if the person's case was 278
transferred back to a juvenile court under division (B) (2) or 279
(3) of section 2152.121 of the Revised Code and the juvenile 280
court imposed a disposition or serious youthful offender 281
disposition upon the person under either division, unless either 282
of the following applies with respect to the adjudication or 283
conviction: 284

(a) The adjudication or conviction was for a violation of 285
section 2903.01 or 2903.02 of the Revised Code. 286

(b) The adjudication or conviction was for a sexually 287
oriented offense, the juvenile court was required to classify 288
the child a juvenile offender registrant for that offense under 289
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 290

classification has not been removed, and the records of the 291
adjudication or conviction have not been sealed or expunged 292
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 293
pursuant to section 2953.32 or 2953.321 of the Revised Code. 294

(3) A rule adopted under division (E)(1) of this section 295
may provide for the release of information gathered pursuant to 296
division (A) of this section that relates to the arrest of a 297
person who is eighteen years of age or older when the person has 298
not been convicted as a result of that arrest if any of the 299
following applies: 300

(a) The arrest was made outside of this state. 301

(b) A criminal action resulting from the arrest is 302
pending, and the superintendent confirms that the criminal 303
action has not been resolved at the time the criminal records 304
check is performed. 305

(c) The bureau cannot reasonably determine whether a 306
criminal action resulting from the arrest is pending, and not 307
more than one year has elapsed since the date of the arrest. 308

(4) A rule adopted under division (E)(1) of this section 309
may provide for the release of information gathered pursuant to 310
division (A) of this section that relates to an adjudication of 311
a child as a delinquent child if not more than five years have 312
elapsed since the date of the adjudication, the adjudication was 313
for an act that would have been a felony if committed by an 314
adult, the records of the adjudication have not been sealed or 315
expunged pursuant to sections 2151.355 to 2151.358 of the 316
Revised Code, and the request for information is made under 317
division (F) of this section or under section 109.572 of the 318
Revised Code. In the case of an adjudication for a violation of 319

the terms of community control or supervised release, the five- 320
year period shall be calculated from the date of the 321
adjudication to which the community control or supervised 322
release pertains. 323

(F) (1) As used in division (F) (2) of this section, "head 324
start agency" means an entity in this state that has been 325
approved to be an agency for purposes of subchapter II of the 326
"Community Economic Development Act," 95 Stat. 489 (1981), 42 327
U.S.C.A. 9831, as amended. 328

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

section 3327.10 of the Revised Code may request that the 351
superintendent of the bureau investigate and determine, with 352
respect to any individual who has applied for employment in any 353
position after October 2, 1989, or any individual wishing to 354
apply for employment with a board of education may request, with 355
regard to the individual, whether the bureau has any information 356
gathered under division (A) of this section that pertains to 357
that individual. On receipt of the request, subject to division 358
(E) (2) of this section, the superintendent shall determine 359
whether that information exists and, upon request of the person, 360
board, or entity requesting information, also shall request from 361
the federal bureau of investigation any criminal records it has 362
pertaining to that individual. The superintendent or the 363
superintendent's designee also may request criminal history 364
records from other states or the federal government pursuant to 365
the national crime prevention and privacy compact set forth in 366
section 109.571 of the Revised Code. Within thirty days of the 367
date that the superintendent receives a request, subject to 368
division (E) (2) of this section, the superintendent shall send 369
to the board, entity, or person a report of any information that 370
the superintendent determines exists, including information 371
contained in records that have been sealed under section 2953.32 372
or 2953.321 of the Revised Code, and, within thirty days of its 373
receipt, subject to division (E) (2) of this section, shall send 374
the board, entity, or person a report of any information 375
received from the federal bureau of investigation, other than 376
information the dissemination of which is prohibited by federal 377
law. 378

(b) When a board of education or a registered private 379
provider is required to receive information under this section 380
as a prerequisite to employment of an individual pursuant to 381

division (C) of section 3310.58 or section 3319.39 of the
Revised Code, it may accept a certified copy of records that
were issued by the bureau of criminal identification and
investigation and that are presented by an individual applying
for employment with the district in lieu of requesting that
information itself. In such a case, the board shall accept the
certified copy issued by the bureau in order to make a photocopy
of it for that individual's employment application documents and
shall return the certified copy to the individual. In a case of
that nature, a district or provider only shall accept a
certified copy of records of that nature within one year after
the date of their issuance by the bureau.

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

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

(4) When the superintendent of the bureau receives a

request for information under section 3319.291 of the Revised 412
Code, the superintendent shall proceed as if the request has 413
been received from a school district board of education and 414
shall comply with divisions (F) (2) (a) and (c) of this section. 415

(G) In addition to or in conjunction with any request that 416
is required to be made under section 3712.09, 3721.121, or 417
3740.11 of the Revised Code with respect to an individual who 418
has applied for employment in a position that involves providing 419
direct care to an older adult or adult resident, the chief 420
administrator of a home health agency, hospice care program, 421
home licensed under Chapter 3721. of the Revised Code, or adult 422
day-care program operated pursuant to rules adopted under 423
section 3721.04 of the Revised Code may request that the 424
superintendent of the bureau investigate and determine, with 425
respect to any individual who has applied after January 27, 426
1997, for employment in a position that does not involve 427
providing direct care to an older adult or adult resident, 428
whether the bureau has any information gathered under division 429
(A) of this section that pertains to that individual. 430

In addition to or in conjunction with any request that is 431
required to be made under section 173.27 of the Revised Code 432
with respect to an individual who has applied for employment in 433
a position that involves providing ombudsman services to 434
residents of long-term care facilities or recipients of 435
community-based long-term care services, the state long-term 436
care ombudsman, the director of aging, a regional long-term care 437
ombudsman program, or the designee of the ombudsman, director, 438
or program may request that the superintendent investigate and 439
determine, with respect to any individual who has applied for 440
employment in a position that does not involve providing such 441
ombudsman services, whether the bureau has any information 442

gathered under division (A) of this section that pertains to 443
that applicant. 444

In addition to or in conjunction with any request that is 445
required to be made under section 173.38 of the Revised Code 446
with respect to an individual who has applied for employment in 447
a direct-care position, the chief administrator of a provider, 448
as defined in section 173.39 of the Revised Code, may request 449
that the superintendent investigate and determine, with respect 450
to any individual who has applied for employment in a position 451
that is not a direct-care position, whether the bureau has any 452
information gathered under division (A) of this section that 453
pertains to that applicant. 454

In addition to or in conjunction with any request that is 455
required to be made under section 3712.09 of the Revised Code 456
with respect to an individual who has applied for employment in 457
a position that involves providing direct care to a pediatric 458
respite care patient, the chief administrator of a pediatric 459
respite care program may request that the superintendent of the 460
bureau investigate and determine, with respect to any individual 461
who has applied for employment in a position that does not 462
involve providing direct care to a pediatric respite care 463
patient, whether the bureau has any information gathered under 464
division (A) of this section that pertains to that individual. 465

On receipt of a request under this division, the 466
superintendent shall determine whether that information exists 467
and, on request of the individual requesting information, shall 468
also request from the federal bureau of investigation any 469
criminal records it has pertaining to the applicant. The 470
superintendent or the superintendent's designee also may request 471
criminal history records from other states or the federal 472

government pursuant to the national crime prevention and privacy 473
compact set forth in section 109.571 of the Revised Code. Within 474
thirty days of the date a request is received, subject to 475
division (E)(2) of this section, the superintendent shall send 476
to the requester a report of any information determined to 477
exist, including information contained in records that have been 478
sealed under section 2953.32 or 2953.321 of the Revised Code, 479
and, within thirty days of its receipt, shall send the requester 480
a report of any information received from the federal bureau of 481
investigation, other than information the dissemination of which 482
is prohibited by federal law. 483

(H) Information obtained by a government entity or person 484
under this section is confidential and shall not be released or 485
disseminated. 486

(I) The superintendent may charge a reasonable fee for 487
providing information or criminal records under division (F)(2) 488
or (G) of this section. 489

(J) As used in this section: 490

(1) "Pediatric respite care program" and "pediatric care 491
patient" have the same meanings as in section 3712.01 of the 492
Revised Code. 493

(2) "Sexually oriented offense" and "child-victim oriented 494
offense" have the same meanings as in section 2950.01 of the 495
Revised Code. 496

(3) "Registered private provider" means a nonpublic school 497
or entity registered with the department of education and 498
workforce under section 3310.41 of the Revised Code to 499
participate in the autism scholarship program or section 3310.58 500
of the Revised Code to participate in the Jon Peterson special 501

needs scholarship program. 502

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 503
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 504
Code, a completed form prescribed pursuant to division (C) (1) of 505
this section, and a set of fingerprint impressions obtained in 506
the manner described in division (C) (2) of this section, the 507
superintendent of the bureau of criminal identification and 508
investigation shall conduct a criminal records check in the 509
manner described in division (B) of this section to determine 510
whether any information exists that indicates that the person 511
who is the subject of the request previously has been convicted 512
of or pleaded guilty to any of the following: 513

(a) A violation of section 2903.01, 2903.02, 2903.03, 514
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 515
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 516
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 517
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 518
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 519
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 520
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 521
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 522
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 523
of the Revised Code, felonious sexual penetration in violation 524
of former section 2907.12 of the Revised Code, a violation of 525
section 2905.04 of the Revised Code as it existed prior to July 526
1, 1996, a violation of section 2919.23 of the Revised Code that 527
would have been a violation of section 2905.04 of the Revised 528
Code as it existed prior to July 1, 1996, had the violation been 529
committed prior to that date, or a violation of section 2925.11 530
of the Revised Code that is not a minor drug possession offense; 531

(b) A violation of an existing or former law of this 532
state, any other state, or the United States that is 533
substantially equivalent to any of the offenses listed in 534
division (A) (1) (a) of this section; 535

(c) If the request is made pursuant to section 3319.39 of 536
the Revised Code for an applicant who is a teacher, any offense 537
specified under section 9.79 of the Revised Code or in section 538
3319.31 of the Revised Code. 539

(2) On receipt of a request pursuant to section 3712.09 or 540
3721.121 of the Revised Code, a completed form prescribed 541
pursuant to division (C) (1) of this section, and a set of 542
fingerprint impressions obtained in the manner described in 543
division (C) (2) of this section, the superintendent of the 544
bureau of criminal identification and investigation shall 545
conduct a criminal records check with respect to any person who 546
has applied for employment in a position for which a criminal 547
records check is required by those sections. The superintendent 548
shall conduct the criminal records check in the manner described 549
in division (B) of this section to determine whether any 550
information exists that indicates that the person who is the 551
subject of the request previously has been convicted of or 552
pleaded guilty to any of the following: 553

(a) A violation of section 2903.01, 2903.02, 2903.03, 554
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 555
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 556
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 557
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 558
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 559
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 560
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 561

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 562

(b) An existing or former law of this state, any other 563
state, or the United States that is substantially equivalent to 564
any of the offenses listed in division (A)(2)(a) of this 565
section. 566

(3) On receipt of a request pursuant to section 173.27, 567
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 568
5123.081, or 5123.169 of the Revised Code, a completed form 569
prescribed pursuant to division (C)(1) of this section, and a 570
set of fingerprint impressions obtained in the manner described 571
in division (C)(2) of this section, the superintendent of the 572
bureau of criminal identification and investigation shall 573
conduct a criminal records check of the person for whom the 574
request is made. The superintendent shall conduct the criminal 575
records check in the manner described in division (B) of this 576
section to determine whether any information exists that 577
indicates that the person who is the subject of the request 578
previously has been convicted of, has pleaded guilty to, or 579
(except in the case of a request pursuant to section 5164.34, 580
5164.341, or 5164.342 of the Revised Code) has been found 581
eligible for intervention in lieu of conviction for any of the 582
following, regardless of the date of the conviction, the date of 583
entry of the guilty plea, or (except in the case of a request 584
pursuant to section 5164.34, 5164.341, or 5164.342 of the 585
Revised Code) the date the person was found eligible for 586
intervention in lieu of conviction: 587

(a) A violation of section 959.13, 959.131, 2903.01, 588
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 589
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 590
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 591

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 592
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 593
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 594
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 595
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 596
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 597
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 598
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 599
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 600
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 601
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 602
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 603
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 604
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 605
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 606
Revised Code; 607

(b) Felonious sexual penetration in violation of former 608
section 2907.12 of the Revised Code; 609

(c) A violation of section 2905.04 of the Revised Code as 610
it existed prior to July 1, 1996; 611

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 612
the Revised Code when the underlying offense that is the object 613
of the conspiracy, attempt, or complicity is one of the offenses 614
listed in divisions (A)(3)(a) to (c) of this section; 615

(e) A violation of an existing or former municipal 616
ordinance or law of this state, any other state, or the United 617
States that is substantially equivalent to any of the offenses 618
listed in divisions (A)(3)(a) to (d) of this section. 619

(4) On receipt of a request pursuant to section 2151.86 or 620

2151.904 of the Revised Code, a completed form prescribed 621
pursuant to division (C) (1) of this section, and a set of 622
fingerprint impressions obtained in the manner described in 623
division (C) (2) of this section, the superintendent of the 624
bureau of criminal identification and investigation shall 625
conduct a criminal records check in the manner described in 626
division (B) of this section to determine whether any 627
information exists that indicates that the person who is the 628
subject of the request previously has been convicted of or 629
pleaded guilty to any of the following: 630

(a) A violation of section 959.13, 2151.421, 2903.01, 631
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 632
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 633
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 634
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 635
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 636
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 637
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 638
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 639
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 640
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 641
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 642
Revised Code, a violation of section 2905.04 of the Revised Code 643
as it existed prior to July 1, 1996, a violation of section 644
2919.23 of the Revised Code that would have been a violation of 645
section 2905.04 of the Revised Code as it existed prior to July 646
1, 1996, had the violation been committed prior to that date, a 647
violation of section 2925.11 of the Revised Code that is not a 648
minor drug possession offense, two or more OVI or OVUAC 649
violations committed within the three years immediately 650
preceding the submission of the application or petition that is 651

the basis of the request, or felonious sexual penetration in 652
violation of former section 2907.12 of the Revised Code, or a 653
violation of Chapter 2919. of the Revised Code that is a felony; 654

(b) A violation of an existing or former law of this 655
state, any other state, or the United States that is 656
substantially equivalent to any of the offenses listed in 657
division (A)(4)(a) of this section. 658

(5) Upon receipt of a request pursuant to section 5104.013 659
of the Revised Code, a completed form prescribed pursuant to 660
division (C)(1) of this section, and a set of fingerprint 661
impressions obtained in the manner described in division (C)(2) 662
of this section, the superintendent of the bureau of criminal 663
identification and investigation shall conduct a criminal 664
records check in the manner described in division (B) of this 665
section to determine whether any information exists that 666
indicates that the person who is the subject of the request has 667
been convicted of or pleaded guilty to any of the following: 668

(a) A violation of section 2151.421, 2903.01, 2903.02, 669
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 670
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 671
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 672
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 673
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 674
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 675
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 676
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 677
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 678
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 679
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 680
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 681

2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 682
3716.11 of the Revised Code, felonious sexual penetration in 683
violation of former section 2907.12 of the Revised Code, a 684
violation of section 2905.04 of the Revised Code as it existed 685
prior to July 1, 1996, a violation of section 2919.23 of the 686
Revised Code that would have been a violation of section 2905.04 687
of the Revised Code as it existed prior to July 1, 1996, had the 688
violation been committed prior to that date, a violation of 689
section 2925.11 of the Revised Code that is not a minor drug 690
possession offense, a violation of section 2923.02 or 2923.03 of 691
the Revised Code that relates to a crime specified in this 692
division, or a second violation of section 4511.19 of the 693
Revised Code within five years of the date of application for 694
licensure or certification. 695

(b) A violation of an existing or former law of this 696
state, any other state, or the United States that is 697
substantially equivalent to any of the offenses or violations 698
described in division (A) (5) (a) of this section. 699

(6) Upon receipt of a request pursuant to section 5153.111 700
of the Revised Code, a completed form prescribed pursuant to 701
division (C) (1) of this section, and a set of fingerprint 702
impressions obtained in the manner described in division (C) (2) 703
of this section, the superintendent of the bureau of criminal 704
identification and investigation shall conduct a criminal 705
records check in the manner described in division (B) of this 706
section to determine whether any information exists that 707
indicates that the person who is the subject of the request 708
previously has been convicted of or pleaded guilty to any of the 709
following: 710

(a) A violation of section 2903.01, 2903.02, 2903.03, 711

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 712
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 713
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 714
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 715
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 716
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 717
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 718
Code, felonious sexual penetration in violation of former 719
section 2907.12 of the Revised Code, a violation of section 720
2905.04 of the Revised Code as it existed prior to July 1, 1996, 721
a violation of section 2919.23 of the Revised Code that would 722
have been a violation of section 2905.04 of the Revised Code as 723
it existed prior to July 1, 1996, had the violation been 724
committed prior to that date, or a violation of section 2925.11 725
of the Revised Code that is not a minor drug possession offense; 726

(b) A violation of an existing or former law of this 727
state, any other state, or the United States that is 728
substantially equivalent to any of the offenses listed in 729
division (A) (6) (a) of this section. 730

(7) On receipt of a request for a criminal records check 731
from an individual pursuant to section 4749.03 or 4749.06 of the 732
Revised Code, accompanied by a completed copy of the form 733
prescribed in division (C) (1) of this section and a set of 734
fingerprint impressions obtained in a manner described in 735
division (C) (2) of this section, the superintendent of the 736
bureau of criminal identification and investigation shall 737
conduct a criminal records check in the manner described in 738
division (B) of this section to determine whether any 739
information exists indicating that the person who is the subject 740
of the request has been convicted of or pleaded guilty to any 741
criminal offense in this state or in any other state. If the 742

individual indicates that a firearm will be carried in the 743
course of business, the superintendent shall require information 744
from the federal bureau of investigation as described in 745
division (B) (2) of this section. Subject to division (F) of this 746
section, the superintendent shall report the findings of the 747
criminal records check and any information the federal bureau of 748
investigation provides to the director of public safety. 749

(8) On receipt of a request pursuant to section 1321.37, 750
1321.53, or 4763.05 of the Revised Code, a completed form 751
prescribed pursuant to division (C) (1) of this section, and a 752
set of fingerprint impressions obtained in the manner described 753
in division (C) (2) of this section, the superintendent of the 754
bureau of criminal identification and investigation shall 755
conduct a criminal records check with respect to any person who 756
has applied for a license, permit, or certification from the 757
department of commerce or a division in the department. The 758
superintendent shall conduct the criminal records check in the 759
manner described in division (B) of this section to determine 760
whether any information exists that indicates that the person 761
who is the subject of the request previously has been convicted 762
of or pleaded guilty to any criminal offense in this state, any 763
other state, or the United States. 764

(9) On receipt of a request for a criminal records check 765
from the treasurer of state under section 113.041 of the Revised 766
Code or from an individual under section 928.03, 4701.08, 767
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 768
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 769
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 770
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 771
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 772
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 773

4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 774
accompanied by a completed form prescribed under division (C) (1) 775
of this section and a set of fingerprint impressions obtained in 776
the manner described in division (C) (2) of this section, the 777
superintendent of the bureau of criminal identification and 778
investigation shall conduct a criminal records check in the 779
manner described in division (B) of this section to determine 780
whether any information exists that indicates that the person 781
who is the subject of the request has been convicted of or 782
pleaded guilty to any criminal offense in this state or any 783
other state. Subject to division (F) of this section, the 784
superintendent shall send the results of a check requested under 785
section 113.041 of the Revised Code to the treasurer of state 786
and shall send the results of a check requested under any of the 787
other listed sections to the licensing board specified by the 788
individual in the request. 789

(10) On receipt of a request pursuant to section 124.74, 790
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 791
Code, a completed form prescribed pursuant to division (C) (1) of 792
this section, and a set of fingerprint impressions obtained in 793
the manner described in division (C) (2) of this section, the 794
superintendent of the bureau of criminal identification and 795
investigation shall conduct a criminal records check in the 796
manner described in division (B) of this section to determine 797
whether any information exists that indicates that the person 798
who is the subject of the request previously has been convicted 799
of or pleaded guilty to any criminal offense under any existing 800
or former law of this state, any other state, or the United 801
States. 802

(11) On receipt of a request for a criminal records check 803
from an appointing or licensing authority under section 3772.07 804

of the Revised Code, a completed form prescribed under division 805
(C) (1) of this section, and a set of fingerprint impressions 806
obtained in the manner prescribed in division (C) (2) of this 807
section, the superintendent of the bureau of criminal 808
identification and investigation shall conduct a criminal 809
records check in the manner described in division (B) of this 810
section to determine whether any information exists that 811
indicates that the person who is the subject of the request 812
previously has been convicted of or pleaded guilty or no contest 813
to any offense under any existing or former law of this state, 814
any other state, or the United States that makes the person 815
ineligible for appointment or retention under section 3772.07 of 816
the Revised Code or that is a disqualifying offense as defined 817
in that section or substantially equivalent to a disqualifying 818
offense, as applicable. 819

(12) On receipt of a request pursuant to section 2151.33 820
or 2151.412 of the Revised Code, a completed form prescribed 821
pursuant to division (C) (1) of this section, and a set of 822
fingerprint impressions obtained in the manner described in 823
division (C) (2) of this section, the superintendent of the 824
bureau of criminal identification and investigation shall 825
conduct a criminal records check with respect to any person for 826
whom a criminal records check is required under that section. 827
The superintendent shall conduct the criminal records check in 828
the manner described in division (B) of this section to 829
determine whether any information exists that indicates that the 830
person who is the subject of the request previously has been 831
convicted of or pleaded guilty to any of the following: 832

(a) A violation of section 2903.01, 2903.02, 2903.03, 833
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 834
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 835

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 836
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 837
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 838
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 839
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 840
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 841

(b) An existing or former law of this state, any other 842
state, or the United States that is substantially equivalent to 843
any of the offenses listed in division (A)(12)(a) of this 844
section. 845

(13) On receipt of a request pursuant to section 3796.12 846
of the Revised Code, a completed form prescribed pursuant to 847
division (C)(1) of this section, and a set of fingerprint 848
impressions obtained in a manner described in division (C)(2) of 849
this section, the superintendent of the bureau of criminal 850
identification and investigation shall conduct a criminal 851
records check in the manner described in division (B) of this 852
section to determine whether any information exists that 853
indicates that the person who is the subject of the request 854
previously has been convicted of or pleaded guilty to a 855
disqualifying offense as specified in rules adopted under 856
section 9.79 and division (B)(2)(b) of section 3796.03 of the 857
Revised Code if the person who is the subject of the request is 858
an administrator or other person responsible for the daily 859
operation of, or an owner or prospective owner, officer or 860
prospective officer, or board member or prospective board member 861
of, an entity seeking a license from the department of commerce 862
under Chapter 3796. of the Revised Code. 863

(14) On receipt of a request required by section 3796.13 864
of the Revised Code, a completed form prescribed pursuant to 865

division (C) (1) of this section, and a set of fingerprint 866
impressions obtained in a manner described in division (C) (2) of 867
this section, the superintendent of the bureau of criminal 868
identification and investigation shall conduct a criminal 869
records check in the manner described in division (B) of this 870
section to determine whether any information exists that 871
indicates that the person who is the subject of the request 872
previously has been convicted of or pleaded guilty to a 873
disqualifying offense as specified in rules adopted under 874
division (B) (14) (a) of section 3796.03 of the Revised Code if 875
the person who is the subject of the request is seeking 876
employment with an entity licensed by the department of commerce 877
under Chapter 3796. of the Revised Code. 878

(15) On receipt of a request pursuant to section 4768.06 879
of the Revised Code, a completed form prescribed under division 880
(C) (1) of this section, and a set of fingerprint impressions 881
obtained in the manner described in division (C) (2) of this 882
section, the superintendent of the bureau of criminal 883
identification and investigation shall conduct a criminal 884
records check in the manner described in division (B) of this 885
section to determine whether any information exists indicating 886
that the person who is the subject of the request has been 887
convicted of or pleaded guilty to any criminal offense in this 888
state or in any other state. 889

(16) On receipt of a request pursuant to division (B) of 890
section 4764.07 or division (A) of section 4735.143 of the 891
Revised Code, a completed form prescribed under division (C) (1) 892
of this section, and a set of fingerprint impressions obtained 893
in the manner described in division (C) (2) of this section, the 894
superintendent of the bureau of criminal identification and 895
investigation shall conduct a criminal records check in the 896

manner described in division (B) of this section to determine 897
whether any information exists indicating that the person who is 898
the subject of the request has been convicted of or pleaded 899
guilty to any criminal offense in any state or the United 900
States. 901

(17) On receipt of a request for a criminal records check 902
under section 147.022 of the Revised Code, a completed form 903
prescribed under division (C)(1) of this section, and a set of 904
fingerprint impressions obtained in the manner prescribed in 905
division (C)(2) of this section, the superintendent of the 906
bureau of criminal identification and investigation shall 907
conduct a criminal records check in the manner described in 908
division (B) of this section to determine whether any 909
information exists that indicates that the person who is the 910
subject of the request previously has been convicted of or 911
pleaded guilty or no contest to any criminal offense under any 912
existing or former law of this state, any other state, or the 913
United States. 914

(18) Upon receipt of a request pursuant to division (F) of 915
section 2915.081 or division (E) of section 2915.082 of the 916
Revised Code, a completed form prescribed under division (C)(1) 917
of this section, and a set of fingerprint impressions obtained 918
in the manner described in division (C)(2) of this section, the 919
superintendent of the bureau of criminal identification and 920
investigation shall conduct a criminal records check in the 921
manner described in division (B) of this section to determine 922
whether any information exists indicating that the person who is 923
the subject of the request has been convicted of or pleaded 924
guilty or no contest to any offense that is a violation of 925
Chapter 2915. of the Revised Code or to any offense under any 926
existing or former law of this state, any other state, or the 927

United States that is substantially equivalent to such an 928
offense. 929

(19) On receipt of a request pursuant to section 3775.03 930
of the Revised Code, a completed form prescribed under division 931
(C) (1) of this section, and a set of fingerprint impressions 932
obtained in the manner described in division (C) (2) of this 933
section, the superintendent of the bureau of criminal 934
identification and investigation shall conduct a criminal 935
records check in the manner described in division (B) of this 936
section and shall request information from the federal bureau of 937
investigation to determine whether any information exists 938
indicating that the person who is the subject of the request has 939
been convicted of any offense under any existing or former law 940
of this state, any other state, or the United States that is a 941
disqualifying offense as defined in section 3772.07 of the 942
Revised Code. 943

(B) Subject to division (F) of this section, the 944
superintendent shall conduct any criminal records check to be 945
conducted under this section as follows: 946

(1) The superintendent shall review or cause to be 947
reviewed any relevant information gathered and compiled by the 948
bureau under division (A) of section 109.57 of the Revised Code 949
that relates to the person who is the subject of the criminal 950
records check, including, if the criminal records check was 951
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 952
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 953
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 954
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 955
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 956
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 957

5123.169, or 5153.111 of the Revised Code, any relevant 958
information contained in records that have been sealed under 959
section 2953.32 or 2953.321 of the Revised Code; 960

(2) If the request received by the superintendent asks for 961
information from the federal bureau of investigation, the 962
superintendent shall request from the federal bureau of 963
investigation any information it has with respect to the person 964
who is the subject of the criminal records check, including 965
fingerprint-based checks of national crime information databases 966
as described in 42 U.S.C. 671 if the request is made pursuant to 967
section 2151.86 or 5104.013 of the Revised Code or if any other 968
Revised Code section requires fingerprint-based checks of that 969
nature, and shall review or cause to be reviewed any information 970
the superintendent receives from that bureau. If a request under 971
section 3319.39 of the Revised Code asks only for information 972
from the federal bureau of investigation, the superintendent 973
shall not conduct the review prescribed by division (B)(1) of 974
this section. 975

(3) The superintendent or the superintendent's designee 976
may request criminal history records from other states or the 977
federal government pursuant to the national crime prevention and 978
privacy compact set forth in section 109.571 of the Revised 979
Code. 980

(4) The superintendent shall include in the results of the 981
criminal records check a list or description of the offenses 982
listed or described in the relevant provision of division (A) of 983
this section. The superintendent shall exclude from the results 984
any information the dissemination of which is prohibited by 985
federal law. 986

(5) The superintendent shall send the results of the 987

criminal records check to the person to whom it is to be sent 988
not later than the following number of days after the date the 989
superintendent receives the request for the criminal records 990
check, the completed form prescribed under division (C) (1) of 991
this section, and the set of fingerprint impressions obtained in 992
the manner described in division (C) (2) of this section: 993

(a) If the superintendent is required by division (A) of 994
this section (other than division (A) (3) of this section) to 995
conduct the criminal records check, thirty; 996

(b) If the superintendent is required by division (A) (3) 997
of this section to conduct the criminal records check, sixty. 998

(C) (1) The superintendent shall prescribe a form to obtain 999
the information necessary to conduct a criminal records check 1000
from any person for whom a criminal records check is to be 1001
conducted under this section. The form that the superintendent 1002
prescribes pursuant to this division may be in a tangible 1003
format, in an electronic format, or in both tangible and 1004
electronic formats. 1005

(2) The superintendent shall prescribe standard impression 1006
sheets to obtain the fingerprint impressions of any person for 1007
whom a criminal records check is to be conducted under this 1008
section. Any person for whom a records check is to be conducted 1009
under this section shall obtain the fingerprint impressions at a 1010
county sheriff's office, municipal police department, or any 1011
other entity with the ability to make fingerprint impressions on 1012
the standard impression sheets prescribed by the superintendent. 1013
The office, department, or entity may charge the person a 1014
reasonable fee for making the impressions. The standard 1015
impression sheets the superintendent prescribes pursuant to this 1016
division may be in a tangible format, in an electronic format, 1017

or in both tangible and electronic formats. 1018

(3) Subject to division (D) of this section, the 1019
superintendent shall prescribe and charge a reasonable fee for 1020
providing a criminal records check under this section. The 1021
person requesting the criminal records check shall pay the fee 1022
prescribed pursuant to this division. In the case of a request 1023
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1024
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1025
fee shall be paid in the manner specified in that section. 1026

(4) The superintendent of the bureau of criminal 1027
identification and investigation may prescribe methods of 1028
forwarding fingerprint impressions and information necessary to 1029
conduct a criminal records check, which methods shall include, 1030
but not be limited to, an electronic method. 1031

(D) The results of a criminal records check conducted 1032
under this section, other than a criminal records check 1033
specified in division (A) (7) of this section, are valid for the 1034
person who is the subject of the criminal records check for a 1035
period of one year from the date upon which the superintendent 1036
completes the criminal records check. If during that period the 1037
superintendent receives another request for a criminal records 1038
check to be conducted under this section for that person, the 1039
superintendent shall provide the results from the previous 1040
criminal records check of the person at a lower fee than the fee 1041
prescribed for the initial criminal records check. 1042

(E) When the superintendent receives a request for 1043
information from a registered private provider, the 1044
superintendent shall proceed as if the request was received from 1045
a school district board of education under section 3319.39 of 1046
the Revised Code. The superintendent shall apply division (A) (1) 1047

(c) of this section to any such request for an applicant who is 1048
a teacher. 1049

(F)(1) Subject to division (F)(2) of this section, all 1050
information regarding the results of a criminal records check 1051
conducted under this section that the superintendent reports or 1052
sends under division (A)(7) or (9) of this section to the 1053
director of public safety, the treasurer of state, or the 1054
person, board, or entity that made the request for the criminal 1055
records check shall relate to the conviction of the subject 1056
person, or the subject person's plea of guilty to, a criminal 1057
offense. 1058

(2) Division (F)(1) of this section does not limit, 1059
restrict, or preclude the superintendent's release of 1060
information that relates to the arrest of a person who is 1061
eighteen years of age or older, to an adjudication of a child as 1062
a delinquent child, or to a criminal conviction of a person 1063
under eighteen years of age in circumstances in which a release 1064
of that nature is authorized under division (E)(2), (3), or (4) 1065
of section 109.57 of the Revised Code pursuant to a rule adopted 1066
under division (E)(1) of that section. 1067

(G) As used in this section: 1068

(1) "Criminal records check" means any criminal records 1069
check conducted by the superintendent of the bureau of criminal 1070
identification and investigation in accordance with division (B) 1071
of this section. 1072

(2) "Minor drug possession offense" has the same meaning 1073
as in section 2925.01 of the Revised Code. 1074

(3) "OVI or OVUAC violation" means a violation of section 1075
4511.19 of the Revised Code or a violation of an existing or 1076

former law of this state, any other state, or the United States 1077
that is substantially equivalent to section 4511.19 of the 1078
Revised Code. 1079

(4) "Registered private provider" means a nonpublic school 1080
or entity registered with the department of education and 1081
workforce under section 3310.41 of the Revised Code to 1082
participate in the autism scholarship program or section 3310.58 1083
of the Revised Code to participate in the Jon Peterson special 1084
needs scholarship program. 1085

Sec. 109.578. (A) On receipt of a request pursuant to 1086
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1087
Code, a completed form prescribed pursuant to division (C)(1) of 1088
this section, and a set of fingerprint impressions obtained in 1089
the manner described in division (C)(2) of this section, the 1090
superintendent of the bureau of criminal identification and 1091
investigation shall conduct a criminal records check in the 1092
manner described in division (B) of this section to determine 1093
whether any information exists that indicates that the person 1094
who is the subject of the request previously has been convicted 1095
of or pleaded guilty to any of the following: 1096

(1) A felony; 1097

(2) A violation of section 2909.03 of the Revised Code; 1098

(3) A violation of an existing or former law of this 1099
state, any other state, or the United States that is 1100
substantially equivalent to any of the offenses listed in 1101
division (A)(1) or (2) of this section. 1102

(B) Subject to division (E) of this section, the 1103
superintendent shall conduct any criminal records check pursuant 1104
to division (A) of this section as follows: 1105

(1) The superintendent shall review or cause to be 1106
reviewed any relevant information gathered and compiled by the 1107
bureau under division (A) of section 109.57 of the Revised Code 1108
that relates to the person who is the subject of the request, 1109
including any relevant information contained in records that 1110
have been sealed under section 2953.32 or 2953.321 of the 1111
Revised Code. 1112

(2) If the request received by the superintendent asks for 1113
information from the federal bureau of investigation, the 1114
superintendent shall request from the federal bureau of 1115
investigation any information it has with respect to the person 1116
who is the subject of the request and shall review or cause to 1117
be reviewed any information the superintendent receives from 1118
that bureau. 1119

(C) (1) The superintendent shall prescribe a form to obtain 1120
the information necessary to conduct a criminal records check 1121
from any person for whom a criminal records check is requested 1122
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1123
the Revised Code. The form that the superintendent prescribes 1124
pursuant to this division may be in a tangible format, in an 1125
electronic format, or in both tangible and electronic formats. 1126

(2) The superintendent shall prescribe standard impression 1127
sheets to obtain the fingerprint impressions of any person for 1128
whom a criminal records check is requested pursuant to section 1129
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1130
person for whom a records check is requested pursuant to any of 1131
those sections shall obtain the fingerprint impressions at a 1132
county sheriff's office, a municipal police department, or any 1133
other entity with the ability to make fingerprint impressions on 1134
the standard impression sheets prescribed by the superintendent. 1135

The office, department, or entity may charge the person a 1136
reasonable fee for making the impressions. The standard 1137
impression sheets the superintendent prescribes pursuant to this 1138
division may be in a tangible format, in an electronic format, 1139
or in both tangible and electronic formats. 1140

(3) Subject to division (D) of this section, the 1141
superintendent shall prescribe and charge a reasonable fee for 1142
providing a criminal records check requested under section 1143
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1144
person making the criminal records request shall pay the fee 1145
prescribed pursuant to this division. 1146

(4) The superintendent may prescribe methods of forwarding 1147
fingerprint impressions and information necessary to conduct a 1148
criminal records check. The methods shall include, but are not 1149
limited to, an electronic method. 1150

(D) A determination whether any information exists that 1151
indicates that a person previously has been convicted of or 1152
pleaded guilty to any offense listed or described in division 1153
(A) of this section and that the superintendent made with 1154
respect to information considered in a criminal records check in 1155
accordance with this section is valid for the person who is the 1156
subject of the criminal records check for a period of one year 1157
from the date upon which the superintendent makes the 1158
determination. During the period in which the determination in 1159
regard to a person is valid, if another request under this 1160
section is made for a criminal records check for that person, 1161
the superintendent shall provide the information that is the 1162
basis for the superintendent's initial determination at a lower 1163
fee than the fee prescribed for the initial criminal records 1164
check. 1165

(E) (1) Subject to division (E) (2) of this section, all 1166
information regarding the results of a criminal records check 1167
conducted under this section that the superintendent reports or 1168
sends under this section to the person, board, or entity that 1169
made the request for the criminal records check shall relate to 1170
the conviction of the subject person, or the subject person's 1171
plea of guilty to, a criminal offense. 1172

(2) Division (E) (1) of this section does not limit, 1173
restrict, or preclude the superintendent's release of 1174
information that relates to the arrest of a person who is 1175
eighteen years of age or older, to an adjudication of a child as 1176
a delinquent child, or to a criminal conviction of a person 1177
under eighteen years of age in circumstances in which a release 1178
of that nature is authorized under division (E) (2), (3), or (4) 1179
of section 109.57 of the Revised Code pursuant to a rule adopted 1180
under division (E) (1) of that section. 1181

(F) As used in this section, "criminal records check" 1182
means any criminal records check conducted by the superintendent 1183
of the bureau of criminal identification and investigation in 1184
accordance with division (B) of this section. 1185

Sec. 109.579. (A) On receipt of a request pursuant to 1186
division (B) of section 4123.444 of the Revised Code, a 1187
completed form prescribed pursuant to division (C) (1) of this 1188
section, and a set of fingerprint impressions obtained in the 1189
manner described in division (C) (2) of this section, the 1190
superintendent of the bureau of criminal identification and 1191
investigation shall conduct a criminal records check in the 1192
manner described in division (B) of this section to determine 1193
whether any information exists that indicates that the person 1194
who is the subject of the request previously has been convicted 1195

of or pleaded guilty to any criminal offense involving theft, 1196
receiving stolen property, embezzlement, forgery, fraud, passing 1197
bad checks, money laundering, drug trafficking, or any criminal 1198
offense involving money or securities, as set forth in Chapters 1199
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 1200
Revised Code or other law of this state, or the laws of any 1201
other state or of the United States that are substantially 1202
equivalent to those offenses. 1203

(B) The superintendent shall conduct a criminal records 1204
check pursuant to division (A) of this section as follows: 1205

(1) The superintendent shall review or cause to be 1206
reviewed any relevant information gathered and compiled by the 1207
bureau under division (A) of section 109.57 of the Revised Code 1208
that relates to the person who is the subject of the request, 1209
including any relevant information contained in records that 1210
have been sealed under section 2953.32 or 2953.321 of the 1211
Revised Code. 1212

(2) If the request received by the superintendent asks for 1213
information from the federal bureau of investigation, the 1214
superintendent shall request from the federal bureau of 1215
investigation any information it has with respect to the person 1216
who is the subject of the request. The superintendent shall 1217
review or cause to be reviewed any information that the 1218
superintendent receives from the federal bureau of 1219
investigation. 1220

(3) The superintendent shall forward the results of a 1221
criminal records check conducted pursuant to this division to 1222
the administrator of workers' compensation. 1223

(C) (1) The superintendent shall prescribe a form to obtain 1224

the information necessary to conduct a criminal records check 1225
from any person for whom a criminal records check is requested 1226
pursuant to division (B) of section 4123.444 of the Revised 1227
Code. The form that the superintendent prescribes pursuant to 1228
this division may be in a tangible format, in an electronic 1229
format, or in both tangible and electronic formats. 1230

(2) The superintendent shall prescribe standard impression 1231
sheets to obtain the fingerprint impressions of any person for 1232
whom a criminal records check is requested pursuant to section 1233
4123.444 of the Revised Code. Any person for whom the 1234
administrator requests the superintendent to conduct a criminal 1235
records check pursuant to that section shall have the person's 1236
fingerprint impressions made at a county sheriff's office, a 1237
municipal police department, or any other entity with the 1238
ability to make fingerprint impressions on the standard 1239
impression sheets prescribed by the superintendent. The office, 1240
department, or entity may charge the person a reasonable fee for 1241
making the impressions. The standard impression sheets the 1242
superintendent prescribes pursuant to this division may be in a 1243
tangible format, in an electronic format, or in both tangible 1244
and electronic formats. 1245

(3) The superintendent may prescribe methods of forwarding 1246
fingerprint impressions and information necessary to conduct a 1247
criminal records check. The methods shall include, but are not 1248
limited to, electronic methods. 1249

(D) A determination whether any information exists that 1250
indicates that a person previously has been convicted of or 1251
pleaded guilty to any offense listed or described in division 1252
(A) of this section that the superintendent makes pursuant to 1253
information considered in a criminal records check under this 1254

section is valid for the person who is the subject of that 1255
criminal records check for a period of one year after the date 1256
the superintendent makes that determination. 1257

(E) The superintendent shall prescribe and charge a 1258
reasonable fee for providing a criminal records check requested 1259
under section 4123.444 of the Revised Code. If another request 1260
for a criminal records check is made under this section for a 1261
person for whom a valid determination under division (D) of this 1262
section is available, the superintendent shall provide the 1263
determination for a reduced fee. 1264

Sec. 2151.357. (A) If the court orders the records of a 1265
person sealed pursuant to section 2151.356 of the Revised Code, 1266
the person who is subject of the order properly may, and the 1267
court shall, reply that no record exists with respect to the 1268
person upon any inquiry in the matter, and the court, except as 1269
provided in division (D) of this section, shall do all of the 1270
following: 1271

(1) Order that the proceedings in a case described in 1272
divisions (B) and (C) of section 2151.356 of the Revised Code be 1273
deemed never to have occurred; 1274

(2) Except as provided in division (C) of this section, 1275
delete all index references to the case and the person so that 1276
the references are permanently irretrievable; 1277

(3) Order that all original records of the case maintained 1278
by any public office or agency, except fingerprints held by a 1279
law enforcement agency, DNA specimens collected pursuant to 1280
section 2152.74 of the Revised Code, and DNA records derived 1281
from DNA specimens pursuant to section 109.573 of the Revised 1282
Code, be delivered to the court; 1283

(4) Order each public office or agency, upon the 1284
delivering of records to the court under division (A) (3) of this 1285
section, to expunge remaining records of the case that are the 1286
subject of the sealing order that are maintained by that public 1287
office or agency, except fingerprints, DNA specimens, and DNA 1288
records described under division (A) (3) of this section; 1289

(5) Send notice of the order to seal to any public office 1290
or agency that the court has reason to believe may have a record 1291
of the sealed record including, but not limited to, the bureau 1292
of criminal identification and investigation; 1293

(6) Seal all of the records delivered to the court under 1294
division (A) (3) of this section, in a separate file in which 1295
only sealed records are maintained. 1296

(B) Except as provided in division (D) of this section, an 1297
order to seal under section 2151.356 of the Revised Code applies 1298
to every public office or agency that has a record relating to 1299
the case, regardless of whether it receives notice of the 1300
hearing on the sealing of the record or a copy of the order. 1301
Except as provided in division (D) of this section, upon the 1302
written request of a person whose record has been sealed and the 1303
presentation of a copy of the order and compliance with division 1304
(A) (3) of this section, a public office or agency shall expunge 1305
its record relating to the case, except a record of the 1306
adjudication or arrest or taking into custody that is maintained 1307
for compiling statistical data and that does not contain any 1308
reference to the person who is the subject of the order. 1309

(C) The court that maintains sealed records pursuant to 1310
this section may maintain a manual or computerized index of the 1311
sealed records and shall make the index available only for the 1312
purposes set forth in division (E) of this section. 1313

(1) Each entry regarding a sealed record in the index of 1314
sealed records shall contain all of the following: 1315

(a) The name of the person who is the subject of the 1316
sealed record; 1317

(b) An alphanumeric identifier relating to the person who 1318
is the subject of the sealed record; 1319

(c) The word "sealed"; 1320

(d) The name of the court that has custody of the sealed 1321
record. 1322

(2) Any entry regarding a sealed record in the index of 1323
sealed records shall not contain either of the following: 1324

(a) The social security number of the person who is 1325
subject of the sealed record; 1326

(b) The name or a description of the act committed. 1327

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

adjudication that an individual is a delinquent child may be 1342
presented to a district superintendent as evidence to support 1343
the contention that the superintendent should recommend that the 1344
permanent exclusion of the individual who is the subject of the 1345
sealing order be revoked. Except as otherwise authorized by this 1346
division and sections 3301.121 and 3313.662 of the Revised Code, 1347
any school employee in possession of or having access to the 1348
sealed adjudication records of an individual that were the basis 1349
of a permanent exclusion of the individual is subject to 1350
division (F) of this section. 1351

(E) Inspection of records that have been ordered sealed 1352
under section 2151.356 of the Revised Code may be made only by 1353
the following persons or for the following purposes: 1354

(1) By the court; 1355

(2) If the records in question pertain to an act that 1356
would be an offense of violence that would be a felony if 1357
committed by an adult, by any law enforcement officer or any 1358
prosecutor, or the assistants of a law enforcement officer or 1359
prosecutor, for any valid law enforcement or prosecutorial 1360
purpose; 1361

(3) Upon application by the person who is the subject of 1362
the sealed records, by the person that is named in that 1363
application; 1364

(4) If the records in question pertain to an alleged 1365
violation of division (E) (1) of section 4301.69 of the Revised 1366
Code, by any law enforcement officer or any prosecutor, or the 1367
assistants of a law enforcement officer or prosecutor, for the 1368
purpose of determining whether the person is eligible for 1369
diversion under division (E) (2) of section 4301.69 of the 1370

Revised Code; 1371

(5) At the request of a party in a civil action that is 1372
based on a case the records for which are the subject of a 1373
sealing order issued under section 2151.356 of the Revised Code, 1374
as needed for the civil action. The party also may copy the 1375
records as needed for the civil action. The sealed records shall 1376
be used solely in the civil action and are otherwise 1377
confidential and subject to the provisions of this section; 1378

(6) By the attorney general or an authorized employee of 1379
the attorney general or the court for purposes of determining 1380
whether a child is a public registry-qualified juvenile offender 1381
registrant, as defined in section 2950.01 of the Revised Code, 1382
for purposes of Chapter 2950. of the Revised Code. 1383

(F) No officer or employee of the state or any of its 1384
political subdivisions shall knowingly release, disseminate, or 1385
make available for any purpose involving employment, bonding, 1386
licensing, or education to any person or to any department, 1387
agency, or other instrumentality of the state or of any of its 1388
political subdivisions any information or other data concerning 1389
any arrest, taking into custody, complaint, indictment, 1390
information, trial, hearing, adjudication, or correctional 1391
supervision, the records of which have been sealed pursuant to 1392
section 2151.356 of the Revised Code and the release, 1393
dissemination, or making available of which is not expressly 1394
permitted by this section. Whoever violates this division is 1395
guilty of divulging confidential information, a misdemeanor of 1396
the fourth degree. 1397

(G) In any application for employment, license, or other 1398
right or privilege, any appearance as a witness, or any other 1399
inquiry, a person may not be questioned with respect to any 1400

arrest or taking into custody for which the records were sealed. 1401
If an inquiry is made in violation of this division, the person 1402
may respond as if the sealed arrest or taking into custody did 1403
not occur, and the person shall not be subject to any adverse 1404
action because of the arrest or taking into custody or the 1405
response. 1406

(H) The judgment rendered by the court under this chapter 1407
shall not impose any of the civil disabilities ordinarily 1408
imposed by conviction of a crime in that the child is not a 1409
criminal by reason of the adjudication, and no child shall be 1410
charged with or convicted of a crime in any court except as 1411
provided by this chapter. The disposition of a child under the 1412
judgment rendered or any evidence given in court shall not 1413
operate to disqualify a child in any future civil service 1414
examination, appointment, or application. Evidence of a judgment 1415
rendered and the disposition of a child under the judgment is 1416
not admissible to impeach the credibility of the child in any 1417
action or proceeding. Otherwise, the disposition of a child 1418
under the judgment rendered or any evidence given in court is 1419
admissible as evidence for or against the child in any action or 1420
proceeding in any court in accordance with the Rules of Evidence 1421
and also may be considered by any court as to the matter of 1422
sentence or to the granting of probation, and a court may 1423
consider the judgment rendered and the disposition of a child 1424
under that judgment for purposes of determining whether the 1425
child, for a future criminal conviction or guilty plea, is a 1426
repeat violent offender or a repeat offender, as defined in 1427
section 2929.01 of the Revised Code. 1428

Sec. 2901.08. (A) If a person is alleged to have committed 1429
an offense and if the person previously has been adjudicated a 1430
delinquent child or juvenile traffic offender for a violation of 1431

a law or ordinance, except as provided in division (B) of this 1432
section, the adjudication as a delinquent child or as a juvenile 1433
traffic offender is a conviction for a violation of the law or 1434
ordinance for purposes of determining the offense with which the 1435
person should be charged and, if the person is convicted of or 1436
pleads guilty to an offense, the sentence to be imposed upon the 1437
person relative to the conviction or guilty plea. 1438

(B) A previous adjudication of a person as a delinquent 1439
child or juvenile traffic offender for a violation of a law or 1440
ordinance is not a conviction for a violation of the law or 1441
ordinance for purposes of determining any of the following: 1442

(1) Whether the person is a repeat violent offender, as 1443
defined in section 2929.01 of the Revised Code, or whether the 1444
person should be sentenced as a repeat violent offender under 1445
division (B)(2) of section 2929.14 and section 2941.149 of the 1446
Revised Code; 1447

(2) Whether the person is a violent career criminal as 1448
defined in section 2923.132 of the Revised Code, whether the 1449
person has committed unlawful use of a weapon by a violent 1450
career criminal in violation of section 2923.132 of the Revised 1451
Code or should be sentenced for that offense under that section, 1452
or whether the person should be sentenced under division (K) of 1453
section 2929.14 of the Revised Code as a violent career criminal 1454
who had a firearm on or about the person's person or under the 1455
person's control while committing a violent felony offense and 1456
displayed or brandished the firearm, indicated that the offender 1457
possessed a firearm, or used the firearm to facilitate the 1458
offense; 1459

(3) Whether the person is a repeat offender, as defined in 1460
section 2929.01 of the Revised Code, or whether the person 1461

should be sentenced as a repeat offender under division (B) (12) 1462
of section 2929.14 and section 2941.1427 of the Revised Code. 1463

Sec. 2923.125. It is the intent of the general assembly 1464
that Ohio concealed handgun license law be compliant with the 1465
national instant criminal background check system, that the 1466
bureau of alcohol, tobacco, firearms, and explosives is able to 1467
determine that Ohio law is compliant with the national instant 1468
criminal background check system, and that no person shall be 1469
eligible to receive a concealed handgun license permit under 1470
section 2923.125 or 2923.1213 of the Revised Code unless the 1471
person is eligible lawfully to receive or possess a firearm in 1472
the United States. 1473

(A) This section applies with respect to the application 1474
for and issuance by this state of concealed handgun licenses 1475
other than concealed handgun licenses on a temporary emergency 1476
basis that are issued under section 2923.1213 of the Revised 1477
Code. Upon the request of a person who wishes to obtain a 1478
concealed handgun license with respect to which this section 1479
applies or to renew a concealed handgun license with respect to 1480
which this section applies, a sheriff, as provided in division 1481
(I) of this section, shall provide to the person free of charge 1482
an application form and the web site address at which a 1483
printable version of the application form that can be downloaded 1484
and the pamphlet described in division (B) of section 109.731 of 1485
the Revised Code may be found. A sheriff shall accept a 1486
completed application form and the fee, items, materials, and 1487
information specified in divisions (B) (1) to (5) of this section 1488
at the times and in the manners described in division (I) of 1489
this section. 1490

(B) An applicant for a concealed handgun license who is a 1491

resident of this state shall submit a completed application form 1492
and all of the material and information described in divisions 1493
(B) (1) to (6) of this section to the sheriff of the county in 1494
which the applicant resides or to the sheriff of any county 1495
adjacent to the county in which the applicant resides. An 1496
applicant for a license who resides in another state shall 1497
submit a completed application form and all of the material and 1498
information described in divisions (B) (1) to (7) of this section 1499
to the sheriff of the county in which the applicant is employed 1500
or to the sheriff of any county adjacent to the county in which 1501
the applicant is employed: 1502

(1) (a) A nonrefundable license fee as described in either 1503
of the following: 1504

(i) For an applicant who has been a resident of this state 1505
for five or more years, a fee of sixty-seven dollars; 1506

(ii) For an applicant who has been a resident of this 1507
state for less than five years or who is not a resident of this 1508
state, but who is employed in this state, a fee of sixty-seven 1509
dollars plus the actual cost of having a background check 1510
performed by the federal bureau of investigation. 1511

(b) No sheriff shall require an applicant to pay for the 1512
cost of a background check performed by the bureau of criminal 1513
identification and investigation. 1514

(c) A sheriff shall waive the payment of the license fee 1515
described in division (B) (1) (a) of this section in connection 1516
with an initial or renewal application for a license that is 1517
submitted by an applicant who is an active or reserve member of 1518
the armed forces of the United States or has retired from or was 1519
honorably discharged from military service in the active or 1520

reserve armed forces of the United States, a retired peace 1521
officer, a retired person described in division (B) (1) (b) of 1522
section 109.77 of the Revised Code, or a retired federal law 1523
enforcement officer who, prior to retirement, was authorized 1524
under federal law to carry a firearm in the course of duty, 1525
unless the retired peace officer, person, or federal law 1526
enforcement officer retired as the result of a mental 1527
disability. 1528

(d) The sheriff shall deposit all fees paid by an 1529
applicant under division (B) (1) (a) of this section into the 1530
sheriff's concealed handgun license issuance fund established 1531
pursuant to section 311.42 of the Revised Code. The county shall 1532
distribute the fees in accordance with section 311.42 of the 1533
Revised Code. 1534

(2) A color photograph of the applicant that was taken 1535
within thirty days prior to the date of the application; 1536

(3) One or more of the following competency 1537
certifications, each of which shall reflect that, regarding a 1538
certification described in division (B) (3) (a), (b), (c), (e), or 1539
(f) of this section, within the three years immediately 1540
preceding the application the applicant has performed that to 1541
which the competency certification relates and that, regarding a 1542
certification described in division (B) (3) (d) of this section, 1543
the applicant currently is an active or reserve member of the 1544
armed forces of the United States, the applicant has retired 1545
from or was honorably discharged from military service in the 1546
active or reserve armed forces of the United States, or within 1547
the ten years immediately preceding the application the 1548
retirement of the peace officer, person described in division 1549
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1550

enforcement officer to which the competency certification 1551
relates occurred: 1552

(a) An original or photocopy of a certificate of 1553
completion of a firearms safety, training, or requalification or 1554
firearms safety instructor course, class, or program that was 1555
offered by or under the auspices of a national gun advocacy 1556
organization and that complies with the requirements set forth 1557
in division (G) of this section; 1558

(b) An original or photocopy of a certificate of 1559
completion of a firearms safety, training, or requalification or 1560
firearms safety instructor course, class, or program that 1561
satisfies all of the following criteria: 1562

(i) It was open to members of the general public. 1563

(ii) It utilized qualified instructors who were certified 1564
by a national gun advocacy organization, the executive director 1565
of the Ohio peace officer training commission pursuant to 1566
section 109.75 or 109.78 of the Revised Code, or a governmental 1567
official or entity of another state. 1568

(iii) It was offered by or under the auspices of a law 1569
enforcement agency of this or another state or the United 1570
States, a public or private college, university, or other 1571
similar postsecondary educational institution located in this or 1572
another state, a firearms training school located in this or 1573
another state, or another type of public or private entity or 1574
organization located in this or another state. 1575

(iv) It complies with the requirements set forth in 1576
division (G) of this section. 1577

(c) An original or photocopy of a certificate of 1578
completion of a state, county, municipal, or department of 1579

natural resources peace officer training school that is approved 1580
by the executive director of the Ohio peace officer training 1581
commission pursuant to section 109.75 of the Revised Code and 1582
that complies with the requirements set forth in division (G) of 1583
this section, or the applicant has satisfactorily completed and 1584
been issued a certificate of completion of a basic firearms 1585
training program, a firearms requalification training program, 1586
or another basic training program described in section 109.78 or 1587
109.801 of the Revised Code that complies with the requirements 1588
set forth in division (G) of this section; 1589

(d) A document that evidences both of the following: 1590

(i) That the applicant is an active or reserve member of 1591
the armed forces of the United States, has retired from or was 1592
honorably discharged from military service in the active or 1593
reserve armed forces of the United States, is a retired trooper 1594
of the state highway patrol, or is a retired peace officer or 1595
federal law enforcement officer described in division (B)(1) of 1596
this section or a retired person described in division (B)(1)(b) 1597
of section 109.77 of the Revised Code and division (B)(1) of 1598
this section; 1599

(ii) That, through participation in the military service 1600
or through the former employment described in division (B)(3)(d) 1601
(i) of this section, the applicant acquired experience with 1602
handling handguns or other firearms, and the experience so 1603
acquired was equivalent to training that the applicant could 1604
have acquired in a course, class, or program described in 1605
division (B)(3)(a), (b), or (c) of this section. 1606

(e) A certificate or another similar document that 1607
evidences satisfactory completion of a firearms training, 1608
safety, or requalification or firearms safety instructor course, 1609

class, or program that is not otherwise described in division 1610
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1611
by an instructor who was certified by an official or entity of 1612
the government of this or another state or the United States or 1613
by a national gun advocacy organization, and that complies with 1614
the requirements set forth in division (G) of this section; 1615

(f) An affidavit that attests to the applicant's 1616
satisfactory completion of a course, class, or program described 1617
in division (B) (3) (a), (b), (c), or (e) of this section and that 1618
is subscribed by the applicant's instructor or an authorized 1619
representative of the entity that offered the course, class, or 1620
program or under whose auspices the course, class, or program 1621
was offered; 1622

(g) A document that evidences that the applicant has 1623
successfully completed the Ohio peace officer training program 1624
described in section 109.79 of the Revised Code. 1625

(4) A certification by the applicant that the applicant 1626
has read the pamphlet prepared by the Ohio peace officer 1627
training commission pursuant to section 109.731 of the Revised 1628
Code that reviews firearms, dispute resolution, and use of 1629
deadly force matters. 1630

(5) A set of fingerprints of the applicant provided as 1631
described in section 311.41 of the Revised Code through use of 1632
an electronic fingerprint reading device or, if the sheriff to 1633
whom the application is submitted does not possess and does not 1634
have ready access to the use of such a reading device, on a 1635
standard impression sheet prescribed pursuant to division (C) (2) 1636
of section 109.572 of the Revised Code. 1637

(6) If the applicant is not a citizen or national of the 1638

United States, the name of the applicant's country of 1639
citizenship and the applicant's alien registration number issued 1640
by the United States citizenship and immigration services 1641
agency. 1642

(7) If the applicant resides in another state, adequate 1643
proof of employment in Ohio. 1644

(C) Upon receipt of the completed application form, 1645
supporting documentation, and, if not waived, license fee of an 1646
applicant under this section, a sheriff, in the manner specified 1647
in section 311.41 of the Revised Code, shall conduct or cause to 1648
be conducted the criminal records check and the incompetency 1649
records check described in section 311.41 of the Revised Code. 1650

(D) (1) Except as provided in division (D) (3) of this 1651
section, within forty-five days after a sheriff's receipt of an 1652
applicant's completed application form for a concealed handgun 1653
license under this section, the supporting documentation, and, 1654
if not waived, the license fee, the sheriff shall make available 1655
through the law enforcement automated data system in accordance 1656
with division (H) of this section the information described in 1657
that division and, upon making the information available through 1658
the system, shall issue to the applicant a concealed handgun 1659
license that shall expire as described in division (D) (2) (a) of 1660
this section if all of the following apply: 1661

(a) The applicant is legally living in the United States. 1662
For purposes of division (D) (1) (a) of this section, if a person 1663
is absent from the United States in compliance with military or 1664
naval orders as an active or reserve member of the armed forces 1665
of the United States and if prior to leaving the United States 1666
the person was legally living in the United States, the person, 1667
solely by reason of that absence, shall not be considered to 1668

have lost the person's status as living in the United States. 1669

(b) The applicant is at least twenty-one years of age. 1670

(c) The applicant is not a fugitive from justice. 1671

(d) The applicant is not under indictment for or otherwise 1672
charged with a felony; an offense under Chapter 2925., 3719., or 1673
4729. of the Revised Code that involves the illegal possession, 1674
use, sale, administration, or distribution of or trafficking in 1675
a drug of abuse; a misdemeanor offense of violence; or a 1676
violation of section 2903.14 or 2923.1211 of the Revised Code. 1677

(e) Except as otherwise provided in division (D) (4) or (5) 1678
of this section, the applicant has not been convicted of or 1679
pleaded guilty to a felony or an offense under Chapter 2925., 1680
3719., or 4729. of the Revised Code that involves the illegal 1681
possession, use, sale, administration, or distribution of or 1682
trafficking in a drug of abuse; has not been adjudicated a 1683
delinquent child for committing an act that if committed by an 1684
adult would be a felony or would be an offense under Chapter 1685
2925., 3719., or 4729. of the Revised Code that involves the 1686
illegal possession, use, sale, administration, or distribution 1687
of or trafficking in a drug of abuse; has not been convicted of, 1688
pleaded guilty to, or adjudicated a delinquent child for 1689
committing a violation of section 2903.13 of the Revised Code 1690
when the victim of the violation is a peace officer, regardless 1691
of whether the applicant was sentenced under division (C) (4) of 1692
that section; and has not been convicted of, pleaded guilty to, 1693
or adjudicated a delinquent child for committing any other 1694
offense that is not previously described in this division that 1695
is a misdemeanor punishable by imprisonment for a term exceeding 1696
one year. 1697

(f) Except as otherwise provided in division (D) (4) or (5) 1698
of this section, the applicant, within three years of the date 1699
of the application, has not been convicted of or pleaded guilty 1700
to a misdemeanor offense of violence other than a misdemeanor 1701
violation of section 2921.33 of the Revised Code or a violation 1702
of section 2903.13 of the Revised Code when the victim of the 1703
violation is a peace officer, or a misdemeanor violation of 1704
section 2923.1211 of the Revised Code; and has not been 1705
adjudicated a delinquent child for committing an act that if 1706
committed by an adult would be a misdemeanor offense of violence 1707
other than a misdemeanor violation of section 2921.33 of the 1708
Revised Code or a violation of section 2903.13 of the Revised 1709
Code when the victim of the violation is a peace officer or for 1710
committing an act that if committed by an adult would be a 1711
misdemeanor violation of section 2923.1211 of the Revised Code. 1712

(g) Except as otherwise provided in division (D) (1) (e) of 1713
this section, the applicant, within five years of the date of 1714
the application, has not been convicted of, pleaded guilty to, 1715
or adjudicated a delinquent child for committing two or more 1716
violations of section 2903.13 or 2903.14 of the Revised Code. 1717

(h) Except as otherwise provided in division (D) (4) or (5) 1718
of this section, the applicant, within ten years of the date of 1719
the application, has not been convicted of, pleaded guilty to, 1720
or adjudicated a delinquent child for committing a violation of 1721
section 2921.33 of the Revised Code. 1722

(i) The applicant has not been committed to any mental 1723
institution, is not under adjudication of mental incompetence, 1724
has not been found by a court to be a person with a mental 1725
illness subject to court order, and is not an involuntary 1726
patient other than one who is a patient only for purposes of 1727

observation. As used in this division, "person with a mental 1728
illness subject to court order" and "patient" have the same 1729
meanings as in section 5122.01 of the Revised Code. 1730

(j) The applicant is not currently subject to a civil 1731
protection order, a temporary protection order, or a protection 1732
order issued by a court of another state. 1733

(k) The applicant certifies that the applicant desires a 1734
legal means to carry a concealed handgun for defense of the 1735
applicant or a member of the applicant's family while engaged in 1736
lawful activity. 1737

(l) The applicant submits a competency certification of 1738
the type described in division (B) (3) of this section and 1739
submits a certification of the type described in division (B) (4) 1740
of this section regarding the applicant's reading of the 1741
pamphlet prepared by the Ohio peace officer training commission 1742
pursuant to section 109.731 of the Revised Code. 1743

(m) The applicant currently is not subject to a suspension 1744
imposed under division (A) (2) of section 2923.128 of the Revised 1745
Code of a concealed handgun license that previously was issued 1746
to the applicant under this section or section 2923.1213 of the 1747
Revised Code or a similar suspension imposed by another state 1748
regarding a concealed handgun license issued by that state. 1749

(n) If the applicant resides in another state, the 1750
applicant is employed in this state. 1751

(o) The applicant certifies that the applicant is not an 1752
unlawful user of or addicted to any controlled substance as 1753
defined in 21 U.S.C. 802. 1754

(p) If the applicant is not a United States citizen, the 1755
applicant is an alien and has not been admitted to the United 1756

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.

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

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

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

(b) If a sheriff denies an application under this section
because the applicant does not satisfy the criteria described in
division (D) (1) of this section, the sheriff shall specify the
grounds for the denial in a written notice to the applicant. The
applicant may appeal the denial pursuant to section 119.12 of
the Revised Code in the county served by the sheriff who denied
the application. If the denial was as a result of the criminal
records check conducted pursuant to section 311.41 of the
Revised Code and if, pursuant to section 2923.127 of the Revised
Code, the applicant challenges the criminal records check

results using the appropriate challenge and review procedure 1786
specified in that section, the time for filing the appeal 1787
pursuant to section 119.12 of the Revised Code and this division 1788
is tolled during the pendency of the request or the challenge 1789
and review. 1790

(c) If the court in an appeal under section 119.12 of the 1791
Revised Code and division (D) (2) (b) of this section enters a 1792
judgment sustaining the sheriff's refusal to grant to the 1793
applicant a concealed handgun license, the applicant may file a 1794
new application beginning one year after the judgment is 1795
entered. If the court enters a judgment in favor of the 1796
applicant, that judgment shall not restrict the authority of a 1797
sheriff to suspend or revoke the license pursuant to section 1798
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1799
the license for any proper cause that may occur after the date 1800
the judgment is entered. In the appeal, the court shall have 1801
full power to dispose of all costs. 1802

(3) If the sheriff with whom an application for a 1803
concealed handgun license was filed under this section becomes 1804
aware that the applicant has been arrested for or otherwise 1805
charged with an offense that would disqualify the applicant from 1806
holding the license, the sheriff shall suspend the processing of 1807
the application until the disposition of the case arising from 1808
the arrest or charge. 1809

(4) If an applicant has been convicted of or pleaded 1810
guilty to an offense identified in division (D) (1) (e), (f), or 1811
(h) of this section or has been adjudicated a delinquent child 1812
for committing an act or violation identified in any of those 1813
divisions, and if a court has ordered the sealing or expungement 1814
of the records of that conviction, guilty plea, or adjudication 1815

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1816
2953.35, or section 2953.39 of the Revised Code or the applicant 1817
has been relieved under operation of law or legal process from 1818
the disability ~~imposed~~ pursuant to section ~~2923.13~~ 2923.14 of 1819
the Revised Code relative to that conviction, guilty plea, or 1820
adjudication, the sheriff with whom the application was 1821
submitted shall not consider the conviction, guilty plea, or 1822
adjudication in making a determination under division (D)(1) or 1823
(F) of this section or, in relation to an application for a 1824
concealed handgun license on a temporary emergency basis 1825
submitted under section 2923.1213 of the Revised Code, in making 1826
a determination under division (B)(2) of that section. 1827

(5) If an applicant has been convicted of or pleaded 1828
guilty to a minor misdemeanor offense or has been adjudicated a 1829
delinquent child for committing an act or violation that is a 1830
minor misdemeanor offense, the sheriff with whom the application 1831
was submitted shall not consider the conviction, guilty plea, or 1832
adjudication in making a determination under division (D)(1) or 1833
(F) of this section or, in relation to an application for a 1834
concealed handgun license on a temporary basis submitted under 1835
section 2923.1213 of the Revised Code, in making a determination 1836
under division (B)(2) of that section. 1837

(E) If a concealed handgun license issued under this 1838
section is lost or is destroyed, the licensee may obtain from 1839
the sheriff who issued that license a duplicate license upon the 1840
payment of a fee of fifteen dollars and the submission of an 1841
affidavit attesting to the loss or destruction of the license. 1842
The sheriff, in accordance with the procedures prescribed in 1843
section 109.731 of the Revised Code, shall place on the 1844
replacement license a combination of identifying numbers 1845
different from the combination on the license that is being 1846

replaced. 1847

(F) (1) (a) Except as provided in division (F) (1) (b) of this 1848
section, a licensee who wishes to renew a concealed handgun 1849
license issued under this section may do so at any time before 1850
the expiration date of the license or at any time after the 1851
expiration date of the license by filing with the sheriff of the 1852
county in which the applicant resides or with the sheriff of an 1853
adjacent county, or in the case of an applicant who resides in 1854
another state with the sheriff of the county that issued the 1855
applicant's previous concealed handgun license an application 1856
for renewal of the license obtained pursuant to division (D) of 1857
this section, a certification by the applicant that, subsequent 1858
to the issuance of the license, the applicant has reread the 1859
pamphlet prepared by the Ohio peace officer training commission 1860
pursuant to section 109.731 of the Revised Code that reviews 1861
firearms, dispute resolution, and use of deadly force matters, 1862
and a nonrefundable license renewal fee in an amount determined 1863
pursuant to division (F) (4) of this section unless the fee is 1864
waived. 1865

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

the spouse or dependent was a licensee under this section at the 1878
time the person commenced the active duty or service or had 1879
obtained a license while the person was on active duty or 1880
service, and provided further that the person's active duty or 1881
service resulted in the spouse or dependent relocating outside 1882
of this state during the period of the active duty or service. 1883
This division does not prevent such a person or the person's 1884
spouse or dependent from making an application for the renewal 1885
of a concealed handgun license during the period of the person's 1886
active duty or service. 1887

(2) A sheriff shall accept a completed renewal 1888
application, the license renewal fee, and the information 1889
specified in division (F)(1) of this section at the times and in 1890
the manners described in division (I) of this section. Upon 1891
receipt of a completed renewal application, of certification 1892
that the applicant has reread the specified pamphlet prepared by 1893
the Ohio peace officer training commission, and of a license 1894
renewal fee unless the fee is waived, a sheriff, in the manner 1895
specified in section 311.41 of the Revised Code shall conduct or 1896
cause to be conducted the criminal records check and the 1897
incompetency records check described in section 311.41 of the 1898
Revised Code. The sheriff shall renew the license if the sheriff 1899
determines that the applicant continues to satisfy the 1900
requirements described in division (D)(1) of this section, 1901
except that the applicant is not required to meet the 1902
requirements of division (D)(1)(1) of this section. A renewed 1903
license shall expire five years after the date of issuance. A 1904
renewed license is subject to division (E) of this section and 1905
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1906
shall comply with divisions (D)(2) and (3) of this section when 1907
the circumstances described in those divisions apply to a 1908

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

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

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

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

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

but who is employed in this state, a fee of fifty dollars plus 1939
the actual cost of having a background check performed by the 1940
federal bureau of investigation. 1941

(5) The concealed handgun license of a licensee who is no 1942
longer a resident of this state or no longer employed in this 1943
state, as applicable, is valid until the date of expiration on 1944
the license, and the licensee is prohibited from renewing the 1945
concealed handgun license. 1946

(G) (1) Each course, class, or program described in 1947
division (B) (3) (a), (b), (c), or (e) of this section shall 1948
provide to each person who takes the course, class, or program 1949
the web site address at which the pamphlet prepared by the Ohio 1950
peace officer training commission pursuant to section 109.731 of 1951
the Revised Code that reviews firearms, dispute resolution, and 1952
use of deadly force matters may be found. Each such course, 1953
class, or program described in one of those divisions shall 1954
include at least eight hours of training in the safe handling 1955
and use of a firearm that shall include training, provided as 1956
described in division (G) (3) of this section, on all of the 1957
following: 1958

(a) The ability to name, explain, and demonstrate the 1959
rules for safe handling of a handgun and proper storage 1960
practices for handguns and ammunition; 1961

(b) The ability to demonstrate and explain how to handle 1962
ammunition in a safe manner; 1963

(c) The ability to demonstrate the knowledge, skills, and 1964
attitude necessary to shoot a handgun in a safe manner; 1965

(d) Gun handling training; 1966

(e) A minimum of two hours of in-person training that 1967

consists of range time and live-fire training. 1968

(2) To satisfactorily complete the course, class, or 1969
program described in division (B) (3) (a), (b), (c), or (e) of 1970
this section, the applicant shall pass a competency examination 1971
that shall include both of the following: 1972

(a) A written section, provided as described in division 1973
(G) (3) of this section, on the ability to name and explain the 1974
rules for the safe handling of a handgun and proper storage 1975
practices for handguns and ammunition; 1976

(b) An in-person physical demonstration of competence in 1977
the use of a handgun and in the rules for safe handling and 1978
storage of a handgun and a physical demonstration of the 1979
attitude necessary to shoot a handgun in a safe manner. 1980

(3) (a) Except as otherwise provided in this division, the 1981
training specified in division (G) (1) (a) of this section shall 1982
be provided to the person receiving the training in person by an 1983
instructor. If the training specified in division (G) (1) (a) of 1984
this section is provided by a course, class, or program 1985
described in division (B) (3) (a) of this section, or it is 1986
provided by a course, class, or program described in division 1987
(B) (3) (b), (c), or (e) of this section and the instructor is a 1988
qualified instructor certified by a national gun advocacy 1989
organization, the training so specified, other than the training 1990
that requires the person receiving the training to demonstrate 1991
handling abilities, may be provided online or as a combination 1992
of in-person and online training, as long as the online training 1993
includes an interactive component that regularly engages the 1994
person. 1995

(b) Except as otherwise provided in this division, the 1996

written section of the competency examination specified in 1997
division (G) (2) (a) of this section shall be administered to the 1998
person taking the competency examination in person by an 1999
instructor. If the training specified in division (G) (1) (a) of 2000
this section is provided to the person receiving the training by 2001
a course, class, or program described in division (B) (3) (a) of 2002
this section, or it is provided by a course, class, or program 2003
described in division (B) (3) (b), (c), or (e) of this section and 2004
the instructor is a qualified instructor certified by a national 2005
gun advocacy organization, the written section of the competency 2006
examination specified in division (G) (2) (a) of this section may 2007
be administered online, as long as the online training includes 2008
an interactive component that regularly engages the person. 2009

(4) The competency certification described in division (B) 2010
(3) (a), (b), (c), or (e) of this section shall be dated and 2011
shall attest that the course, class, or program the applicant 2012
successfully completed met the requirements described in 2013
division (G) (1) of this section and that the applicant passed 2014
the competency examination described in division (G) (2) of this 2015
section. 2016

(H) Upon deciding to issue a concealed handgun license, 2017
deciding to issue a replacement concealed handgun license, or 2018
deciding to renew a concealed handgun license pursuant to this 2019
section, and before actually issuing or renewing the license, 2020
the sheriff shall make available through the law enforcement 2021
automated data system all information contained on the license. 2022
If the license subsequently is suspended under division (A) (1) 2023
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2024
to division (B) (1) of section 2923.128 of the Revised Code, or 2025
lost or destroyed, the sheriff also shall make available through 2026
the law enforcement automated data system a notation of that 2027

fact. The superintendent of the state highway patrol shall 2028
ensure that the law enforcement automated data system is so 2029
configured as to permit the transmission through the system of 2030
the information specified in this division. 2031

(I) (1) A sheriff shall accept a completed application form 2032
or renewal application, and the fee, items, materials, and 2033
information specified in divisions (B) (1) to (5) or division (F) 2034
of this section, whichever is applicable, and shall provide an 2035
application form or renewal application to any person during at 2036
least fifteen hours a week and shall provide the web site 2037
address at which a printable version of the application form 2038
that can be downloaded and the pamphlet described in division 2039
(B) of section 109.731 of the Revised Code may be found at any 2040
time, upon request. The sheriff shall post notice of the hours 2041
during which the sheriff is available to accept or provide the 2042
information described in this division. 2043

(2) A sheriff shall transmit a notice to the attorney 2044
general, in a manner determined by the attorney general, every 2045
time a license is issued that waived payment under division (B) 2046
(1) (c) of this section for an applicant who is an active or 2047
reserve member of the armed forces of the United States or has 2048
retired from or was honorably discharged from military service 2049
in the active or reserve armed forces of the United States. The 2050
attorney general shall monitor and inform sheriffs issuing 2051
licenses under this section when the amount of license fee 2052
payments waived and transmitted to the attorney general reach 2053
one million five hundred thousand dollars each year. Once a 2054
sheriff is informed that the payments waived reached one million 2055
five hundred thousand dollars in any year, a sheriff shall no 2056
longer waive payment of a license fee for an applicant who is an 2057
active or reserve member of the armed forces of the United 2058

States or has retired from or was honorably discharged from 2059
military service in the active or reserve armed forces of the 2060
United States for the remainder of that year. 2061

Sec. 2923.13. (A) Unless relieved from disability under 2062
operation of law or legal process, no person shall knowingly 2063
acquire, have, carry, or use any firearm or dangerous ordnance, 2064
if any of the following apply: 2065

(1) The person is a fugitive from justice. 2066

(2) The person is under indictment for or has been 2067
convicted of any felony offense of violence or has been 2068
adjudicated a delinquent child for the commission of an offense 2069
that, if committed by an adult, would have been a felony offense 2070
of violence. 2071

(3) The person is under indictment for or has been 2072
convicted of any felony offense involving the illegal 2073
possession, use, sale, administration, distribution, or 2074
trafficking in any drug of abuse or has been adjudicated a 2075
delinquent child for the commission of an offense that, if 2076
committed by an adult, would have been a felony offense 2077
involving the illegal possession, use, sale, administration, 2078
distribution, or trafficking in any drug of abuse. 2079

(4) The person has a drug dependency, is in danger of drug 2080
dependence, or has chronic alcoholism. 2081

(5) The person is under adjudication of mental 2082
incompetence, has been committed to a mental institution, has 2083
been found by a court to be a person with a mental illness 2084
subject to court order, or is an involuntary patient other than 2085
one who is a patient only for purposes of observation. As used 2086
in this division, "person with a mental illness subject to court 2087

order" and "patient" have the same meanings as in section 2088
5122.01 of the Revised Code. 2089

~~(B)~~ (B) (1) Whoever violates this section is guilty of 2090
having weapons while under disability~~7~~. 2091

(2) Except as provided in division (B) (4) of this section, 2092
a violation of division (A) (1), (3), (4), or (5) of this section 2093
is a felony of the ~~third~~ fourth degree. 2094

(3) Except as otherwise provided in division (B) (5) of 2095
this section, a violation of division (A) (2) of this section is 2096
a felony of the third degree and there is a presumption that a 2097
prison term shall be imposed for the offense. 2098

(4) If the offender previously has been convicted of or 2099
pleaded guilty to a violation of this section, a violation of 2100
division (A) (1), (3), (4), or (5) of this section is a felony of 2101
the third degree. 2102

(5) If the offender previously has been convicted of or 2103
pleaded guilty to a violation of this section, a violation of 2104
division (A) (2) of this section is a felony of the second 2105
degree. 2106

(C) For the purposes of this section, "under operation of 2107
law or legal process" shall not itself include mere completion, 2108
termination, or expiration of a sentence imposed as a result of 2109
a criminal conviction. 2110

Sec. 2923.14. ~~(A) (1)~~ (A) (1) (a) Except as otherwise 2111
provided in division (A) (2) of this section, any of the 2112
following persons who are prohibited from carrying firearms, 2113
openly or concealed, may apply to the court of common pleas 2114
specified in division (A) (1) (b) of this section for relief from 2115
such prohibition: 2116

(i) Any person who is prohibited from acquiring, having, 2117
carrying, or using firearms~~may apply to the court of common~~ 2118
~~pleas in the county in which the person resides for relief from~~ 2119
~~such prohibition~~ under section 2923.13 of the Revised Code; 2120

(ii) Any person who is prohibited from shipping, 2121
transporting, receiving, or possessing firearms in interstate or 2122
foreign commerce under 18 U.S.C. 922(g), as amended or 2123
reenacted; 2124

(iii) Any person who is prohibited from obtaining a 2125
concealed handgun license or a concealed handgun license on a 2126
temporary emergency basis under division (D)(1)(e), (f), or (h) 2127
of section 2923.125 of the Revised Code; 2128

(iv) Any person who is prohibited from carrying a 2129
concealed handgun as a qualifying adult under division (D)(1) 2130
(e), (f), or (h) of section 2923.125 of the Revised Code. 2131

(b) An application for relief from the prohibition shall 2132
be filed in the court of common pleas of the county in which the 2133
person resides or, if the person is not a resident of this state 2134
and the prohibition is based on an indictment, a conviction of 2135
or plea of guilty to an offense, or a delinquent child 2136
adjudication, in the county in which the indictment was entered 2137
or in which the conviction, guilty plea, or adjudication 2138
occurred. 2139

(2) Division (A)(1) of this section does not apply to a 2140
person who has been convicted of or pleaded guilty to a 2141
violation of section 2923.132 of the Revised Code or to a person 2142
who, two or more times, has been convicted of or pleaded guilty 2143
to a felony and a specification of the type described in section 2144
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, ~~or~~ 2941.1424, 2145

or 2941.1427 of the Revised Code. 2146

(B) The application shall recite the following: 2147

(1) All indictments, convictions or guilty pleas, or 2148
adjudications upon which the applicant's disability is based, 2149
the sentence imposed and served, and any release granted under a 2150
community control sanction, post-release control sanction, or 2151
parole, any partial or conditional pardon granted, or other 2152
disposition of each case, or, if the disability is based upon a 2153
factor other than an indictment, a conviction or guilty plea, or 2154
an adjudication, the factor upon which the disability is based 2155
and all details related to that factor; 2156

(2) Facts showing the applicant to be a fit subject for 2157
relief under this section. 2158

(C) A copy of the application shall be served on the 2159
county prosecutor. The county prosecutor shall cause the matter 2160
to be investigated and shall raise before the court any 2161
objections to granting relief that the investigation reveals. 2162

(D) Upon hearing, the court may grant the applicant relief 2163
pursuant to this section, if all of the following apply: 2164

(1) One of the following applies: 2165

(a) If the disability is based upon an indictment, a 2166
conviction or guilty plea, or an adjudication, the applicant has 2167
been fully discharged from imprisonment, community control, 2168
post-release control, and parole, or, if the applicant is under 2169
indictment, has been released on bail or recognizance. 2170

(b) If the disability is based upon a factor other than an 2171
indictment, a conviction or guilty plea, or an adjudication, 2172
that factor no longer is applicable to the applicant. 2173

(2) The applicant has led a law-abiding life since 2174
discharge or release, and appears likely to continue to do so. 2175

(3) The applicant is not otherwise prohibited by law from 2176
acquiring, having, or using firearms. 2177

(E) Costs of the proceeding shall be charged as in other 2178
civil cases, and taxed to the applicant. 2179

(F) Relief from disability granted pursuant to this 2180
section restores the applicant to all civil firearm rights to 2181
the full extent enjoyed by any citizen, and is subject to the 2182
following conditions: 2183

(1) Applies only with respect to indictments, convictions_
or guilty pleas, or adjudications, or to the other factor, 2184
recited in the application as the basis for the applicant's 2185
disability; 2186
2187

(2) Applies only with respect to firearms lawfully 2188
acquired, possessed, carried, or used by the applicant; 2189

(3) May be revoked by the court at any time for good cause 2190
shown and upon notice to the applicant; 2191

(4) Is automatically void upon commission by the applicant 2192
of any offense set forth in division (A)(2) or (3) of section 2193
2923.13 of the Revised Code, or upon the applicant's becoming 2194
one of the class of persons named in division (A)(1), (4), or 2195
(5) of that section. 2196

(G) As used in this section: 2197

(1) "Community control sanction" has the same meaning as 2198
in section 2929.01 of the Revised Code. 2199

(2) "Post-release control" and "post-release control 2200

sanction" have the same meanings as in section 2967.01 of the Revised Code.

(3) "Qualifying adult" has the same meaning as in section 2923.111 of the Revised Code.

Sec. 2929.01. As used in this chapter:

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

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

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

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

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

(B) "Basic probation supervision" means a requirement that

the offender maintain contact with a person appointed to 2229
supervise the offender in accordance with sanctions imposed by 2230
the court or imposed by the parole board pursuant to section 2231
2967.28 of the Revised Code. "Basic probation supervision" 2232
includes basic parole supervision and basic post-release control 2233
supervision. 2234

(C) "Cocaine," "fentanyl-related compound," "hashish," 2235
"L.S.D.," and "unit dose" have the same meanings as in section 2236
2925.01 of the Revised Code. 2237

(D) "Community-based correctional facility" means a 2238
community-based correctional facility and program or district 2239
community-based correctional facility and program developed 2240
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2241

(E) "Community control sanction" means a sanction that is 2242
not a prison term and that is described in section 2929.15, 2243
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2244
that is not a jail term and that is described in section 2245
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2246
control sanction" includes probation if the sentence involved 2247
was imposed for a felony that was committed prior to July 1, 2248
1996, or if the sentence involved was imposed for a misdemeanor 2249
that was committed prior to January 1, 2004. 2250

(F) "Controlled substance," "marihuana," "schedule I," and 2251
"schedule II" have the same meanings as in section 3719.01 of 2252
the Revised Code. 2253

(G) "Curfew" means a requirement that an offender during a 2254
specified period of time be at a designated place. 2255

(H) "Day reporting" means a sanction pursuant to which an 2256
offender is required each day to report to and leave a center or 2257

other approved reporting location at specified times in order to 2258
participate in work, education or training, treatment, and other 2259
approved programs at the center or outside the center. 2260

(I) "Deadly weapon" has the same meaning as in section 2261
2923.11 of the Revised Code. 2262

(J) "Drug and alcohol use monitoring" means a program 2263
under which an offender agrees to submit to random chemical 2264
analysis of the offender's blood, breath, or urine to determine 2265
whether the offender has ingested any alcohol or other drugs. 2266

(K) "Drug treatment program" means any program under which 2267
a person undergoes assessment and treatment designed to reduce 2268
or completely eliminate the person's physical or emotional 2269
reliance upon alcohol, another drug, or alcohol and another drug 2270
and under which the person may be required to receive assessment 2271
and treatment on an outpatient basis or may be required to 2272
reside at a facility other than the person's home or residence 2273
while undergoing assessment and treatment. 2274

(L) "Economic loss" means any economic detriment suffered 2275
by a victim as a direct and proximate result of the commission 2276
of an offense and includes any loss of income due to lost time 2277
at work because of any injury caused to the victim, any property 2278
loss, medical cost, or funeral expense incurred as a result of 2279
the commission of the offense, and the cost of any accounting or 2280
auditing done to determine the extent of loss if the cost is 2281
incurred and payable by the victim. "Economic loss" does not 2282
include non-economic loss or any punitive or exemplary damages. 2283

(M) "Education or training" includes study at, or in 2284
conjunction with a program offered by, a university, college, or 2285
technical college or vocational study and also includes the 2286

completion of primary school, secondary school, and literacy 2287
curricula or their equivalent. 2288

(N) "Firearm" has the same meaning as in section 2923.11 2289
of the Revised Code. 2290

(O) "Halfway house" means a facility licensed by the 2291
division of parole and community services of the department of 2292
rehabilitation and correction pursuant to section 2967.14 of the 2293
Revised Code as a suitable facility for the care and treatment 2294
of adult offenders. 2295

(P) "House arrest" means a period of confinement of an 2296
offender that is in the offender's home or in other premises 2297
specified by the sentencing court or by the parole board 2298
pursuant to section 2967.28 of the Revised Code and during which 2299
all of the following apply: 2300

(1) The offender is required to remain in the offender's 2301
home or other specified premises for the specified period of 2302
confinement, except for periods of time during which the 2303
offender is at the offender's place of employment or at other 2304
premises as authorized by the sentencing court or by the parole 2305
board. 2306

(2) The offender is required to report periodically to a 2307
person designated by the court or parole board. 2308

(3) The offender is subject to any other restrictions and 2309
requirements that may be imposed by the sentencing court or by 2310
the parole board. 2311

(Q) "Intensive probation supervision" means a requirement 2312
that an offender maintain frequent contact with a person 2313
appointed by the court, or by the parole board pursuant to 2314
section 2967.28 of the Revised Code, to supervise the offender 2315

while the offender is seeking or maintaining necessary 2316
employment and participating in training, education, and 2317
treatment programs as required in the court's or parole board's 2318
order. "Intensive probation supervision" includes intensive 2319
parole supervision and intensive post-release control 2320
supervision. 2321

(R) "Jail" means a jail, workhouse, minimum security jail, 2322
or other residential facility used for the confinement of 2323
alleged or convicted offenders that is operated by a political 2324
subdivision or a combination of political subdivisions of this 2325
state. 2326

(S) "Jail term" means the term in a jail that a sentencing 2327
court imposes or is authorized to impose pursuant to section 2328
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2329
provision of the Revised Code that authorizes a term in a jail 2330
for a misdemeanor conviction. 2331

(T) "Mandatory jail term" means the term in a jail that a 2332
sentencing court is required to impose pursuant to division (G) 2333
of section 1547.99 of the Revised Code, division (E) of section 2334
2903.06 or division (D) of section 2903.08 of the Revised Code, 2335
division (F) of section 2929.24 of the Revised Code, division 2336
(B) of section 4510.14 of the Revised Code, or division (G) of 2337
section 4511.19 of the Revised Code or pursuant to any other 2338
provision of the Revised Code that requires a term in a jail for 2339
a misdemeanor conviction. 2340

(U) "Delinquent child" has the same meaning as in section 2341
2152.02 of the Revised Code. 2342

(V) "License violation report" means a report that is made 2343
by a sentencing court, or by the parole board pursuant to 2344

section 2967.28 of the Revised Code, to the regulatory or 2345
licensing board or agency that issued an offender a professional 2346
license or a license or permit to do business in this state and 2347
that specifies that the offender has been convicted of or 2348
pleaded guilty to an offense that may violate the conditions 2349
under which the offender's professional license or license or 2350
permit to do business in this state was granted or an offense 2351
for which the offender's professional license or license or 2352
permit to do business in this state may be revoked or suspended. 2353

(W) "Major drug offender" means an offender who is 2354
convicted of or pleads guilty to the possession of, sale of, or 2355
offer to sell any drug, compound, mixture, preparation, or 2356
substance that consists of or contains at least one thousand 2357
grams of hashish; at least one hundred grams of cocaine; at 2358
least one thousand unit doses or one hundred grams of heroin; at 2359
least five thousand unit doses of L.S.D. or five hundred grams 2360
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2361
distillate form; at least fifty grams of a controlled substance 2362
analog; at least one thousand unit doses or one hundred grams of 2363
a fentanyl-related compound; or at least one hundred times the 2364
amount of any other schedule I or II controlled substance other 2365
than marihuana that is necessary to commit a felony of the third 2366
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2367
of the Revised Code that is based on the possession of, sale of, 2368
or offer to sell the controlled substance. 2369

(X) "Mandatory prison term" means any of the following: 2370

(1) Subject to division (X)(2) of this section, the term 2371
in prison that must be imposed for the offenses or circumstances 2372
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~ (22) of 2373
section 2929.13 and division (B) of section 2929.14 of the 2374

Revised Code. Except as provided in sections 2925.02, 2925.03, 2375
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2376
maximum or another specific term is required under section 2377
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2378
described in this division may be any prison term authorized for 2379
the level of offense except that if the offense is a felony of 2380
the first or second degree committed on or after March 22, 2019, 2381
a mandatory prison term described in this division may be one of 2382
the terms prescribed in division (A)(1)(a) or (2)(a) of section 2383
2929.14 of the Revised Code, whichever is applicable, that is 2384
authorized as the minimum term for the offense. 2385

(2) The term of sixty or one hundred twenty days in prison 2386
that a sentencing court is required to impose for a third or 2387
fourth degree felony OVI offense pursuant to division (G)(2) of 2388
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2389
of the Revised Code or the term of one, two, three, four, or 2390
five years in prison that a sentencing court is required to 2391
impose pursuant to division (G)(2) of section 2929.13 of the 2392
Revised Code. 2393

(3) The term in prison imposed pursuant to division (A) of 2394
section 2971.03 of the Revised Code for the offenses and in the 2395
circumstances described in division (F)(11) of section 2929.13 2396
of the Revised Code or pursuant to division (B)(1)(a), (b), or 2397
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 2398
section 2971.03 of the Revised Code and that term as modified or 2399
terminated pursuant to section 2971.05 of the Revised Code. 2400

(Y) "Monitored time" means a period of time during which 2401
an offender continues to be under the control of the sentencing 2402
court or parole board, subject to no conditions other than 2403
leading a law-abiding life. 2404

(Z) "Offender" means a person who, in this state, is 2405
convicted of or pleads guilty to a felony or a misdemeanor. 2406

(AA) "Prison" means a residential facility used for the 2407
confinement of convicted felony offenders that is under the 2408
control of the department of rehabilitation and correction and 2409
includes a violation sanction center operated under authority of 2410
section 2967.141 of the Revised Code. 2411

(BB) (1) "Prison term" includes either of the following 2412
sanctions for an offender: 2413

(a) A stated prison term; 2414

(b) A term in a prison shortened by, or with the approval 2415
of, the sentencing court pursuant to section 2929.143, 2929.20, 2416
5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 2417
pursuant to section 2967.26 of the Revised Code. 2418

(2) With respect to a non-life felony indefinite prison 2419
term, references in any provision of law to a reduction of, or 2420
deduction from, the prison term mean a reduction in, or 2421
deduction from, the minimum term imposed as part of the 2422
indefinite term. 2423

~~(CC)~~ (CC) (1) "Repeat offender" means a person about whom 2424
both of the following apply: 2425

(a) The person is being sentenced for committing or for 2426
complicity in committing a violation of section 2923.13 of the 2427
Revised Code or a felony offense of violence, and the violation 2428
of the offense involved a firearm. 2429

(b) The person previously was convicted of or pleaded 2430
guilty to one or more offenses described in division (CC) (1) (a) 2431
of this section and the violation involved a firearm. 2432

(2) As used in division (CC) of this section, "involved a 2433
firearm" means either of the following: 2434

(a) The offender had a firearm on or about the offender's 2435
person while committing the offense and displayed the firearm, 2436
brandished the firearm, indicated that the offender possessed 2437
the firearm, or used the firearm to facilitate the offense. 2438

(b) The offender had a firearm under the offender's 2439
control while committing the offense and displayed the firearm, 2440
brandished the firearm, indicated that the offender possessed 2441
the firearm, or used the firearm to facilitate the offense. 2442

(DD) "Repeat violent offender" means a person about whom 2443
both of the following apply: 2444

(1) The person is being sentenced for committing or for 2445
complicity in committing any of the following: 2446

(a) Aggravated murder, murder, any felony of the first or 2447
second degree that is an offense of violence, or an attempt to 2448
commit any of these offenses if the attempt is a felony of the 2449
first or second degree; 2450

(b) An offense under an existing or former law of this 2451
state, another state, or the United States that is or was 2452
substantially equivalent to an offense described in division 2453
~~(CC) (1) (a)~~ (DD) (1) (a) of this section. 2454

(2) The person previously was convicted of or pleaded 2455
guilty to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) 2456
or (b) of this section. 2457

~~(DD)~~ (EE) "Sanction" means any penalty imposed upon an 2458
offender who is convicted of or pleads guilty to an offense, as 2459
punishment for the offense. "Sanction" includes any sanction 2460

imposed pursuant to any provision of sections 2929.14 to 2929.18 2461
or 2929.24 to 2929.28 of the Revised Code. 2462

~~(EE)~~ (FF) "Sentence" means the sanction or combination of 2463
sanctions imposed by the sentencing court on an offender who is 2464
convicted of or pleads guilty to an offense. 2465

~~(FF) (1)~~ (GG) (1) "Stated prison term" means the prison 2466
term, mandatory prison term, or combination of all prison terms 2467
and mandatory prison terms imposed by the sentencing court 2468
pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised 2469
Code or under section 2919.25 of the Revised Code. "Stated 2470
prison term" includes any credit received by the offender for 2471
time spent in jail awaiting trial, sentencing, or transfer to 2472
prison for the offense and any time spent under house arrest or 2473
house arrest with electronic monitoring imposed after earning 2474
credits pursuant to section 2967.193 or 2967.194 of the Revised 2475
Code. If an offender is serving a prison term as a risk 2476
reduction sentence under sections 2929.143 and 5120.036 of the 2477
Revised Code, "stated prison term" includes any period of time 2478
by which the prison term imposed upon the offender is shortened 2479
by the offender's successful completion of all assessment and 2480
treatment or programming pursuant to those sections. 2481

(2) As used in the definition of "stated prison term" set 2482
forth in division ~~(FF) (1)~~ (GG) (1) of this section, a prison term 2483
is a definite prison term imposed under section 2929.14 of the 2484
Revised Code or any other provision of law, is the minimum and 2485
maximum prison terms under a non-life felony indefinite prison 2486
term, or is a term of life imprisonment except to the extent 2487
that the use of that definition in a section of the Revised Code 2488
clearly is not intended to include a term of life imprisonment. 2489
With respect to an offender sentenced to a non-life felony 2490

indefinite prison term, references in section 2967.191, 2491
2967.193, or 2967.194 of the Revised Code or any other provision 2492
of law to a reduction of, or deduction from, the offender's 2493
stated prison term or to release of the offender before the 2494
expiration of the offender's stated prison term mean a reduction 2495
in, or deduction from, the minimum term imposed as part of the 2496
indefinite term or a release of the offender before the 2497
expiration of that minimum term, references in section 2929.19 2498
or 2967.28 of the Revised Code to a stated prison term with 2499
respect to a prison term imposed for a violation of a post- 2500
release control sanction mean the minimum term so imposed, and 2501
references in any provision of law to an offender's service of 2502
the offender's stated prison term or the expiration of the 2503
offender's stated prison term mean service or expiration of the 2504
minimum term so imposed plus any additional period of 2505
incarceration under the sentence that is required under section 2506
2967.271 of the Revised Code. 2507

~~(GG)~~ (HH) "Victim-offender mediation" means a 2508
reconciliation or mediation program that involves an offender 2509
and the victim of the offense committed by the offender and that 2510
includes a meeting in which the offender and the victim may 2511
discuss the offense, discuss restitution, and consider other 2512
sanctions for the offense. 2513

~~(HH)~~ (II) "Fourth degree felony OVI offense" means a 2514
violation of division (A) of section 4511.19 of the Revised Code 2515
that, under division (G) of that section, is a felony of the 2516
fourth degree. 2517

~~(II)~~ (JJ) "Mandatory term of local incarceration" means 2518
the term of sixty or one hundred twenty days in a jail, a 2519
community-based correctional facility, a halfway house, or an 2520

alternative residential facility that a sentencing court may 2521
impose upon a person who is convicted of or pleads guilty to a 2522
fourth degree felony OVI offense pursuant to division (G)(1) of 2523
section 2929.13 of the Revised Code and division (G)(1)(d) or 2524
(e) of section 4511.19 of the Revised Code. 2525

~~(JJ)~~ (KK) "Designated homicide, assault, or kidnapping 2526
offense," "violent sex offense," "sexual motivation 2527
specification," "sexually violent offense," "sexually violent 2528
predator," and "sexually violent predator specification" have 2529
the same meanings as in section 2971.01 of the Revised Code. 2530

~~(KK)~~ (LL) "Sexually oriented offense," "child-victim 2531
oriented offense," and "tier III sex offender/child-victim 2532
offender" have the same meanings as in section 2950.01 of the 2533
Revised Code. 2534

~~(LL)~~ (MM) An offense is "committed in the vicinity of a 2535
child" if the offender commits the offense within thirty feet of 2536
or within the same residential unit as a child who is under 2537
eighteen years of age, regardless of whether the offender knows 2538
the age of the child or whether the offender knows the offense 2539
is being committed within thirty feet of or within the same 2540
residential unit as the child and regardless of whether the 2541
child actually views the commission of the offense. 2542

~~(MM)~~ (NN) "Family or household member" has the same 2543
meaning as in section 2919.25 of the Revised Code. 2544

~~(NN)~~ (OO) "Motor vehicle" and "manufactured home" have the 2545
same meanings as in section 4501.01 of the Revised Code. 2546

~~(OO)~~ (PP) "Detention" and "detention facility" have the 2547
same meanings as in section 2921.01 of the Revised Code. 2548

~~(PP)~~ (QQ) "Third degree felony OVI offense" means a 2549

violation of division (A) of section 4511.19 of the Revised Code 2550
that, under division (G) of that section, is a felony of the 2551
third degree. 2552

~~(QQ)~~ (RR) "Random drug testing" has the same meaning as in 2553
section 5120.63 of the Revised Code. 2554

~~(RR)~~ (SS) "Felony sex offense" has the same meaning as in 2555
section 2967.28 of the Revised Code. 2556

~~(SS)~~ (TT) "Body armor" has the same meaning as in section 2557
2941.1411 of the Revised Code. 2558

~~(TT)~~ (UU) "Electronic monitoring" means monitoring through 2559
the use of an electronic monitoring device. 2560

~~(UU)~~ (VV) "Electronic monitoring device" means any of the 2561
following: 2562

(1) Any device that can be operated by electrical or 2563
battery power and that conforms with all of the following: 2564

(a) The device has a transmitter that can be attached to a 2565
person, that will transmit a specified signal to a receiver of 2566
the type described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this 2567
section if the transmitter is removed from the person, turned 2568
off, or altered in any manner without prior court approval in 2569
relation to electronic monitoring or without prior approval of 2570
the department of rehabilitation and correction in relation to 2571
the use of an electronic monitoring device for an inmate on 2572
transitional control or otherwise is tampered with, that can 2573
transmit continuously and periodically a signal to that receiver 2574
when the person is within a specified distance from the 2575
receiver, and that can transmit an appropriate signal to that 2576
receiver if the person to whom it is attached travels a 2577
specified distance from that receiver. 2578

(b) The device has a receiver that can receive 2579
continuously the signals transmitted by a transmitter of the 2580
type described in division ~~(UU) (1) (a)~~ (VV) (1) (a) of this 2581
section, can transmit continuously those signals by a wireless 2582
or landline telephone connection to a central monitoring 2583
computer of the type described in division ~~(UU) (1) (c)~~ (VV) (1) (c) 2584
of this section, and can transmit continuously an appropriate 2585
signal to that central monitoring computer if the device has 2586
been turned off or altered without prior court approval or 2587
otherwise tampered with. The device is designed specifically for 2588
use in electronic monitoring, is not a converted wireless phone 2589
or another tracking device that is clearly not designed for 2590
electronic monitoring, and provides a means of text-based or 2591
voice communication with the person. 2592

(c) The device has a central monitoring computer that can 2593
receive continuously the signals transmitted by a wireless or 2594
landline telephone connection by a receiver of the type 2595
described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this section and 2596
can monitor continuously the person to whom an electronic 2597
monitoring device of the type described in division ~~(UU) (1) (a)~~ 2598
(VV) (1) (a) of this section is attached. 2599

(2) Any device that is not a device of the type described 2600
in division ~~(UU) (1)~~ (VV) (1) of this section and that conforms 2601
with all of the following: 2602

(a) The device includes a transmitter and receiver that 2603
can monitor and determine the location of a subject person at 2604
any time, or at a designated point in time, through the use of a 2605
central monitoring computer or through other electronic means. 2606

(b) The device includes a transmitter and receiver that 2607
can determine at any time, or at a designated point in time, 2608

through the use of a central monitoring computer or other 2609
electronic means the fact that the transmitter is turned off or 2610
altered in any manner without prior approval of the court in 2611
relation to the electronic monitoring or without prior approval 2612
of the department of rehabilitation and correction in relation 2613
to the use of an electronic monitoring device for an inmate on 2614
transitional control or otherwise is tampered with. 2615

(3) Any type of technology that can adequately track or 2616
determine the location of a subject person at any time and that 2617
is approved by the director of rehabilitation and correction, 2618
including, but not limited to, any satellite technology, voice 2619
tracking system, or retinal scanning system that is so approved. 2620

~~(VV)~~ (WW) "Non-economic loss" means nonpecuniary harm 2621
suffered by a victim of an offense as a result of or related to 2622
the commission of the offense, including, but not limited to, 2623
pain and suffering; loss of society, consortium, companionship, 2624
care, assistance, attention, protection, advice, guidance, 2625
counsel, instruction, training, or education; mental anguish; 2626
and any other intangible loss. 2627

~~(WW)~~ (XX) "Prosecutor" has the same meaning as in section 2628
2935.01 of the Revised Code. 2629

~~(XX)~~ (YY) "Continuous alcohol monitoring" means the 2630
ability to automatically test and periodically transmit alcohol 2631
consumption levels and tamper attempts at least every hour, 2632
regardless of the location of the person who is being monitored. 2633

~~(YY)~~ (ZZ) A person is "adjudicated a sexually violent 2634
predator" if the person is convicted of or pleads guilty to a 2635
violent sex offense and also is convicted of or pleads guilty to 2636
a sexually violent predator specification that was included in 2637

the indictment, count in the indictment, or information charging 2638
that violent sex offense or if the person is convicted of or 2639
pleads guilty to a designated homicide, assault, or kidnapping 2640
offense and also is convicted of or pleads guilty to both a 2641
sexual motivation specification and a sexually violent predator 2642
specification that were included in the indictment, count in the 2643
indictment, or information charging that designated homicide, 2644
assault, or kidnapping offense. 2645

~~(ZZ)~~ (AAA) An offense is "committed in proximity to a 2646
school" if the offender commits the offense in a school safety 2647
zone or within five hundred feet of any school building or the 2648
boundaries of any school premises, regardless of whether the 2649
offender knows the offense is being committed in a school safety 2650
zone or within five hundred feet of any school building or the 2651
boundaries of any school premises. 2652

~~(AAA)~~ (BBB) "Human trafficking" means a scheme or plan to 2653
which all of the following apply: 2654

(1) Its object is one or both of the following: 2655

(a) To subject a victim or victims to involuntary 2656
servitude, as defined in section 2905.31 of the Revised Code or 2657
to compel a victim or victims to engage in sexual activity for 2658
hire, to engage in a performance that is obscene, sexually 2659
oriented, or nudity oriented, or to be a model or participant in 2660
the production of material that is obscene, sexually oriented, 2661
or nudity oriented; 2662

(b) To facilitate, encourage, or recruit a victim who is a 2663
minor or is a person with a developmental disability, or victims 2664
who are minors or are persons with developmental disabilities, 2665
for any purpose listed in divisions (A) (2) (a) to (c) of section 2666

2905.32 of the Revised Code. 2667

(2) It involves at least two felony offenses, whether or 2668
not there has been a prior conviction for any of the felony 2669
offenses, to which all of the following apply: 2670

(a) Each of the felony offenses is a violation of section 2671
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 2672
division (A) (1) or (2) of section 2907.323, or division (B) (1), 2673
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 2674
is a violation of a law of any state other than this state that 2675
is substantially similar to any of the sections or divisions of 2676
the Revised Code identified in this division. 2677

(b) At least one of the felony offenses was committed in 2678
this state. 2679

(c) The felony offenses are related to the same scheme or 2680
plan and are not isolated instances. 2681

~~(BBB)~~ (CCC) "Material," "nudity," "obscene," 2682
"performance," and "sexual activity" have the same meanings as 2683
in section 2907.01 of the Revised Code. 2684

~~(CCC)~~ (DDD) "Material that is obscene, sexually oriented, 2685
or nudity oriented" means any material that is obscene, that 2686
shows a person participating or engaging in sexual activity, 2687
masturbation, or bestiality, or that shows a person in a state 2688
of nudity. 2689

~~(DDD)~~ (EEE) "Performance that is obscene, sexually 2690
oriented, or nudity oriented" means any performance that is 2691
obscene, that shows a person participating or engaging in sexual 2692
activity, masturbation, or bestiality, or that shows a person in 2693
a state of nudity. 2694

~~(EEE)~~ ~~(FFF)~~ "Accelerant" means a fuel or oxidizing agent, 2695
such as an ignitable liquid, used to initiate a fire or increase 2696
the rate of growth or spread of a fire. 2697

~~(FFF)~~ ~~(GGG)~~ "Permanent disabling harm" means serious 2698
physical harm that results in permanent injury to the 2699
intellectual, physical, or sensory functions and that 2700
permanently and substantially impairs a person's ability to meet 2701
one or more of the ordinary demands of life, including the 2702
functions of caring for one's self, performing manual tasks, 2703
walking, seeing, hearing, speaking, breathing, learning, and 2704
working. 2705

~~(GGG)~~ ~~(HHH)~~ "Non-life felony indefinite prison term" means 2706
a prison term imposed under division (A) (1) (a) or (2) (a) of 2707
section 2929.14 and section 2929.144 of the Revised Code for a 2708
felony of the first or second degree committed on or after March 2709
22, 2019. 2710

Sec. 2929.13. (A) Except as provided in division (E), (F), 2711
or (G) of this section and unless a specific sanction is 2712
required to be imposed or is precluded from being imposed 2713
pursuant to law, a court that imposes a sentence upon an 2714
offender for a felony may impose any sanction or combination of 2715
sanctions on the offender that are provided in sections 2929.14 2716
to 2929.18 of the Revised Code. 2717

If the offender is eligible to be sentenced to community 2718
control sanctions, the court shall consider the appropriateness 2719
of imposing a financial sanction pursuant to section 2929.18 of 2720
the Revised Code or a sanction of community service pursuant to 2721
section 2929.17 of the Revised Code as the sole sanction for the 2722
offense. Except as otherwise provided in this division, if the 2723
court is required to impose a mandatory prison term for the 2724

offense for which sentence is being imposed, the court also 2725
shall impose any financial sanction pursuant to section 2929.18 2726
of the Revised Code that is required for the offense and may 2727
impose any other financial sanction pursuant to that section but 2728
may not impose any additional sanction or combination of 2729
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2730

If the offender is being sentenced for a fourth degree 2731
felony OVI offense or for a third degree felony OVI offense, in 2732
addition to the mandatory term of local incarceration or the 2733
mandatory prison term required for the offense by division (G) 2734
(1) or (2) of this section, the court shall impose upon the 2735
offender a mandatory fine in accordance with division (B) (3) of 2736
section 2929.18 of the Revised Code and may impose whichever of 2737
the following is applicable: 2738

(1) For a fourth degree felony OVI offense for which 2739
sentence is imposed under division (G) (1) of this section, an 2740
additional community control sanction or combination of 2741
community control sanctions under section 2929.16 or 2929.17 of 2742
the Revised Code. If the court imposes upon the offender a 2743
community control sanction and the offender violates any 2744
condition of the community control sanction, the court may take 2745
any action prescribed in division (B) of section 2929.15 of the 2746
Revised Code relative to the offender, including imposing a 2747
prison term on the offender pursuant to that division. 2748

(2) For a third or fourth degree felony OVI offense for 2749
which sentence is imposed under division (G) (2) of this section, 2750
an additional prison term as described in division (B) (4) of 2751
section 2929.14 of the Revised Code or a community control 2752
sanction as described in division (G) (2) of this section. 2753

(B) (1) (a) Except as provided in division (B) (1) (b) of this 2754

section, if an offender is convicted of or pleads guilty to a 2755
felony of the fourth or fifth degree that is not an offense of 2756
violence or that is a qualifying assault offense, the court 2757
shall sentence the offender to a community control sanction or 2758
combination of community control sanctions if all of the 2759
following apply: 2760

(i) The offender previously has not been convicted of or 2761
pleaded guilty to a felony offense. 2762

(ii) The most serious charge against the offender at the 2763
time of sentencing is a felony of the fourth or fifth degree. 2764

(iii) The offender previously has not been convicted of or 2765
pleaded guilty to a misdemeanor offense of violence that the 2766
offender committed within two years prior to the offense for 2767
which sentence is being imposed. 2768

(b) The court has discretion to impose a prison term upon 2769
an offender who is convicted of or pleads guilty to a felony of 2770
the fourth or fifth degree that is not an offense of violence or 2771
that is a qualifying assault offense if any of the following 2772
apply: 2773

(i) The offender committed the offense while having a 2774
firearm on or about the offender's person or under the 2775
offender's control. 2776

(ii) If the offense is a qualifying assault offense, the 2777
offender caused serious physical harm to another person while 2778
committing the offense, and, if the offense is not a qualifying 2779
assault offense, the offender caused physical harm to another 2780
person while committing the offense. 2781

(iii) The offender violated a term of the conditions of 2782
bond as set by the court. 2783

(iv) The offense is a sex offense that is a fourth or 2784
fifth degree felony violation of any provision of Chapter 2907. 2785
of the Revised Code. 2786

(v) In committing the offense, the offender attempted to 2787
cause or made an actual threat of physical harm to a person with 2788
a deadly weapon. 2789

(vi) In committing the offense, the offender attempted to 2790
cause or made an actual threat of physical harm to a person, and 2791
the offender previously was convicted of an offense that caused 2792
physical harm to a person. 2793

(vii) The offender held a public office or position of 2794
trust, and the offense related to that office or position; the 2795
offender's position obliged the offender to prevent the offense 2796
or to bring those committing it to justice; or the offender's 2797
professional reputation or position facilitated the offense or 2798
was likely to influence the future conduct of others. 2799

(viii) The offender committed the offense for hire or as 2800
part of an organized criminal activity. 2801

(ix) The offender at the time of the offense was serving, 2802
or the offender previously had served, a prison term. 2803

(x) The offender committed the offense while under a 2804
community control sanction, while on probation, or while 2805
released from custody on a bond or personal recognizance. 2806

(c) A sentencing court may impose an additional penalty 2807
under division (B) of section 2929.15 of the Revised Code upon 2808
an offender sentenced to a community control sanction under 2809
division (B)(1)(a) of this section if the offender violates the 2810
conditions of the community control sanction, violates a law, or 2811
leaves the state without the permission of the court or the 2812

offender's probation officer. 2813

(2) If division (B) (1) of this section does not apply, 2814
except as provided in division (E), (F), or (G) of this section, 2815
in determining whether to impose a prison term as a sanction for 2816
a felony of the fourth or fifth degree, the sentencing court 2817
shall comply with the purposes and principles of sentencing 2818
under section 2929.11 of the Revised Code and with section 2819
2929.12 of the Revised Code. 2820

(C) Except as provided in division (D), (E), (F), or (G) 2821
of this section, in determining whether to impose a prison term 2822
as a sanction for a felony of the third degree or a felony drug 2823
offense that is a violation of a provision of Chapter 2925. of 2824
the Revised Code and that is specified as being subject to this 2825
division for purposes of sentencing, the sentencing court shall 2826
comply with the purposes and principles of sentencing under 2827
section 2929.11 of the Revised Code and with section 2929.12 of 2828
the Revised Code. 2829

(D) (1) Except as provided in division (E) or (F) of this 2830
section, for a felony of the first or second degree, for a 2831
felony drug offense that is a violation of any provision of 2832
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2833
presumption in favor of a prison term is specified as being 2834
applicable, ~~and~~ for a violation of division (A) (4) or (B) of 2835
section 2907.05 of the Revised Code for which a presumption in 2836
favor of a prison term is specified as being applicable, and for 2837
a violation of section 2923.13 of the Revised Code for which a 2838
presumption in favor of a prison term is specified in division 2839
(B) (3) of that section as being applicable, it is presumed that 2840
a prison term is necessary in order to comply with the purposes 2841
and principles of sentencing under section 2929.11 of the 2842

Revised Code. Division (D)(2) of this section does not apply to 2843
a presumption established under this division for a violation of 2844
division (A)(4) of section 2907.05 of the Revised Code. 2845

(2) Notwithstanding the presumption established under 2846
division (D)(1) of this section for the offenses listed in that 2847
division other than a violation of division (A)(4) or (B) of 2848
section 2907.05 of the Revised Code, the sentencing court may 2849
impose a community control sanction or a combination of 2850
community control sanctions instead of a prison term on an 2851
offender for a felony of the first or second degree or for a 2852
felony drug offense that is a violation of any provision of 2853
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2854
presumption in favor of a prison term is specified as being 2855
applicable if it makes both of the following findings: 2856

(a) A community control sanction or a combination of 2857
community control sanctions would adequately punish the offender 2858
and protect the public from future crime, because the applicable 2859
factors under section 2929.12 of the Revised Code indicating a 2860
lesser likelihood of recidivism outweigh the applicable factors 2861
under that section indicating a greater likelihood of 2862
recidivism. 2863

(b) A community control sanction or a combination of 2864
community control sanctions would not demean the seriousness of 2865
the offense, because one or more factors under section 2929.12 2866
of the Revised Code that indicate that the offender's conduct 2867
was less serious than conduct normally constituting the offense 2868
are applicable, and they outweigh the applicable factors under 2869
that section that indicate that the offender's conduct was more 2870
serious than conduct normally constituting the offense. 2871

(E)(1) Except as provided in division (F) of this section, 2872

for any drug offense that is a violation of any provision of 2873
Chapter 2925. of the Revised Code and that is a felony of the 2874
third, fourth, or fifth degree, the applicability of a 2875
presumption under division (D) of this section in favor of a 2876
prison term or of division (B) or (C) of this section in 2877
determining whether to impose a prison term for the offense 2878
shall be determined as specified in section 2925.02, 2925.03, 2879
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2880
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2881
regarding the violation. 2882

(2) If an offender who was convicted of or pleaded guilty 2883
to a felony violates the conditions of a community control 2884
sanction imposed for the offense solely by reason of producing 2885
positive results on a drug test, the court, as punishment for 2886
the violation of the sanction, shall not order that the offender 2887
be imprisoned unless the court determines on the record either 2888
of the following: 2889

(a) The offender had been ordered as a sanction for the 2890
felony to participate in a drug treatment program, in a drug 2891
education program, or in narcotics anonymous or a similar 2892
program, and the offender continued to use illegal drugs after a 2893
reasonable period of participation in the program. 2894

(b) The imprisonment of the offender for the violation is 2895
consistent with the purposes and principles of sentencing set 2896
forth in section 2929.11 of the Revised Code. 2897

(3) A court that sentences an offender for a drug abuse 2898
offense that is a felony of the third, fourth, or fifth degree 2899
may require that the offender be assessed by a properly 2900
credentialed professional within a specified period of time. The 2901
court shall require the professional to file a written 2902

assessment of the offender with the court. If the offender is
eligible for a community control sanction and after considering
the written assessment, the court may impose a community control
sanction that includes addiction services and recovery supports
included in a community-based continuum of care established
under section 340.032 of the Revised Code. If the court imposes
addiction services and recovery supports as a community control
sanction, the court shall direct the level and type of addiction
services and recovery supports after considering the assessment
and recommendation of community addiction services providers.

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

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

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

(3) Gross sexual imposition or sexual battery, if the
victim is less than thirteen years of age and if any of the

following applies: 2933

(a) Regarding gross sexual imposition, the offender 2934
previously was convicted of or pleaded guilty to rape, the 2935
former offense of felonious sexual penetration, gross sexual 2936
imposition, or sexual battery, and the victim of the previous 2937
offense was less than thirteen years of age; 2938

(b) Regarding gross sexual imposition, the offense was 2939
committed on or after August 3, 2006, and evidence other than 2940
the testimony of the victim was admitted in the case 2941
corroborating the violation. 2942

(c) Regarding sexual battery, either of the following 2943
applies: 2944

(i) The offense was committed prior to August 3, 2006, the 2945
offender previously was convicted of or pleaded guilty to rape, 2946
the former offense of felonious sexual penetration, or sexual 2947
battery, and the victim of the previous offense was less than 2948
thirteen years of age. 2949

(ii) The offense was committed on or after August 3, 2006. 2950

(4) A felony violation of section 2903.04, 2903.06, 2951
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 2952
or 2923.132 of the Revised Code if the section requires the 2953
imposition of a prison term; 2954

(5) A first, second, or third degree felony drug offense 2955
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2956
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2957
or 4729.99 of the Revised Code, whichever is applicable 2958
regarding the violation, requires the imposition of a mandatory 2959
prison term; 2960

(6) Any offense that is a first or second degree felony 2961
and that is not set forth in division (F) (1), (2), (3), or (4) 2962
of this section, if the offender previously was convicted of or 2963
pleaded guilty to aggravated murder, murder, any first or second 2964
degree felony, or an offense under an existing or former law of 2965
this state, another state, or the United States that is or was 2966
substantially equivalent to one of those offenses; 2967

(7) Any offense that is a third degree felony and either 2968
is a violation of section 2903.04 of the Revised Code or an 2969
attempt to commit a felony of the second degree that is an 2970
offense of violence and involved an attempt to cause serious 2971
physical harm to a person or that resulted in serious physical 2972
harm to a person if the offender previously was convicted of or 2973
pleaded guilty to any of the following offenses: 2974

(a) Aggravated murder, murder, involuntary manslaughter, 2975
rape, felonious sexual penetration as it existed under section 2976
2907.12 of the Revised Code prior to September 3, 1996, a felony 2977
of the first or second degree that resulted in the death of a 2978
person or in physical harm to a person, or complicity in or an 2979
attempt to commit any of those offenses; 2980

(b) An offense under an existing or former law of this 2981
state, another state, or the United States that is or was 2982
substantially equivalent to an offense listed in division (F) (7) 2983
(a) of this section that resulted in the death of a person or in 2984
physical harm to a person. 2985

(8) Any offense, other than a violation of section 2923.12 2986
of the Revised Code, that is a felony, if the offender had a 2987
firearm on or about the offender's person or under the 2988
offender's control while committing the felony, with respect to 2989
a portion of the sentence imposed pursuant to division (B) (1) (a) 2990

of section 2929.14 of the Revised Code for having the firearm; 2991

(9) Any offense of violence that is a felony, if the 2992
offender wore or carried body armor while committing the felony 2993
offense of violence, with respect to the portion of the sentence 2994
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 2995
Revised Code for wearing or carrying the body armor; 2996

(10) Corrupt activity in violation of section 2923.32 of 2997
the Revised Code when the most serious offense in the pattern of 2998
corrupt activity that is the basis of the offense is a felony of 2999
the first degree; 3000

(11) Any violent sex offense or designated homicide, 3001
assault, or kidnapping offense if, in relation to that offense, 3002
the offender is adjudicated a sexually violent predator; 3003

(12) A violation of division (A) (1) or (2) of section 3004
2921.36 of the Revised Code, or a violation of division (C) of 3005
that section involving an item listed in division (A) (1) or (2) 3006
of that section, if the offender is an officer or employee of 3007
the department of rehabilitation and correction; 3008

(13) A violation of division (A) (1) or (2) of section 3009
2903.06 of the Revised Code if the victim of the offense is a 3010
peace officer, as defined in section 2935.01 of the Revised 3011
Code, or an investigator of the bureau of criminal 3012
identification and investigation, as defined in section 2903.11 3013
of the Revised Code, with respect to the portion of the sentence 3014
imposed pursuant to division (B) (5) of section 2929.14 of the 3015
Revised Code; 3016

(14) A violation of division (A) (1) or (2) of section 3017
2903.06 of the Revised Code if the offender has been convicted 3018
of or pleaded guilty to three or more violations of division (A) 3019

of section 4511.19 of the Revised Code or an equivalent offense, 3020
as defined in section 2941.1415 of the Revised Code, or three or 3021
more violations of any combination of those offenses, with 3022
respect to the portion of the sentence imposed pursuant to 3023
division (B) (6) of section 2929.14 of the Revised Code; 3024

(15) Kidnapping, in the circumstances specified in section 3025
2971.03 of the Revised Code and when no other provision of 3026
division (F) of this section applies; 3027

(16) Kidnapping, abduction, compelling prostitution, 3028
promoting prostitution, engaging in a pattern of corrupt 3029
activity, a violation of division (A) (1) or (2) of section 3030
2907.323 of the Revised Code that involves a minor, or 3031
endangering children in violation of division (B) (1), (2), (3), 3032
(4), or (5) of section 2919.22 of the Revised Code, if the 3033
offender is convicted of or pleads guilty to a specification as 3034
described in section 2941.1422 of the Revised Code that was 3035
included in the indictment, count in the indictment, or 3036
information charging the offense; 3037

(17) A felony violation of division (A) or (B) of section 3038
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3039
that section, and division (D) (6) of that section, require the 3040
imposition of a prison term; 3041

(18) A felony violation of section 2903.11, 2903.12, or 3042
2903.13 of the Revised Code, if the victim of the offense was a 3043
woman that the offender knew was pregnant at the time of the 3044
violation, with respect to a portion of the sentence imposed 3045
pursuant to division (B) (8) of section 2929.14 of the Revised 3046
Code; 3047

(19) (a) Any violent felony offense if the offender is a 3048

violent career criminal and had a firearm on or about the 3049
offender's person or under the offender's control during the 3050
commission of the violent felony offense and displayed or 3051
brandished the firearm, indicated that the offender possessed a 3052
firearm, or used the firearm to facilitate the offense, with 3053
respect to the portion of the sentence imposed under division 3054
(K) of section 2929.14 of the Revised Code. 3055

(b) As used in division (F) (19) (a) of this section, 3056
"violent career criminal" and "violent felony offense" have the 3057
same meanings as in section 2923.132 of the Revised Code. 3058

(20) Any violation of division (A) (1) of section 2903.11 3059
of the Revised Code if the offender used an accelerant in 3060
committing the violation and the serious physical harm to 3061
another or another's unborn caused by the violation resulted in 3062
a permanent, serious disfigurement or permanent, substantial 3063
incapacity or any violation of division (A) (2) of that section 3064
if the offender used an accelerant in committing the violation, 3065
the violation caused physical harm to another or another's 3066
unborn, and the physical harm resulted in a permanent, serious 3067
disfigurement or permanent, substantial incapacity, with respect 3068
to a portion of the sentence imposed pursuant to division (B) (9) 3069
of section 2929.14 of the Revised Code. The provisions of this 3070
division and of division (D) (2) of section 2903.11, divisions 3071
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 3072
the Revised Code shall be known as "Judy's Law." 3073

(21) Any violation of division (A) of section 2903.11 of 3074
the Revised Code if the victim of the offense suffered permanent 3075
disabling harm as a result of the offense and the victim was 3076
under ten years of age at the time of the offense, with respect 3077
to a portion of the sentence imposed pursuant to division (B) 3078

(10) of section 2929.14 of the Revised Code. 3079

(22) A felony violation of section 2925.03, 2925.05, or 3080
2925.11 of the Revised Code, if the drug involved in the 3081
violation is a fentanyl-related compound or a compound, mixture, 3082
preparation, or substance containing a fentanyl-related compound 3083
and the offender is convicted of or pleads guilty to a 3084
specification of the type described in division (B) of section 3085
2941.1410 of the Revised Code that was included in the 3086
indictment, count in the indictment, or information charging the 3087
offense, with respect to the portion of the sentence imposed 3088
under division (B) (11) of section 2929.14 of the Revised Code. 3089

(G) Notwithstanding divisions (A) to (E) of this section, 3090
if an offender is being sentenced for a fourth degree felony OVI 3091
offense or for a third degree felony OVI offense, the court 3092
shall impose upon the offender a mandatory term of local 3093
incarceration or a mandatory prison term in accordance with the 3094
following: 3095

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

or an alternative residential facility, and the offender shall 3109
serve the term in the type of facility specified by the court. A 3110
mandatory term of local incarceration imposed under division (G) 3111
(1) of this section is not subject to any other Revised Code 3112
provision that pertains to a prison term except as provided in 3113
division (A)(1) of this section. 3114

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

Code. In addition to the mandatory prison term described in 3140
division (G) (2) of this section, the court may sentence the 3141
offender to a community control sanction under section 2929.16 3142
or 2929.17 of the Revised Code, but the offender shall serve the 3143
prison term prior to serving the community control sanction. The 3144
department of rehabilitation and correction may place an 3145
offender sentenced to a mandatory prison term under this 3146
division in an intensive program prison established pursuant to 3147
section 5120.033 of the Revised Code if the department gave the 3148
sentencing judge prior notice of its intent to place the 3149
offender in an intensive program prison established under that 3150
section and if the judge did not notify the department that the 3151
judge disapproved the placement. Upon the establishment of the 3152
initial intensive program prison pursuant to section 5120.033 of 3153
the Revised Code that is privately operated and managed by a 3154
contractor pursuant to a contract entered into under section 3155
9.06 of the Revised Code, both of the following apply: 3156

(a) The department of rehabilitation and correction shall 3157
make a reasonable effort to ensure that a sufficient number of 3158
offenders sentenced to a mandatory prison term under this 3159
division are placed in the privately operated and managed prison 3160
so that the privately operated and managed prison has full 3161
occupancy. 3162

(b) Unless the privately operated and managed prison has 3163
full occupancy, the department of rehabilitation and correction 3164
shall not place any offender sentenced to a mandatory prison 3165
term under this division in any intensive program prison 3166
established pursuant to section 5120.033 of the Revised Code 3167
other than the privately operated and managed prison. 3168

(H) If an offender is being sentenced for a sexually 3169

oriented offense or child-victim oriented offense that is a 3170
felony committed on or after January 1, 1997, the judge shall 3171
require the offender to submit to a DNA specimen collection 3172
procedure pursuant to section 2901.07 of the Revised Code. 3173

(I) If an offender is being sentenced for a sexually 3174
oriented offense or a child-victim oriented offense committed on 3175
or after January 1, 1997, the judge shall include in the 3176
sentence a summary of the offender's duties imposed under 3177
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3178
Code and the duration of the duties. The judge shall inform the 3179
offender, at the time of sentencing, of those duties and of 3180
their duration. If required under division (A)(2) of section 3181
2950.03 of the Revised Code, the judge shall perform the duties 3182
specified in that section, or, if required under division (A)(6) 3183
of section 2950.03 of the Revised Code, the judge shall perform 3184
the duties specified in that division. 3185

(J)(1) Except as provided in division (J)(2) of this 3186
section, when considering sentencing factors under this section 3187
in relation to an offender who is convicted of or pleads guilty 3188
to an attempt to commit an offense in violation of section 3189
2923.02 of the Revised Code, the sentencing court shall consider 3190
the factors applicable to the felony category of the violation 3191
of section 2923.02 of the Revised Code instead of the factors 3192
applicable to the felony category of the offense attempted. 3193

(2) When considering sentencing factors under this section 3194
in relation to an offender who is convicted of or pleads guilty 3195
to an attempt to commit a drug abuse offense for which the 3196
penalty is determined by the amount or number of unit doses of 3197
the controlled substance involved in the drug abuse offense, the 3198
sentencing court shall consider the factors applicable to the 3199

felony category that the drug abuse offense attempted would be 3200
if that drug abuse offense had been committed and had involved 3201
an amount or number of unit doses of the controlled substance 3202
that is within the next lower range of controlled substance 3203
amounts than was involved in the attempt. 3204

(K) As used in this section: 3205

(1) "Community addiction services provider" has the same 3206
meaning as in section 5119.01 of the Revised Code. 3207

(2) "Drug abuse offense" has the same meaning as in 3208
section 2925.01 of the Revised Code. 3209

(3) "Minor drug possession offense" has the same meaning 3210
as in section 2925.11 of the Revised Code. 3211

(4) "Qualifying assault offense" means a violation of 3212
section 2903.13 of the Revised Code for which the penalty 3213
provision in division (C) (8) (b) or (C) (9) (b) of that section 3214
applies. 3215

(L) At the time of sentencing an offender for any sexually 3216
oriented offense, if the offender is a tier III sex 3217
offender/child-victim offender relative to that offense and the 3218
offender does not serve a prison term or jail term, the court 3219
may require that the offender be monitored by means of a global 3220
positioning device. If the court requires such monitoring, the 3221
cost of monitoring shall be borne by the offender. If the 3222
offender is indigent, the cost of compliance shall be paid by 3223
the crime victims reparations fund. 3224

Sec. 2929.14. (A) Except as provided in division (B) (1), 3225
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3226
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3227
in division (D) (6) of section 2919.25 of the Revised Code and 3228

except in relation to an offense for which a sentence of death 3229
or life imprisonment is to be imposed, if the court imposing a 3230
sentence upon an offender for a felony elects or is required to 3231
impose a prison term on the offender pursuant to this chapter, 3232
the court shall impose a prison term that shall be one of the 3233
following: 3234

(1) (a) For a felony of the first degree committed on or 3235
after March 22, 2019, the prison term shall be an indefinite 3236
prison term with a stated minimum term selected by the court of 3237
three, four, five, six, seven, eight, nine, ten, or eleven years 3238
and a maximum term that is determined pursuant to section 3239
2929.144 of the Revised Code, except that if the section that 3240
criminalizes the conduct constituting the felony specifies a 3241
different minimum term or penalty for the offense, the specific 3242
language of that section shall control in determining the 3243
minimum term or otherwise sentencing the offender but the 3244
minimum term or sentence imposed under that specific language 3245
shall be considered for purposes of the Revised Code as if it 3246
had been imposed under this division. 3247

(b) For a felony of the first degree committed prior to 3248
March 22, 2019, the prison term shall be a definite prison term 3249
of three, four, five, six, seven, eight, nine, ten, or eleven 3250
years. 3251

(2) (a) For a felony of the second degree committed on or 3252
after March 22, 2019, the prison term shall be an indefinite 3253
prison term with a stated minimum term selected by the court of 3254
two, three, four, five, six, seven, or eight years and a maximum 3255
term that is determined pursuant to section 2929.144 of the 3256
Revised Code, except that if the section that criminalizes the 3257
conduct constituting the felony specifies a different minimum 3258

term or penalty for the offense, the specific language of that 3259
section shall control in determining the minimum term or 3260
otherwise sentencing the offender but the minimum term or 3261
sentence imposed under that specific language shall be 3262
considered for purposes of the Revised Code as if it had been 3263
imposed under this division. 3264

(b) For a felony of the second degree committed prior to 3265
March 22, 2019, the prison term shall be a definite term of two, 3266
three, four, five, six, seven, or eight years. 3267

(3) (a) For a felony of the third degree that is a 3268
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3269
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3270
Code, that is a violation of division (A) of section 4511.19 of 3271
the Revised Code if the offender previously has been convicted 3272
of or pleaded guilty to a violation of division (A) of that 3273
section that was a felony, that is a violation of section 3274
2911.02 or 2911.12 of the Revised Code if the offender 3275
previously has been convicted of or pleaded guilty in two or 3276
more separate proceedings to two or more violations of section 3277
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 3278
that is a violation of division (B) of section 2921.331 of the 3279
Revised Code if division (C) (5) of that section applies, the 3280
prison term shall be a definite term of twelve, eighteen, 3281
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3282
four, or sixty months. 3283

(b) For a felony of the third degree that is not an 3284
offense for which division (A) (3) (a) of this section applies, 3285
the prison term shall be a definite term of nine, twelve, 3286
eighteen, twenty-four, thirty, or thirty-six months. 3287

(4) For a felony of the fourth degree, the prison term 3288

shall be a definite term of six, seven, eight, nine, ten, 3289
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3290
or eighteen months. 3291

(5) For a felony of the fifth degree, the prison term 3292
shall be a definite term of six, seven, eight, nine, ten, 3293
eleven, or twelve months. 3294

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3295
section, if an offender who is convicted of or pleads guilty to 3296
a felony also is convicted of or pleads guilty to a 3297
specification of the type described in section 2941.141, 3298
2941.144, ~~or~~ 2941.145, or 2941.1428 of the Revised Code, the 3299
court shall impose on the offender one of the following prison 3300
terms: 3301

(i) A prison term of ~~six~~ ten years if the specification is 3302
of the type described in division (A) of section 2941.144 of the 3303
Revised Code that charges the offender with having a firearm 3304
that is an automatic firearm or that was equipped with a firearm 3305
muffler or suppressor on or about the offender's person or under 3306
the offender's control while committing the offense and 3307
displayed the firearm, brandished the firearm, indicated that 3308
the offender possessed the firearm, or used it to facilitate the 3309
offense; 3310

(ii) A prison term of three years if the specification is 3311
of the type described in division (A) of section 2941.145 of the 3312
Revised Code that charges the offender with having a firearm on 3313
or about the offender's person or under the offender's control 3314
while committing the offense and displaying the firearm, 3315
brandishing the firearm, indicating that the offender possessed 3316
the firearm, or using it to facilitate the offense; 3317

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

(iv) A prison term of ~~nine~~ fifteen years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or 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 it to facilitate the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

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

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of

the Revised Code that charges the offender with having a firearm 3348
on or about the offender's person or under the offender's 3349
control while committing the offense and that the offender 3350
previously has been convicted of or pleaded guilty to a 3351
specification of the type described in section 2941.141, 3352
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3353

(vii) A prison term of five years if the specification is 3354
of the type described in division (A) of section 2941.1428 of 3355
the Revised Code that charges the offender with discharging a 3356
firearm while committing the offense. 3357

(b) If a court imposes a prison term on an offender under 3358
division (B) (1) (a) of this section, the prison term shall not be 3359
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3360
section 2967.193 or 2967.194, or any other provision of Chapter 3361
2967. or Chapter 5120. of the Revised Code. Except as provided 3362
in division (B) (1) (g) of this section, a court shall not impose 3363
more than one prison term on an offender under division (B) (1) 3364
(a) of this section for felonies committed as part of the same 3365
act or transaction. 3366

(c) (i) Except as provided in division (B) (1) (e) of this 3367
section, if an offender who is convicted of or pleads guilty to 3368
a violation of section 2923.161 of the Revised Code or to a 3369
felony that includes, as an essential element, purposely or 3370
knowingly causing or attempting to cause the death of or 3371
physical harm to another, also is convicted of or pleads guilty 3372
to a specification of the type described in division (A) of 3373
section 2941.146 of the Revised Code that charges the offender 3374
with committing the offense by discharging a firearm from a 3375
motor vehicle other than a manufactured home, the court, after 3376
imposing a prison term on the offender for the violation of 3377

section 2923.161 of the Revised Code or for the other felony 3378
offense under division (A), (B) (2), or (B) (3) of this section, 3379
shall impose an additional prison term of ~~five~~seven years upon 3380
the offender that shall not be reduced pursuant to section 3381
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3382
or any other provision of Chapter 2967. or Chapter 5120. of the 3383
Revised Code. 3384

(ii) Except as provided in division (B) (1) (e) of this 3385
section, if an offender who is convicted of or pleads guilty to 3386
a violation of section 2923.161 of the Revised Code or to a 3387
felony that includes, as an essential element, purposely or 3388
knowingly causing or attempting to cause the death of or 3389
physical harm to another, also is convicted of or pleads guilty 3390
to a specification of the type described in division (C) of 3391
section 2941.146 of the Revised Code that charges the offender 3392
with committing the offense by discharging a firearm from a 3393
motor vehicle other than a manufactured home and that the 3394
offender previously has been convicted of or pleaded guilty to a 3395
specification of the type described in section 2941.141, 3396
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3397
the court, after imposing a prison term on the offender for the 3398
violation of section 2923.161 of the Revised Code or for the 3399
other felony offense under division (A), (B) (2), or (3) of this 3400
section, shall impose an additional prison term of ninety months 3401
upon the offender that shall not be reduced pursuant to section 3402
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3403
or any other provision of Chapter 2967. or Chapter 5120. of the 3404
Revised Code. 3405

(iii) A court shall not impose more than one additional 3406
prison term on an offender under division (B) (1) (c) of this 3407
section for felonies committed as part of the same act or 3408

transaction. If a court imposes an additional prison term on an 3409
offender under division (B) (1) (c) of this section relative to an 3410
offense, the court also shall impose a prison term under 3411
division (B) (1) (a) of this section relative to the same offense, 3412
provided the criteria specified in that division for imposing an 3413
additional prison term are satisfied relative to the offender 3414
and the offense. 3415

(d) If an offender who is convicted of or pleads guilty to 3416
an offense of violence that is a felony also is convicted of or 3417
pleads guilty to a specification of the type described in 3418
section 2941.1411 of the Revised Code that charges the offender 3419
with wearing or carrying body armor while committing the felony 3420
offense of violence, the court shall impose on the offender an 3421
additional prison term of two years. The prison term so imposed 3422
shall not be reduced pursuant to section 2929.20, division (A) 3423
(2) or (3) of section 2967.193 or 2967.194, or any other 3424
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3425
A court shall not impose more than one prison term on an 3426
offender under division (B) (1) (d) of this section for felonies 3427
committed as part of the same act or transaction. If a court 3428
imposes an additional prison term under division (B) (1) (a) or 3429
(c) of this section, the court is not precluded from imposing an 3430
additional prison term under division (B) (1) (d) of this section. 3431

(e) The court shall not impose any of the prison terms 3432
described in division (B) (1) (a) of this section or any of the 3433
additional prison terms described in division (B) (1) (c) of this 3434
section upon an offender for a violation of section 2923.12 or 3435
2923.123 of the Revised Code. The court shall not impose any of 3436
the prison terms described in division (B) (1) (a) or (b) of this 3437
section upon an offender for a violation of section 2923.122 3438
that involves a deadly weapon that is a firearm other than a 3439

dangerous ordnance, section 2923.16, or section 2923.121 of the
Revised Code. The court shall not impose any of the prison terms
described in division (B) (1) (a) of this section or any of the
additional prison terms described in division (B) (1) (c) of this
section upon an offender for a violation of section 2923.13 of
the Revised Code unless all of the following apply:

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

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

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

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

attempting to cause the death of or physical harm to another and 3470
also is convicted of or pleads guilty to a specification of the 3471
type described in division (B) of section 2941.1412 of the 3472
Revised Code that charges the offender with committing the 3473
offense by discharging a firearm at a peace officer, as defined 3474
in section 2935.01 of the Revised Code, or a corrections 3475
officer, as defined in section 2941.1412 of the Revised Code, 3476
and that the offender previously has been convicted of or 3477
pleaded guilty to a specification of the type described in 3478
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3479
the Revised Code, the court, after imposing a prison term on the 3480
offender for the felony offense under division (A), (B) (2), or 3481
(3) of this section, shall impose an additional prison term of 3482
one hundred twenty-six months upon the offender that shall not 3483
be reduced pursuant to section 2929.20, division (A) (2) or (3) 3484
of section 2967.193 or 2967.194, or any other provision of 3485
Chapter 2967. or 5120. of the Revised Code. 3486

(iii) If an offender is convicted of or pleads guilty to 3487
two or more felonies that include, as an essential element, 3488
causing or attempting to cause the death or physical harm to 3489
another and also is convicted of or pleads guilty to a 3490
specification of the type described under division (B) (1) (f) of 3491
this section in connection with two or more of the felonies of 3492
which the offender is convicted or to which the offender pleads 3493
guilty, the sentencing court shall impose on the offender the 3494
prison term specified under division (B) (1) (f) of this section 3495
for each of two of the specifications of which the offender is 3496
convicted or to which the offender pleads guilty and, in its 3497
discretion, also may impose on the offender the prison term 3498
specified under that division for any or all of the remaining 3499
specifications. If a court imposes an additional prison term on 3500

an offender under division (B) (1) (f) of this section relative to 3501
an offense, the court shall not impose a prison term under 3502
division (B) (1) (a) or (c) of this section relative to the same 3503
offense. 3504

(g) If an offender is convicted of or pleads guilty to two 3505
or more felonies, if one or more of those felonies are 3506
aggravated murder, murder, attempted aggravated murder, 3507
attempted murder, aggravated robbery, felonious assault, or 3508
rape, and if the offender is convicted of or pleads guilty to a 3509
specification of the type described under division (B) (1) (a) of 3510
this section in connection with two or more of the felonies, the 3511
sentencing court shall impose on the offender the prison term 3512
specified under division (B) (1) (a) of this section for each of 3513
the two most serious specifications of which the offender is 3514
convicted or to which the offender pleads guilty and, in its 3515
discretion, also may impose on the offender the prison term 3516
specified under that division for any or all of the remaining 3517
specifications. 3518

(2) (a) If division (B) (2) (b) of this section does not 3519
apply, the court may impose on an offender, in addition to the 3520
longest prison term authorized or required for the offense or, 3521
for offenses for which division (A) (1) (a) or (2) (a) of this 3522
section applies, in addition to the longest minimum prison term 3523
authorized or required for the offense, an additional definite 3524
prison term of one, two, three, four, five, six, seven, eight, 3525
nine, or ten years if all of the following criteria are met: 3526

(i) The offender is convicted of or pleads guilty to a 3527
specification of the type described in section 2941.149 of the 3528
Revised Code that the offender is a repeat violent offender. 3529

(ii) The offense of which the offender currently is 3530

convicted or to which the offender currently pleads guilty is 3531
aggravated murder and the court does not impose a sentence of 3532
death or life imprisonment without parole, murder, terrorism and 3533
the court does not impose a sentence of life imprisonment 3534
without parole, any felony of the first degree that is an 3535
offense of violence and the court does not impose a sentence of 3536
life imprisonment without parole, or any felony of the second 3537
degree that is an offense of violence and the trier of fact 3538
finds that the offense involved an attempt to cause or a threat 3539
to cause serious physical harm to a person or resulted in 3540
serious physical harm to a person. 3541

(iii) The court imposes the longest prison term for the 3542
offense or the longest minimum prison term for the offense, 3543
whichever is applicable, that is not life imprisonment without 3544
parole. 3545

(iv) The court finds that the prison terms imposed 3546
pursuant to division (B)(2)(a)(iii) of this section and, if 3547
applicable, division (B)(1) or (3) of this section are 3548
inadequate to punish the offender and protect the public from 3549
future crime, because the applicable factors under section 3550
2929.12 of the Revised Code indicating a greater likelihood of 3551
recidivism outweigh the applicable factors under that section 3552
indicating a lesser likelihood of recidivism. 3553

(v) The court finds that the prison terms imposed pursuant 3554
to division (B)(2)(a)(iii) of this section and, if applicable, 3555
division (B)(1) or (3) of this section are demeaning to the 3556
seriousness of the offense, because one or more of the factors 3557
under section 2929.12 of the Revised Code indicating that the 3558
offender's conduct is more serious than conduct normally 3559
constituting the offense are present, and they outweigh the 3560

applicable factors under that section indicating that the 3561
offender's conduct is less serious than conduct normally 3562
constituting the offense. 3563

(b) The court shall impose on an offender the longest 3564
prison term authorized or required for the offense or, for 3565
offenses for which division (A) (1) (a) or (2) (a) of this section 3566
applies, the longest minimum prison term authorized or required 3567
for the offense, and shall impose on the offender an additional 3568
definite prison term of one, two, three, four, five, six, seven, 3569
eight, nine, or ten years if all of the following criteria are 3570
met: 3571

(i) The offender is convicted of or pleads guilty to a 3572
specification of the type described in section 2941.149 of the 3573
Revised Code that the offender is a repeat violent offender. 3574

(ii) The offender within the preceding twenty years has 3575
been convicted of or pleaded guilty to three or more offenses 3576
described in division ~~(CC) (1)~~ (DD) (1) of section 2929.01 of the 3577
Revised Code, including all offenses described in that division 3578
of which the offender is convicted or to which the offender 3579
pleads guilty in the current prosecution and all offenses 3580
described in that division of which the offender previously has 3581
been convicted or to which the offender previously pleaded 3582
guilty, whether prosecuted together or separately. 3583

(iii) The offense or offenses of which the offender 3584
currently is convicted or to which the offender currently pleads 3585
guilty is aggravated murder and the court does not impose a 3586
sentence of death or life imprisonment without parole, murder, 3587
terrorism and the court does not impose a sentence of life 3588
imprisonment without parole, any felony of the first degree that 3589
is an offense of violence and the court does not impose a 3590

sentence of life imprisonment without parole, or any felony of
the second degree that is an offense of violence and the trier
of fact finds that the offense involved an attempt to cause or a
threat to cause serious physical harm to a person or resulted in
serious physical harm to a person.

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

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

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

(3) Except when an offender commits a violation of section
2903.01 or 2907.02 of the Revised Code and the penalty imposed
for the violation is life imprisonment or commits a violation of
section 2903.02 of the Revised Code, if the offender commits a
violation of section 2925.03 or 2925.11 of the Revised Code and
that section classifies the offender as a major drug offender,
if the offender commits a violation of section 2925.05 of the
Revised Code and division (E) (1) of that section classifies the
offender as a major drug offender, if the offender commits a
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36,
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61,

division (C) or (D) of section 3719.172, division (E) of section 3621
4729.51, or division (J) of section 4729.54 of the Revised Code 3622
that includes the sale, offer to sell, or possession of a 3623
schedule I or II controlled substance, with the exception of 3624
marihuana, and the court imposing sentence upon the offender 3625
finds that the offender is guilty of a specification of the type 3626
described in division (A) of section 2941.1410 of the Revised 3627
Code charging that the offender is a major drug offender, if the 3628
court imposing sentence upon an offender for a felony finds that 3629
the offender is guilty of corrupt activity with the most serious 3630
offense in the pattern of corrupt activity being a felony of the 3631
first degree, or if the offender is guilty of an attempted 3632
violation of section 2907.02 of the Revised Code and, had the 3633
offender completed the violation of section 2907.02 of the 3634
Revised Code that was attempted, the offender would have been 3635
subject to a sentence of life imprisonment or life imprisonment 3636
without parole for the violation of section 2907.02 of the 3637
Revised Code, the court shall impose upon the offender for the 3638
felony violation a mandatory prison term determined as described 3639
in this division that cannot be reduced pursuant to section 3640
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 3641
or any other provision of Chapter 2967. or 5120. of the Revised 3642
Code. The mandatory prison term shall be the maximum definite 3643
prison term prescribed in division (A)(1)(b) of this section for 3644
a felony of the first degree, except that for offenses for which 3645
division (A)(1)(a) of this section applies, the mandatory prison 3646
term shall be the longest minimum prison term prescribed in that 3647
division for the offense. 3648

(4) If the offender is being sentenced for a third or 3649
fourth degree felony OVI offense under division (G)(2) of 3650
section 2929.13 of the Revised Code, the sentencing court shall 3651

impose upon the offender a mandatory prison term in accordance 3652
with that division. In addition to the mandatory prison term, if 3653
the offender is being sentenced for a fourth degree felony OVI 3654
offense, the court, notwithstanding division (A) (4) of this 3655
section, may sentence the offender to a definite prison term of 3656
not less than six months and not more than thirty months, and if 3657
the offender is being sentenced for a third degree felony OVI 3658
offense, the sentencing court may sentence the offender to an 3659
additional prison term of any duration specified in division (A) 3660
(3) of this section. In either case, the additional prison term 3661
imposed shall be reduced by the sixty or one hundred twenty days 3662
imposed upon the offender as the mandatory prison term. The 3663
total of the additional prison term imposed under division (B) 3664
(4) of this section plus the sixty or one hundred twenty days 3665
imposed as the mandatory prison term shall equal a definite term 3666
in the range of six months to thirty months for a fourth degree 3667
felony OVI offense and shall equal one of the authorized prison 3668
terms specified in division (A) (3) of this section for a third 3669
degree felony OVI offense. If the court imposes an additional 3670
prison term under division (B) (4) of this section, the offender 3671
shall serve the additional prison term after the offender has 3672
served the mandatory prison term required for the offense. In 3673
addition to the mandatory prison term or mandatory and 3674
additional prison term imposed as described in division (B) (4) 3675
of this section, the court also may sentence the offender to a 3676
community control sanction under section 2929.16 or 2929.17 of 3677
the Revised Code, but the offender shall serve all of the prison 3678
terms so imposed prior to serving the community control 3679
sanction. 3680

If the offender is being sentenced for a fourth degree 3681
felony OVI offense under division (G) (1) of section 2929.13 of 3682

the Revised Code and the court imposes a mandatory term of local 3683
incarceration, the court may impose a prison term as described 3684
in division (A) (1) of that section. 3685

(5) If an offender is convicted of or pleads guilty to a 3686
violation of division (A) (1) or (2) of section 2903.06 of the 3687
Revised Code and also is convicted of or pleads guilty to a 3688
specification of the type described in section 2941.1414 of the 3689
Revised Code that charges that the victim of the offense is a 3690
peace officer, as defined in section 2935.01 of the Revised 3691
Code, an investigator of the bureau of criminal identification 3692
and investigation, as defined in section 2903.11 of the Revised 3693
Code, or a firefighter or emergency medical worker, both as 3694
defined in section 2941.1414 of the Revised Code, the court 3695
shall impose on the offender a prison term of five years. If a 3696
court imposes a prison term on an offender under division (B) (5) 3697
of this section, the prison term shall not be reduced pursuant 3698
to section 2929.20, division (A) (2) or (3) of section 2967.193 3699
or 2967.194, or any other provision of Chapter 2967. or Chapter 3700
5120. of the Revised Code. A court shall not impose more than 3701
one prison term on an offender under division (B) (5) of this 3702
section for felonies committed as part of the same act. 3703

(6) If an offender is convicted of or pleads guilty to a 3704
violation of division (A) (1) or (2) of section 2903.06 of the 3705
Revised Code and also is convicted of or pleads guilty to a 3706
specification of the type described in section 2941.1415 of the 3707
Revised Code that charges that the offender previously has been 3708
convicted of or pleaded guilty to three or more violations of 3709
division (A) of section 4511.19 of the Revised Code or an 3710
equivalent offense, as defined in section 2941.1415 of the 3711
Revised Code, or three or more violations of any combination of 3712
those offenses, the court shall impose on the offender a prison 3713

term of three years. If a court imposes a prison term on an 3714
offender under division (B) (6) of this section, the prison term 3715
shall not be reduced pursuant to section 2929.20, division (A) 3716
(2) or (3) of section 2967.193 or 2967.194, or any other 3717
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3718
A court shall not impose more than one prison term on an 3719
offender under division (B) (6) of this section for felonies 3720
committed as part of the same act. 3721

(7) (a) If an offender is convicted of or pleads guilty to 3722
a felony violation of section 2905.01, 2905.02, 2907.21, 3723
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3724
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3725
section 2919.22 of the Revised Code and also is convicted of or 3726
pleads guilty to a specification of the type described in 3727
section 2941.1422 of the Revised Code that charges that the 3728
offender knowingly committed the offense in furtherance of human 3729
trafficking, the court shall impose on the offender a mandatory 3730
prison term that is one of the following: 3731

(i) If the offense is a felony of the first degree, a 3732
definite prison term of not less than five years and not greater 3733
than eleven years, except that if the offense is a felony of the 3734
first degree committed on or after March 22, 2019, the court 3735
shall impose as the minimum prison term a mandatory term of not 3736
less than five years and not greater than eleven years; 3737

(ii) If the offense is a felony of the second or third 3738
degree, a definite prison term of not less than three years and 3739
not greater than the maximum prison term allowed for the offense 3740
by division (A) (2) (b) or (3) of this section, except that if the 3741
offense is a felony of the second degree committed on or after 3742
March 22, 2019, the court shall impose as the minimum prison 3743

term a mandatory term of not less than three years and not 3744
greater than eight years; 3745

(iii) If the offense is a felony of the fourth or fifth 3746
degree, a definite prison term that is the maximum prison term 3747
allowed for the offense by division (A) of section 2929.14 of 3748
the Revised Code. 3749

(b) The prison term imposed under division (B) (7) (a) of 3750
this section shall not be reduced pursuant to section 2929.20, 3751
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3752
other provision of Chapter 2967. of the Revised Code. A court 3753
shall not impose more than one prison term on an offender under 3754
division (B) (7) (a) of this section for felonies committed as 3755
part of the same act, scheme, or plan. 3756

(8) If an offender is convicted of or pleads guilty to a 3757
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3758
Revised Code and also is convicted of or pleads guilty to a 3759
specification of the type described in section 2941.1423 of the 3760
Revised Code that charges that the victim of the violation was a 3761
woman whom the offender knew was pregnant at the time of the 3762
violation, notwithstanding the range prescribed in division (A) 3763
of this section as the definite prison term or minimum prison 3764
term for felonies of the same degree as the violation, the court 3765
shall impose on the offender a mandatory prison term that is 3766
either a definite prison term of six months or one of the prison 3767
terms prescribed in division (A) of this section for felonies of 3768
the same degree as the violation, except that if the violation 3769
is a felony of the first or second degree committed on or after 3770
~~arch~~ March 22, 2019, the court shall impose as the minimum 3771
prison term under division (A) (1) (a) or (2) (a) of this section a 3772
mandatory term that is one of the terms prescribed in that 3773

division, whichever is applicable, for the offense. 3774

(9) (a) If an offender is convicted of or pleads guilty to 3775
a violation of division (A) (1) or (2) of section 2903.11 of the 3776
Revised Code and also is convicted of or pleads guilty to a 3777
specification of the type described in section 2941.1425 of the 3778
Revised Code, the court shall impose on the offender a mandatory 3779
prison term of six years if either of the following applies: 3780

(i) The violation is a violation of division (A) (1) of 3781
section 2903.11 of the Revised Code and the specification 3782
charges that the offender used an accelerant in committing the 3783
violation and the serious physical harm to another or to 3784
another's unborn caused by the violation resulted in a 3785
permanent, serious disfigurement or permanent, substantial 3786
incapacity; 3787

(ii) The violation is a violation of division (A) (2) of 3788
section 2903.11 of the Revised Code and the specification 3789
charges that the offender used an accelerant in committing the 3790
violation, that the violation caused physical harm to another or 3791
to another's unborn, and that the physical harm resulted in a 3792
permanent, serious disfigurement or permanent, substantial 3793
incapacity. 3794

(b) If a court imposes a prison term on an offender under 3795
division (B) (9) (a) of this section, the prison term shall not be 3796
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3797
section 2967.193 or 2967.194, or any other provision of Chapter 3798
2967. or Chapter 5120. of the Revised Code. A court shall not 3799
impose more than one prison term on an offender under division 3800
(B) (9) of this section for felonies committed as part of the 3801
same act. 3802

(c) The provisions of divisions (B) (9) and (C) (6) of this 3803
section and of division (D) (2) of section 2903.11, division (F) 3804
(20) of section 2929.13, and section 2941.1425 of the Revised 3805
Code shall be known as "Judy's Law." 3806

(10) If an offender is convicted of or pleads guilty to a 3807
violation of division (A) of section 2903.11 of the Revised Code 3808
and also is convicted of or pleads guilty to a specification of 3809
the type described in section 2941.1426 of the Revised Code that 3810
charges that the victim of the offense suffered permanent 3811
disabling harm as a result of the offense and that the victim 3812
was under ten years of age at the time of the offense, 3813
regardless of whether the offender knew the age of the victim, 3814
the court shall impose upon the offender an additional definite 3815
prison term of six years. A prison term imposed on an offender 3816
under division (B) (10) of this section shall not be reduced 3817
pursuant to section 2929.20, division (A) (2) or (3) of section 3818
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3819
Chapter 5120. of the Revised Code. If a court imposes an 3820
additional prison term on an offender under this division 3821
relative to a violation of division (A) of section 2903.11 of 3822
the Revised Code, the court shall not impose any other 3823
additional prison term on the offender relative to the same 3824
offense. 3825

(11) If an offender is convicted of or pleads guilty to a 3826
felony violation of section 2925.03 or 2925.05 of the Revised 3827
Code or a felony violation of section 2925.11 of the Revised 3828
Code for which division (C) (11) of that section applies in 3829
determining the sentence for the violation, if the drug involved 3830
in the violation is a fentanyl-related compound or a compound, 3831
mixture, preparation, or substance containing a fentanyl-related 3832
compound, and if the offender also is convicted of or pleads 3833

guilty to a specification of the type described in division (B) 3834
of section 2941.1410 of the Revised Code that charges that the 3835
offender is a major drug offender, in addition to any other 3836
penalty imposed for the violation, the court shall impose on the 3837
offender a mandatory prison term of three, four, five, six, 3838
seven, or eight years. If a court imposes a prison term on an 3839
offender under division (B)(11) of this section, the prison term 3840
shall not be reduced pursuant to section 2929.20, division (A) 3841
(2) or (3) of section 2967.193 or 2967.194, or any other 3842
provision of Chapter 2967. or 5120. of the Revised Code. A court 3843
shall not impose more than one prison term on an offender under 3844
division (B)(11) of this section for felonies committed as part 3845
of the same act. 3846

(12) If an offender who is convicted of or pleads guilty 3847
to a felony is also convicted of or pleads guilty to a 3848
specification of the type described in section 2941.1427 of the 3849
Revised Code that charges the offender with being a repeat 3850
offender, the court shall impose on the offender a mandatory 3851
prison term of three, four, or five years. 3852

(C)(1)(a) Subject to division (C)(1)(b) of this section, 3853
if a mandatory prison term is imposed upon an offender pursuant 3854
to division (B)(1)(a) of this section for having a firearm on or 3855
about the offender's person or under the offender's control 3856
while committing a felony, if a mandatory prison term is imposed 3857
upon an offender pursuant to division (B)(1)(c) of this section 3858
for committing a felony specified in that division by 3859
discharging a firearm from a motor vehicle, or if both types of 3860
mandatory prison terms are imposed, the offender shall serve any 3861
mandatory prison term imposed under either division 3862
consecutively to any other mandatory prison term imposed under 3863
either division or under division (B)(1)(d) of this section, 3864

consecutively to and prior to any prison term imposed for the 3865
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3866
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

(b) If a mandatory prison term is imposed upon an offender 3870
pursuant to division (B) (1) (d) of this section for wearing or 3871
carrying body armor while committing an offense of violence that 3872
is a felony, the offender shall serve the mandatory term so 3873
imposed consecutively to any other mandatory prison term imposed 3874
under that division or under division (B) (1) (a) or (c) of this 3875
section, consecutively to and prior to any prison term imposed 3876
for the underlying felony under division (A), (B) (2), or (B) (3) 3877
of this section or any other section of the Revised Code, and 3878
consecutively to any other prison term or mandatory prison term 3879
previously or subsequently imposed upon the offender. 3880

(c) If a mandatory prison term is imposed upon an offender 3881
pursuant to division (B) (1) (f) of this section, the offender 3882
shall serve the mandatory prison term so imposed consecutively 3883
to and prior to any prison term imposed for the underlying 3884
felony under division (A), (B) (2), or (B) (3) of this section or 3885
any other section of the Revised Code, and consecutively to any 3886
other prison term or mandatory prison term previously or 3887
subsequently imposed upon the offender. 3888

(d) If a mandatory prison term is imposed upon an offender 3889
pursuant to division (B) (7) or (8) of this section, the offender 3890
shall serve the mandatory prison term so imposed consecutively 3891
to any other mandatory prison term imposed under that division 3892
or under any other provision of law and consecutively to any 3893
other prison term or mandatory prison term previously or 3894

subsequently imposed upon the offender. 3895

(e) If a mandatory prison term is imposed upon an offender 3896
pursuant to division (B)(11) of this section, the offender shall 3897
serve the mandatory prison term consecutively to any other 3898
mandatory prison term imposed under that division, consecutively 3899
to and prior to any prison term imposed for the underlying 3900
felony, and consecutively to any other prison term or mandatory 3901
prison term previously or subsequently imposed upon the 3902
offender. 3903

(2) If an offender who is an inmate in a jail, prison, or 3904
other residential detention facility violates section 2917.02, 3905
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3906
(2) of section 2921.34 of the Revised Code, if an offender who 3907
is under detention at a detention facility commits a felony 3908
violation of section 2923.131 of the Revised Code, or if an 3909
offender who is an inmate in a jail, prison, or other 3910
residential detention facility or is under detention at a 3911
detention facility commits another felony while the offender is 3912
an escapee in violation of division (A)(1) or (2) of section 3913
2921.34 of the Revised Code, any prison term imposed upon the 3914
offender for one of those violations shall be served by the 3915
offender consecutively to the prison term or term of 3916
imprisonment the offender was serving when the offender 3917
committed that offense and to any other prison term previously 3918
or subsequently imposed upon the offender. 3919

(3) If a prison term is imposed for a violation of 3920
division (B) of section 2911.01 of the Revised Code, a violation 3921
of division (A) of section 2913.02 of the Revised Code in which 3922
the stolen property is a firearm or dangerous ordnance, or a 3923
felony violation of division (B) of section 2921.331 of the 3924

Revised Code, the offender shall serve that prison term 3925
consecutively to any other prison term or mandatory prison term 3926
previously or subsequently imposed upon the offender. 3927

(4) If multiple prison terms are imposed on an offender 3928
for convictions of multiple offenses, the court may require the 3929
offender to serve the prison terms consecutively if the court 3930
finds that the consecutive service is necessary to protect the 3931
public from future crime or to punish the offender and that 3932
consecutive sentences are not disproportionate to the 3933
seriousness of the offender's conduct and to the danger the 3934
offender poses to the public, and if the court also finds any of 3935
the following: 3936

(a) The offender committed one or more of the multiple 3937
offenses while the offender was awaiting trial or sentencing, 3938
was under a sanction imposed pursuant to section 2929.16, 3939
2929.17, or 2929.18 of the Revised Code, or was under post- 3940
release control for a prior offense. 3941

(b) At least two of the multiple offenses were committed 3942
as part of one or more courses of conduct, and the harm caused 3943
by two or more of the multiple offenses so committed was so 3944
great or unusual that no single prison term for any of the 3945
offenses committed as part of any of the courses of conduct 3946
adequately reflects the seriousness of the offender's conduct. 3947

(c) The offender's history of criminal conduct 3948
demonstrates that consecutive sentences are necessary to protect 3949
the public from future crime by the offender. 3950

(5) If a mandatory prison term is imposed upon an offender 3951
pursuant to division (B) (5) or (6) of this section, the offender 3952
shall serve the mandatory prison term consecutively to and prior 3953

to any prison term imposed for the underlying violation of 3954
division (A) (1) or (2) of section 2903.06 of the Revised Code 3955
pursuant to division (A) of this section or section 2929.142 of 3956
the Revised Code. If a mandatory prison term is imposed upon an 3957
offender pursuant to division (B) (5) of this section, and if a 3958
mandatory prison term also is imposed upon the offender pursuant 3959
to division (B) (6) of this section in relation to the same 3960
violation, the offender shall serve the mandatory prison term 3961
imposed pursuant to division (B) (5) of this section 3962
consecutively to and prior to the mandatory prison term imposed 3963
pursuant to division (B) (6) of this section and consecutively to 3964
and prior to any prison term imposed for the underlying 3965
violation of division (A) (1) or (2) of section 2903.06 of the 3966
Revised Code pursuant to division (A) of this section or section 3967
2929.142 of the Revised Code. 3968

(6) If a mandatory prison term is imposed on an offender 3969
pursuant to division (B) (9) of this section, the offender shall 3970
serve the mandatory prison term consecutively to and prior to 3971
any prison term imposed for the underlying violation of division 3972
(A) (1) or (2) of section 2903.11 of the Revised Code and 3973
consecutively to and prior to any other prison term or mandatory 3974
prison term previously or subsequently imposed on the offender. 3975

(7) If a mandatory prison term is imposed on an offender 3976
pursuant to division (B) (10) of this section, the offender shall 3977
serve that mandatory prison term consecutively to and prior to 3978
any prison term imposed for the underlying felonious assault. 3979
Except as otherwise provided in division (C) of this section, 3980
any other prison term or mandatory prison term previously or 3981
subsequently imposed upon the offender may be served 3982
concurrently with, or consecutively to, the prison term imposed 3983
pursuant to division (B) (10) of this section. 3984

(8) Any prison term imposed for a violation of section 3985
2903.04 of the Revised Code that is based on a violation of 3986
section 2925.03 or 2925.11 of the Revised Code or on a violation 3987
of section 2925.05 of the Revised Code that is not funding of 3988
marihuana trafficking shall run consecutively to any prison term 3989
imposed for the violation of section 2925.03 or 2925.11 of the 3990
Revised Code or for the violation of section 2925.05 of the 3991
Revised Code that is not funding of marihuana trafficking. 3992

(9) When consecutive prison terms are imposed pursuant to 3993
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3994
division (H)(1) or (2) of this section, subject to division (C) 3995
(10) of this section, the term to be served is the aggregate of 3996
all of the terms so imposed. 3997

(10) When a court sentences an offender to a non-life 3998
felony indefinite prison term, any definite prison term or 3999
mandatory definite prison term previously or subsequently 4000
imposed on the offender in addition to that indefinite sentence 4001
that is required to be served consecutively to that indefinite 4002
sentence shall be served prior to the indefinite sentence. 4003

(11) If a court is sentencing an offender for a felony of 4004
the first or second degree, if division (A)(1)(a) or (2)(a) of 4005
this section applies with respect to the sentencing for the 4006
offense, and if the court is required under the Revised Code 4007
section that sets forth the offense or any other Revised Code 4008
provision to impose a mandatory prison term for the offense, the 4009
court shall impose the required mandatory prison term as the 4010
minimum term imposed under division (A)(1)(a) or (2)(a) of this 4011
section, whichever is applicable. 4012

(D)(1) If a court imposes a prison term, other than a term 4013
of life imprisonment, for a felony of the first degree, for a 4014

felony of the second degree, for a felony sex offense, or for a 4015
felony of the third degree that is an offense of violence and 4016
that is not a felony sex offense, it shall include in the 4017
sentence a requirement that the offender be subject to a period 4018
of post-release control after the offender's release from 4019
imprisonment, in accordance with section 2967.28 of the Revised 4020
Code. If a court imposes a sentence including a prison term of a 4021
type described in this division on or after July 11, 2006, the 4022
failure of a court to include a post-release control requirement 4023
in the sentence pursuant to this division does not negate, 4024
limit, or otherwise affect the mandatory period of post-release 4025
control that is required for the offender under division (B) of 4026
section 2967.28 of the Revised Code. Section 2929.191 of the 4027
Revised Code applies if, prior to July 11, 2006, a court imposed 4028
a sentence including a prison term of a type described in this 4029
division and failed to include in the sentence pursuant to this 4030
division a statement regarding post-release control. 4031

(2) If a court imposes a prison term for a felony of the 4032
third, fourth, or fifth degree that is not subject to division 4033
(D)(1) of this section, it shall include in the sentence a 4034
requirement that the offender be subject to a period of post- 4035
release control after the offender's release from imprisonment, 4036
in accordance with that division, if the parole board determines 4037
that a period of post-release control is necessary. Section 4038
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4039
a court imposed a sentence including a prison term of a type 4040
described in this division and failed to include in the sentence 4041
pursuant to this division a statement regarding post-release 4042
control. 4043

(E) The court shall impose sentence upon the offender in 4044
accordance with section 2971.03 of the Revised Code, and Chapter 4045

2971. of the Revised Code applies regarding the prison term or 4046
term of life imprisonment without parole imposed upon the 4047
offender and the service of that term of imprisonment if any of 4048
the following apply: 4049

(1) A person is convicted of or pleads guilty to a violent 4050
sex offense or a designated homicide, assault, or kidnapping 4051
offense, and, in relation to that offense, the offender is 4052
adjudicated a sexually violent predator. 4053

(2) A person is convicted of or pleads guilty to a 4054
violation of division (A) (1) (b) of section 2907.02 of the 4055
Revised Code committed on or after January 2, 2007, and either 4056
the court does not impose a sentence of life without parole when 4057
authorized pursuant to division (B) of section 2907.02 of the 4058
Revised Code, or division (B) of section 2907.02 of the Revised 4059
Code provides that the court shall not sentence the offender 4060
pursuant to section 2971.03 of the Revised Code. 4061

(3) A person is convicted of or pleads guilty to attempted 4062
rape committed on or after January 2, 2007, and a specification 4063
of the type described in section 2941.1418, 2941.1419, or 4064
2941.1420 of the Revised Code. 4065

(4) A person is convicted of or pleads guilty to a 4066
violation of section 2905.01 of the Revised Code committed on or 4067
after January 1, 2008, and that section requires the court to 4068
sentence the offender pursuant to section 2971.03 of the Revised 4069
Code. 4070

(5) A person is convicted of or pleads guilty to 4071
aggravated murder committed on or after January 1, 2008, and 4072
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4073
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4074

(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 4105
upon the offender an additional prison term of two years. The 4106
offender shall serve the additional two years consecutively to 4107
and prior to the prison term imposed for the underlying offense. 4108

(2) (a) If an offender is convicted of or pleads guilty to 4109
a felony violation of section 2907.22, 2907.24, 2907.241, or 4110
2907.25 of the Revised Code and to a specification of the type 4111
described in section 2941.1421 of the Revised Code and if the 4112
court imposes a prison term on the offender for the felony 4113
violation, the court may impose upon the offender an additional 4114
prison term as follows: 4115

(i) Subject to division (H) (2) (a) (ii) of this section, an 4116
additional prison term of one, two, three, four, five, or six 4117
months; 4118

(ii) If the offender previously has been convicted of or 4119
pleaded guilty to one or more felony or misdemeanor violations 4120
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4121
the Revised Code and also was convicted of or pleaded guilty to 4122
a specification of the type described in section 2941.1421 of 4123
the Revised Code regarding one or more of those violations, an 4124
additional prison term of one, two, three, four, five, six, 4125
seven, eight, nine, ten, eleven, or twelve months. 4126

(b) In lieu of imposing an additional prison term under 4127
division (H) (2) (a) of this section, the court may directly 4128
impose on the offender a sanction that requires the offender to 4129
wear a real-time processing, continual tracking electronic 4130
monitoring device during the period of time specified by the 4131
court. The period of time specified by the court shall equal the 4132
duration of an additional prison term that the court could have 4133
imposed upon the offender under division (H) (2) (a) of this 4134

section. A sanction imposed under this division shall commence 4135
on the date specified by the court, provided that the sanction 4136
shall not commence until after the offender has served the 4137
prison term imposed for the felony violation of section 2907.22, 4138
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4139
residential sanction imposed for the violation under section 4140
2929.16 of the Revised Code. A sanction imposed under this 4141
division shall be considered to be a community control sanction 4142
for purposes of section 2929.15 of the Revised Code, and all 4143
provisions of the Revised Code that pertain to community control 4144
sanctions shall apply to a sanction imposed under this division, 4145
except to the extent that they would by their nature be clearly 4146
inapplicable. The offender shall pay all costs associated with a 4147
sanction imposed under this division, including the cost of the 4148
use of the monitoring device. 4149

(I) At the time of sentencing, the court may recommend the 4150
offender for placement in a program of shock incarceration under 4151
section 5120.031 of the Revised Code or for placement in an 4152
intensive program prison under section 5120.032 of the Revised 4153
Code, disapprove placement of the offender in a program of shock 4154
incarceration or an intensive program prison of that nature, or 4155
make no recommendation on placement of the offender. In no case 4156
shall the department of rehabilitation and correction place the 4157
offender in a program or prison of that nature unless the 4158
department determines as specified in section 5120.031 or 4159
5120.032 of the Revised Code, whichever is applicable, that the 4160
offender is eligible for the placement. 4161

If the court disapproves placement of the offender in a 4162
program or prison of that nature, the department of 4163
rehabilitation and correction shall not place the offender in 4164
any program of shock incarceration or intensive program prison. 4165

If the court recommends placement of the offender in a 4166
program of shock incarceration or in an intensive program 4167
prison, and if the offender is subsequently placed in the 4168
recommended program or prison, the department shall notify the 4169
court of the placement and shall include with the notice a brief 4170
description of the placement. 4171

If the court recommends placement of the offender in a 4172
program of shock incarceration or in an intensive program prison 4173
and the department does not subsequently place the offender in 4174
the recommended program or prison, the department shall send a 4175
notice to the court indicating why the offender was not placed 4176
in the recommended program or prison. 4177

If the court does not make a recommendation under this 4178
division with respect to an offender and if the department 4179
determines as specified in section 5120.031 or 5120.032 of the 4180
Revised Code, whichever is applicable, that the offender is 4181
eligible for placement in a program or prison of that nature, 4182
the department shall screen the offender and determine if there 4183
is an available program of shock incarceration or an intensive 4184
program prison for which the offender is suited. If there is an 4185
available program of shock incarceration or an intensive program 4186
prison for which the offender is suited, the department shall 4187
notify the court of the proposed placement of the offender as 4188
specified in section 5120.031 or 5120.032 of the Revised Code 4189
and shall include with the notice a brief description of the 4190
placement. The court shall have ten days from receipt of the 4191
notice to disapprove the placement. 4192

(J) If a person is convicted of or pleads guilty to 4193
aggravated vehicular homicide in violation of division (A) (1) of 4194
section 2903.06 of the Revised Code and division (B) (2) (c) of 4195

that section applies, the person shall be sentenced pursuant to 4196
section 2929.142 of the Revised Code. 4197

(K) (1) The court shall impose an additional mandatory 4198
prison term of two, three, four, five, six, seven, eight, nine, 4199
ten, or eleven years on an offender who is convicted of or 4200
pleads guilty to a violent felony offense if the offender also 4201
is convicted of or pleads guilty to a specification of the type 4202
described in section 2941.1424 of the Revised Code that charges 4203
that the offender is a violent career criminal and had a firearm 4204
on or about the offender's person or under the offender's 4205
control while committing the presently charged violent felony 4206
offense and displayed or brandished the firearm, indicated that 4207
the offender possessed a firearm, or used the firearm to 4208
facilitate the offense. The offender shall serve the prison term 4209
imposed under this division consecutively to and prior to the 4210
prison term imposed for the underlying offense. The prison term 4211
shall not be reduced pursuant to section 2929.20, division (A) 4212
(2) or (3) of section 2967.193 or 2967.194, or any other 4213
provision of Chapter 2967. or 5120. of the Revised Code. A court 4214
may not impose more than one sentence under division (B) (2) (a) 4215
of this section and this division for acts committed as part of 4216
the same act or transaction. 4217

(2) As used in division (K) (1) of this section, "violent 4218
career criminal" and "violent felony offense" have the same 4219
meanings as in section 2923.132 of the Revised Code. 4220

(L) If an offender receives or received a sentence of life 4221
imprisonment without parole, a sentence of life imprisonment, a 4222
definite sentence, or a sentence to an indefinite prison term 4223
under this chapter for a felony offense that was committed when 4224
the offender was under eighteen years of age, the offender's 4225

parole eligibility shall be determined under section 2967.132 of 4226
the Revised Code. 4227

Sec. 2941.141. (A) Imposition of a one-year mandatory 4228
prison term upon an offender under division (B)(1)(a)(iii) of 4229
section 2929.14 of the Revised Code is precluded unless the 4230
indictment, count in the indictment, or information charging the 4231
offense specifies that the offender had a firearm on or about 4232
the offender's person or under the offender's control while 4233
committing the offense. The specification shall be stated at the 4234
end of the body of the indictment, count, or information, and 4235
shall be in substantially the following form: 4236

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4237
Grand Jurors (or insert the person's or the prosecuting 4238
attorney's name when appropriate) further find and specify that 4239
(set forth that the offender had a firearm on or about the 4240
offender's person or under the offender's control while 4241
committing the offense.)" 4242

(B) Imposition of a one-year mandatory prison term upon an 4243
offender under division (B)(1)(a)(iii) of section 2929.14 of the 4244
Revised Code is precluded if a court imposes an eighteen-month, 4245
three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, or- 4246
~~nine-year~~ fifteen-year mandatory prison term on the offender 4247
under division (B)(1)(a)(i), (ii), (iv), (v), ~~or~~ (vi), or (vii) 4248
of that section relative to the same felony. 4249

(C) The specification described in division (A) of this 4250
section may be used in a delinquent child proceeding in the 4251
manner and for the purpose described in section 2152.17 of the 4252
Revised Code. 4253

(D) Imposition of an eighteen-month mandatory prison term 4254

upon an offender under division (B) (1) (a) (vi) of section 2929.14 4255
of the Revised Code is precluded unless the indictment, count in 4256
the indictment, or information charging the offense specifies 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 had 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. The specification shall be stated 4263
at the end of the body of the indictment, count, or information, 4264
and shall be in substantially the following form: 4265

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4266
Grand Jurors (or insert the person's or prosecuting attorney's 4267
name when appropriate) further find and specify that (set forth 4268
that the offender had a firearm on or about the offender's 4269
person or under the offender's control while committing the 4270
offense and that the offender previously has been convicted of 4271
or pleaded guilty to a firearm specification of the type 4272
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4273
2941.1412 of the Revised Code.)" 4274

(E) Imposition of an eighteen-month mandatory prison term 4275
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4276
of the Revised Code is precluded if the court imposes a one- 4277
year, three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, 4278
or ~~nine-year~~ fifteen-year mandatory prison term on the offender 4279
under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or (v)~~, or (vii) 4280
of that section relative to the same felony. 4281

(F) As used in this section, "firearm" has the same 4282
meaning as in section 2923.11 of the Revised Code. 4283

Sec. 2941.144. (A) Imposition of a ~~six-year~~ ten-year 4284

mandatory prison term upon an offender under division (B)(1)(a) 4285
(i) of section 2929.14 of the Revised Code is precluded unless 4286
the indictment, count in the indictment, or information charging 4287
the offense specifies that the offender had a firearm that is an 4288
automatic firearm or that was equipped with a firearm muffler or 4289
suppressor on or about the offender's person or under the 4290
offender's control while committing the offense and displayed 4291
the firearm, brandished the firearm, indicated that the offender 4292
possessed the firearm, or used it to facilitate the offense. The 4293
specification shall be stated at the end of the body of the 4294
indictment, count, or information and shall be stated in 4295
substantially the following form: 4296

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4297
Grand Jurors (or insert the person's or the prosecuting 4298
attorney's name when appropriate) further find and specify that 4299
(set forth that the offender had a firearm that is an automatic 4300
firearm or that was equipped with a firearm muffler or 4301
suppressor on or about the offender's person or under the 4302
offender's control while committing the offense and displayed 4303
the firearm, brandished the firearm, indicated that the offender 4304
possessed the firearm, or used it to facilitate the offense)." 4305

(B) Imposition of a ~~six-year~~ ten-year mandatory prison 4306
term upon an offender under division (B)(1)(a)(i) of section 4307
2929.14 of the Revised Code is precluded if a court imposes a 4308
one-year, eighteen-month, three-year, ~~fifty-four-month~~ five- 4309
year, or ~~nine-year~~ fifteen-year mandatory prison term on the 4310
offender under division (B)(1)(a)(ii), (iii), (iv), (v), ~~or~~ 4311
(vi), or (vii) of that section relative to the same felony. 4312

(C) The specification described in division (A) of this 4313
section may be used in a delinquent child proceeding in the 4314

manner and for the purpose described in section 2152.17 of the Revised Code.

(D) Imposition of a ~~nine-year~~ fifteen-year mandatory prison term upon an offender under division (B)(1)(a)(iv) 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 had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or 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 it to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

"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 had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or 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 it to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)"

(E) Imposition of a ~~nine-year~~ fifteen-year mandatory 4346
prison term upon an offender under division (B) (1) (a) (iv) of 4347
section 2929.14 of the Revised Code is precluded if the court 4348
imposes a one-year, eighteen-month, three-year, ~~fifty-four-month~~ 4349
five-year, or ~~six-year~~ ten-year mandatory prison term on the 4350
offender under division (B) (1) (a) (i), (ii), (iii), (v), ~~or~~ (vi), or 4351
or (vii) of that section relative to the same felony. 4352

(F) As used in this section, "firearm" and "automatic 4353
firearm" have the same meanings as in section 2923.11 of the 4354
Revised Code. 4355

Sec. 2941.145. (A) Imposition of a three-year mandatory 4356
prison term upon an offender under division (B) (1) (a) (ii) of 4357
section 2929.14 of the Revised Code is precluded unless the 4358
indictment, count in the indictment, or information charging the 4359
offense specifies that the offender had a firearm on or about 4360
the offender's person or under the offender's control while 4361
committing the offense and displayed the firearm, brandished the 4362
firearm, indicated that the offender possessed the firearm, or 4363
used it to facilitate the offense. The specification shall be 4364
stated at the end of the body of the indictment, count, or 4365
information, and shall be stated in substantially the following 4366
form: 4367

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4368
Grand Jurors (or insert the person's or the prosecuting 4369
attorney's name when appropriate) further find and specify that 4370
(set forth that the offender had a firearm on or about the 4371
offender's person or under the offender's control while 4372
committing the offense and displayed the firearm, brandished the 4373
firearm, indicated that the offender possessed the firearm, or 4374
used it to facilitate the offense)." 4375

(B) Imposition of a three-year mandatory prison term upon 4376
an offender under division (B) (1) (a) (ii) of section 2929.14 of 4377
the Revised Code is precluded if a court imposes a one-year, 4378
eighteen-month, ~~six-year, fifty-four-month~~ five-year, ten-year, 4379
or ~~nine-year fifteen-year~~ mandatory prison term on the offender 4380
under division (B) (1) (a) (i), (iii), (iv), (v), ~~or (vi),~~ or (vii) 4381
of that section relative to the same felony. 4382

(C) The specification described in division (A) of this 4383
section may be used in a delinquent child proceeding in the 4384
manner and for the purpose described in section 2152.17 of the 4385
Revised Code. 4386

(D) Imposition of a five-year mandatory prison term ~~of~~ 4387
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4388
of section 2929.14 of the Revised Code is precluded unless the 4389
indictment, count in the indictment, or information charging the 4390
offense specifies that the offender had a firearm on or about 4391
the offender's person or under the offender's control while 4392
committing the offense and displayed the firearm, brandished the 4393
firearm, indicated that the offender possessed a firearm, or 4394
used the firearm to facilitate the offense and that the offender 4395
previously has been convicted of or pleaded guilty to a firearm 4396
specification of the type described in section 2941.141, 4397
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4398
The specification shall be stated at the end of the body of the 4399
indictment, count, or information, and shall be in substantially 4400
the following form: 4401

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4402
Grand Jurors (or insert the person's or the prosecuting 4403
attorney's name when appropriate) further find and specify that 4404
(set forth that the offender had a firearm on or about the 4405

offender's person or under the offender's control while 4406
committing the offense and displayed the firearm, brandished the 4407
firearm, indicated that the offender possessed a firearm, or 4408
used the firearm to facilitate the offense and that the offender 4409
previously has been convicted of or pleaded guilty to a firearm 4410
specification of the type described in section 2941.141, 4411
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 4412
Code.) " 4413

(E) Imposition of a five-year mandatory prison term ~~of~~ 4414
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4415
of section 2929.14 of the Revised Code is precluded if the court 4416
imposes a one-year, eighteen-month, three-year, five-year, ten- 4417
year, or nine-year-fifteen-year mandatory prison term on the 4418
offender under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or~~ 4419
(vi), or (vii) of that section relative to the same felony. 4420

(F) As used in this section, "firearm" has the same 4421
meaning as in section 2923.11 of the Revised Code. 4422

Sec. 2941.146. (A) Imposition of a mandatory ~~five-year~~ 4423
seven-year prison term upon an offender under division (B) (1) (c) 4424
(i) of section 2929.14 of the Revised Code for committing a 4425
violation of section 2923.161 of the Revised Code or for 4426
committing a felony that includes, as an essential element, 4427
purposely or knowingly causing or attempting to cause the death 4428
of or physical harm to another and that was committed by 4429
discharging a firearm from a motor vehicle other than a 4430
manufactured home is precluded unless the indictment, count in 4431
the indictment, or information charging the offender specifies 4432
that the offender committed the offense by discharging a firearm 4433
from a motor vehicle other than a manufactured home. The 4434
specification shall be stated at the end of the body of the 4435

indictment, count, or information, and shall be stated in 4436
substantially the following form: 4437

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4438
Grand Jurors (or insert the person's or prosecuting attorney's 4439
name when appropriate) further find and specify that (set forth 4440
that the offender committed the violation of section 2923.161 of 4441
the Revised Code or the felony that includes, as an essential 4442
element, purposely or knowingly causing or attempting to cause 4443
the death of or physical harm to another and that was committed 4444
by discharging a firearm from a motor vehicle other than a 4445
manufactured home)." 4446

(B) The specification described in division (A) of this 4447
section may be used in a delinquent child proceeding in the 4448
manner and for the purpose described in section 2152.17 of the 4449
Revised Code. 4450

(C) Imposition of a ninety-month mandatory prison term 4451
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 4452
Code for committing a violation of section 2923.161 of the 4453
Revised Code or for committing a felony that includes, as an 4454
essential element, purposely or knowingly causing or attempting 4455
to cause the death of or physical harm to another and that was 4456
committed by discharging a firearm from a motor vehicle other 4457
than a manufactured home is precluded unless the indictment, 4458
count in the indictment, or information charging the offender 4459
specifies that the offender committed the offense by discharging 4460
a firearm from a motor vehicle other than a manufactured home 4461
and that the offender previously has been convicted of or 4462
pleaded guilty to a firearm specification of the type described 4463
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 4464
of the Revised Code. The specification shall be stated at the 4465

end of the body of the indictment, count, or information, and 4466
shall be stated in substantially the following form: 4467

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4468
Grand Jurors (or insert the person's or prosecuting attorney's 4469
name where appropriate) further find and specify that (set forth 4470
that the offender committed the violation of section 2923.161 of 4471
the Revised Code or the felony that includes, as an essential 4472
element, purposely or knowingly causing or attempting to cause 4473
the death of or physical harm to another and that was committed 4474
by discharging a firearm from a motor vehicle other than a 4475
manufactured home and that the offender previously has been 4476
convicted of or pleaded guilty to a firearm specification of the 4477
type described in section 2941.141, 2941.144, 2941.145, 4478
2941.146, or 2941.1412 of the Revised Code)." 4479

(D) As used in this section: 4480

(1) "Firearm" has the same meaning as in section 2923.11 4481
of the Revised Code; 4482

(2) "Motor vehicle" and "manufactured home" have the same 4483
meanings as in section 4501.01 of the Revised Code. 4484

Sec. 2941.1427. (A) Imposition of a three, four, or five- 4485
year mandatory prison term upon an offender pursuant to division 4486
(B) (12) of section 2929.14 of the Revised Code, pursuant to 4487
determination by a court that an offender is a repeat offender, 4488
is precluded unless the indictment, count in the indictment, or 4489
information charging the offender specifies that the offender is 4490
a repeat offender. The specification shall be stated at the end 4491
of the body of the indictment, count, or information, and shall 4492
be stated in substantially the following form: 4493

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4494

Grand Jurors (or insert the person's or prosecuting attorney's 4495
name when appropriate) further find and specify that (set forth 4496
that the offender is a repeat offender)." 4497

(B) The court shall determine the issue of whether an 4498
offender is a repeat offender. 4499

(C) At the arraignment of the defendant or as soon 4500
thereafter as is practicable, the prosecuting attorney may give 4501
notice to the defendant of the prosecuting attorney's intention 4502
to use a certified copy of the entry of judgment of a prior 4503
conviction as proof of that prior conviction. The defendant must 4504
then give notice to the prosecuting attorney of the defendant's 4505
intention to object to the use of the entry of judgment. If the 4506
defendant pursuant to Criminal Rule 12 does not give notice of 4507
that intention to the prosecuting attorney before trial, the 4508
defendant waives the objection to the use of an entry of 4509
judgment as proof of the defendant's prior conviction, as shown 4510
on the entry of judgment. 4511

(D) Imposition of a three, four, or five-year mandatory 4512
prison term upon an offender pursuant to division (B) (12) of 4513
section 2929.14 of the Revised Code is precluded if the court 4514
imposes a one, two, three, four, five, six, seven, eight, nine, 4515
ten, or eleven-year mandatory prison term on the offender under 4516
section 2941.149, 2941.1410, or 2941.1424 of the Revised Code 4517
relative to that same felony. 4518

(E) As used in this section, "repeat offender" has the 4519
same meaning as in section 2929.01 of the Revised Code. 4520

Sec. 2941.1428. (A) Imposition of a five-year mandatory 4521
prison term upon an offender under division (B) (1) (a) (vii) of 4522
section 2929.14 of the Revised Code is precluded unless the 4523

indictment, count in the indictment, or information charging the 4524
offense specifies that the offender discharged a firearm while 4525
committing the offense. The specification shall be stated at the 4526
end of the body of the indictment, count, or information, and 4527
shall be stated in substantially the following form: 4528

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4529
Grand Jurors (or insert the person's or the prosecuting 4530
attorney's name when appropriate) further find and specify that 4531
(set forth that the offender discharged a firearm while 4532
committing the offense.)" 4533

(B) Imposition of a five-year mandatory prison term upon 4534
an offender under division (B) (1) (a) (vii) of section 2929.14 of 4535
the Revised Code is precluded if the court imposes an eighteen- 4536
month, one-year, three-year, five-year, ten-year, or fifteen- 4537
year mandatory prison term on the offender under division (B) (1) 4538
(a) (i), (ii), (iii), (iv), (v), or (vi) of that section relative 4539
to the same felony. 4540

(C) The specification described in division (A) of this 4541
section may be used in a delinquent child proceeding in the 4542
manner and for the purpose described in section 2152.17 of the 4543
Revised Code. 4544

(D) As used in this section, "firearm" has the same 4545
meaning as in section 2923.11 of the Revised Code. 4546

Sec. 2953.25. (A) As used in this section: 4547

(1) "Collateral sanction" means a penalty, disability, or 4548
disadvantage that is related to employment or occupational 4549
licensing, however denominated, as a result of the individual's 4550
conviction of or plea of guilty to an offense and that applies 4551
by operation of law in this state whether or not the penalty, 4552

disability, or disadvantage is included in the sentence or 4553
judgment imposed. 4554

"Collateral sanction" does not include imprisonment, 4555
probation, parole, supervised release, forfeiture, restitution, 4556
fine, assessment, or costs of prosecution. 4557

(2) "Decision-maker" includes, but is not limited to, the 4558
state acting through a department, agency, board, commission, or 4559
instrumentality established by the law of this state for the 4560
exercise of any function of government, a political subdivision, 4561
an educational institution, or a government contractor or 4562
subcontractor made subject to this section by contract, law, or 4563
ordinance. 4564

(3) "Department-funded program" means a residential or 4565
nonresidential program that is not a term in a state 4566
correctional institution, that is funded in whole or part by the 4567
department of rehabilitation and correction, and that is imposed 4568
as a sanction for an offense, as part of a sanction that is 4569
imposed for an offense, or as a term or condition of any 4570
sanction that is imposed for an offense. 4571

(4) "Designee" means the person designated by the deputy 4572
director of the division of parole and community services to 4573
perform the duties designated in division (B) of this section. 4574

(5) "Division of parole and community services" means the 4575
division of parole and community services of the department of 4576
rehabilitation and correction. 4577

(6) "Offense" means any felony or misdemeanor under the 4578
laws of this state. 4579

(7) "Political subdivision" has the same meaning as in 4580
section 2969.21 of the Revised Code. 4581

(8) "Discretionary civil impact," "licensing agency," and 4582
"mandatory civil impact" have the same meanings as in section 4583
2961.21 of the Revised Code. 4584

(B) (1) An individual who is subject to one or more 4585
collateral sanctions as a result of being convicted of or 4586
pleading guilty to an offense and who either has served a term 4587
in a state correctional institution for any offense or has spent 4588
time in a department-funded program for any offense may file a 4589
petition with the designee of the deputy director of the 4590
division of parole and community services for a certificate of 4591
qualification for employment. 4592

(2) An individual who is subject to one or more collateral 4593
sanctions as a result of being convicted of or pleading guilty 4594
to an offense and who is not in a category described in division 4595
(B) (1) of this section may file for a certificate of 4596
qualification for employment by doing either of the following: 4597

(a) In the case of an individual who resides in this 4598
state, filing a petition with the court of common pleas of the 4599
county in which the person resides or with the designee of the 4600
deputy director of the division of parole and community 4601
services; 4602

(b) In the case of an individual who resides outside of 4603
this state, filing a petition with the court of common pleas of 4604
any county in which any conviction or plea of guilty from which 4605
the individual seeks relief was entered or with the designee of 4606
the deputy director of the division of parole and community 4607
services. 4608

(3) A petition under division (B) (1) or (2) of this 4609
section shall be made on a copy of the form prescribed by the 4610

division of parole and community services under division (J) of 4611
this section, shall contain all of the information described in 4612
division (F) of this section, and, except as provided in 4613
division (B) (6) of this section, shall be accompanied by an 4614
application fee of fifty dollars and may be accompanied by a 4615
local court fee of not more than fifty dollars. 4616

(4) (a) Except as provided in division (B) (4) (b) of this 4617
section, an individual may file a petition under division (B) (1) 4618
or (2) of this section at any time after the expiration of 4619
whichever of the following is applicable: 4620

(i) If the offense that resulted in the collateral 4621
sanction from which the individual seeks relief is a felony, at 4622
any time after the expiration of one year from the date of 4623
release of the individual from any period of incarceration in a 4624
state or local correctional facility that was imposed for that 4625
offense and all periods of supervision imposed after release 4626
from the period of incarceration or, if the individual was not 4627
incarcerated for that offense, at any time after the expiration 4628
of one year from the date of the individual's final release from 4629
all other sanctions imposed for that offense. 4630

(ii) If the offense that resulted in the collateral 4631
sanction from which the individual seeks relief is a 4632
misdemeanor, at any time after the expiration of six months from 4633
the date of release of the individual from any period of 4634
incarceration in a local correctional facility that was imposed 4635
for that offense and all periods of supervision imposed after 4636
release from the period of incarceration or, if the individual 4637
was not incarcerated for that offense, at any time after the 4638
expiration of six months from the date of the final release of 4639
the individual from all sanctions imposed for that offense 4640

including any period of supervision. 4641

(b) The department of rehabilitation and correction may 4642
establish criteria by rule adopted under Chapter 119. of the 4643
Revised Code that, if satisfied by an individual, would allow 4644
the individual to file a petition before the expiration of six 4645
months or one year from the date of final release, whichever is 4646
applicable under division (B) (4) (a) of this section. 4647

(5) (a) A designee that receives a petition for a 4648
certificate of qualification for employment from an individual 4649
under division (B) (1) or (2) of this section shall review the 4650
petition to determine whether it is complete. If the petition is 4651
complete, the designee shall forward the petition, the 4652
application fee, and any other information the designee 4653
possesses that relates to the petition, to the court of common 4654
pleas of the county in which the individual resides if the 4655
individual submitting the petition resides in this state or, if 4656
the individual resides outside of this state, to the court of 4657
common pleas of the county in which the conviction or plea of 4658
guilty from which the individual seeks relief was entered. 4659

(b) A court of common pleas that receives a petition for a 4660
certificate of qualification for employment from an individual 4661
under division (B) (2) of this section, or that is forwarded a 4662
petition for such a certificate under division (B) (5) (a) of this 4663
section, shall attempt to determine all other courts in this 4664
state in which the individual was convicted of or pleaded guilty 4665
to an offense other than the offense from which the individual 4666
is seeking relief. The court that receives or is forwarded the 4667
petition shall notify all other courts in this state that it 4668
determines under this division were courts in which the 4669
individual was convicted of or pleaded guilty to an offense 4670

other than the offense from which the individual is seeking 4671
relief that the individual has filed the petition and that the 4672
court may send comments regarding the possible issuance of the 4673
certificate. 4674

A court of common pleas that receives a petition for a 4675
certificate of qualification for employment under division (B) 4676
(2) of this section shall notify the county's prosecuting 4677
attorney that the individual has filed the petition. 4678

A court of common pleas that receives a petition for a 4679
certificate of qualification for employment under division (B) 4680
(2) of this section, or that is forwarded a petition for 4681
qualification under division (B) (5) (a) of this section may 4682
direct the clerk of court to process and record all notices 4683
required in or under this section. Except as provided in 4684
division (B) (6) of this section, the court shall pay thirty 4685
dollars of the application fee into the state treasury and 4686
twenty dollars of the application fee into the county general 4687
revenue fund. 4688

(6) Upon receiving a petition for a certificate of 4689
qualification for employment filed by an individual under 4690
division (B) (1) or (2) of this section, a court of common pleas 4691
or the designee of the deputy director of the division of parole 4692
and community services who receives the petition may waive all 4693
or part of the application fee of fifty dollars described in 4694
division (B) (3) of this section, for an applicant who presents a 4695
poverty affidavit showing that the applicant is indigent. If an 4696
applicant pays an application fee, the first twenty dollars or 4697
two-fifths of the fee, whichever is greater, that is collected 4698
shall be paid into the county general revenue fund. If an 4699
applicant pays an application fee, the amount collected in 4700

excess of the amount to be paid into the county general revenue 4701
fund shall be paid into the state treasury. 4702

(C) (1) Upon receiving a petition for a certificate of 4703
qualification for employment filed by an individual under 4704
division (B) (2) of this section or being forwarded a petition 4705
for such a certificate under division (B) (5) (a) of this section, 4706
the court shall review the individual's petition, the 4707
individual's criminal history, except for information contained 4708
in any record that has been sealed under section 2953.32 or 4709
2953.321 of the Revised Code, all filings submitted by the 4710
prosecutor or by the victim in accordance with rules adopted by 4711
the division of parole and community services, the applicant's 4712
military service record, if applicable, and whether the 4713
applicant has an emotional, mental, or physical condition that 4714
is traceable to the applicant's military service in the armed 4715
forces of the United States and that was a contributing factor 4716
in the commission of the offense or offenses, and all other 4717
relevant evidence. The court may order any report, 4718
investigation, or disclosure by the individual that the court 4719
believes is necessary for the court to reach a decision on 4720
whether to approve the individual's petition for a certificate 4721
of qualification for employment, except that the court shall not 4722
require an individual to disclose information about any record 4723
sealed under section 2953.32 or 2953.321 of the Revised Code. 4724

(2) Upon receiving a petition for a certificate of 4725
qualification for employment filed by an individual under 4726
division (B) (2) of this section or being forwarded a petition 4727
for such a certificate under division (B) (5) (a) of this section, 4728
except as otherwise provided in this division, the court shall 4729
decide whether to issue the certificate within sixty days after 4730
the court receives or is forwarded the completed petition and 4731

all information requested for the court to make that decision. 4732
Upon request of the individual who filed the petition, the court 4733
may extend the sixty-day period specified in this division. 4734

(3) Except as provided in division (C) (5) of this section 4735
and subject to division (C) (7) of this section, a court that 4736
receives an individual's petition for a certificate of 4737
qualification for employment under division (B) (2) of this 4738
section or that is forwarded a petition for such a certificate 4739
under division (B) (5) (a) of this section may issue a certificate 4740
of qualification for employment, at the court's discretion, if 4741
the court finds that the individual has established all of the 4742
following by a preponderance of the evidence: 4743

(a) Granting the petition will materially assist the 4744
individual in obtaining employment or occupational licensing. 4745

(b) The individual has a substantial need for the relief 4746
requested in order to live a law-abiding life. 4747

(c) Granting the petition would not pose an unreasonable 4748
risk to the safety of the public or any individual. 4749

(4) The submission of an incomplete petition by an 4750
individual shall not be grounds for the designee or court to 4751
deny the petition. 4752

(5) Subject to division (C) (6) of this section, an 4753
individual is rebuttably presumed to be eligible for a 4754
certificate of qualification for employment if the court that 4755
receives the individual's petition under division (B) (2) of this 4756
section or that is forwarded a petition under division (B) (5) (a) 4757
of this section finds all of the following: 4758

(a) The application was filed after the expiration of the 4759
applicable waiting period prescribed in division (B) (4) of this 4760

section; 4761

(b) If the offense that resulted in the collateral 4762
sanction from which the individual seeks relief is a felony, at 4763
least three years have elapsed since the date of release of the 4764
individual from any period of incarceration in a state or local 4765
correctional facility that was imposed for that offense and all 4766
periods of supervision imposed after release from the period of 4767
incarceration or, if the individual was not incarcerated for 4768
that offense, at least three years have elapsed since the date 4769
of the individual's final release from all other sanctions 4770
imposed for that offense; 4771

(c) If the offense that resulted in the collateral 4772
sanction from which the individual seeks relief is a 4773
misdemeanor, at least one year has elapsed since the date of 4774
release of the individual from any period of incarceration in a 4775
local correctional facility that was imposed for that offense 4776
and all periods of supervision imposed after release from the 4777
period of incarceration or, if the individual was not 4778
incarcerated for that offense, at least one year has elapsed 4779
since the date of the final release of the individual from all 4780
sanctions imposed for that offense including any period of 4781
supervision. 4782

(6) An application that meets all of the requirements for 4783
the presumption under division (C)(5) of this section shall be 4784
denied only if the court that receives the petition finds that 4785
the evidence reviewed under division (C)(1) of this section 4786
rebutts the presumption of eligibility for issuance by 4787
establishing, by clear and convincing evidence, that the 4788
applicant has not been rehabilitated. 4789

(7) A certificate of qualification for employment shall 4790

not create relief from any of the following collateral 4791
sanctions: 4792

(a) Requirements imposed by Chapter 2950. of the Revised 4793
Code and rules adopted under sections 2950.13 and 2950.132 of 4794
the Revised Code; 4795

(b) A driver's license, commercial driver's license, or 4796
probationary license suspension, cancellation, or revocation 4797
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 4798
the Revised Code if the relief sought is available pursuant to 4799
section 4510.021 or division (B) of section 4510.13 of the 4800
Revised Code; 4801

(c) Restrictions on employment as a prosecutor or law 4802
enforcement officer; 4803

(d) The denial, ineligibility, or automatic suspension of 4804
a license that is imposed upon an individual applying for or 4805
holding a license as a health care professional under Title 4806
XLVII of the Revised Code if the individual is convicted of, 4807
pleads guilty to, is subject to a judicial finding of 4808
eligibility for intervention in lieu of conviction in this state 4809
under section 2951.041 of the Revised Code, or is subject to 4810
treatment or intervention in lieu of conviction for a violation 4811
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 4812
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 4813
2919.124 of the Revised Code; 4814

(e) The immediate suspension of a license, certificate, or 4815
evidence of registration that is imposed upon an individual 4816
holding a license as a health care professional under Title 4817
XLVII of the Revised Code pursuant to division (C) of section 4818
3719.121 of the Revised Code; 4819

(f) The denial or ineligibility for employment in a pain 4820
clinic under division (B) (4) of section 4729.552 of the Revised 4821
Code; 4822

(g) The mandatory suspension of a license that is imposed 4823
on an individual applying for or holding a license as a health 4824
care professional under Title XLVII of the Revised Code pursuant 4825
to section 3123.43 of the Revised Code. 4826

(8) If a court that receives an individual's petition for 4827
a certificate of qualification for employment under division (B) 4828
(2) of this section or that is forwarded a petition for such a 4829
certificate under division (B) (5) (a) of this section denies the 4830
petition, the court shall provide written notice to the 4831
individual of the court's denial. The court may place conditions 4832
on the individual regarding the individual's filing of any 4833
subsequent petition for a certificate of qualification for 4834
employment. The written notice must notify the individual of any 4835
conditions placed on the individual's filing of a subsequent 4836
petition for a certificate of qualification for employment. 4837

If a court of common pleas that receives an individual's 4838
petition for a certificate of qualification for employment under 4839
division (B) (2) of this section or that is forwarded a petition 4840
for such a certificate under division (B) (5) (a) of this section 4841
denies the petition, the individual may appeal the decision to 4842
the court of appeals only if the individual alleges that the 4843
denial was an abuse of discretion on the part of the court of 4844
common pleas. 4845

(D) (1) A certificate of qualification for employment 4846
issued to an individual lifts the automatic bar of a collateral 4847
sanction, and a decision-maker shall consider on a case-by-case 4848
basis whether to grant or deny the issuance or restoration of an 4849

occupational license or an employment opportunity, 4850
notwithstanding the individual's possession of the certificate, 4851
without, however, reconsidering or rejecting any finding made by 4852
a designee or court under division (C) (3) of this section. 4853

(2) The certificate constitutes a rebuttable presumption 4854
that the person's criminal convictions are insufficient evidence 4855
that the person is unfit for the license, employment 4856
opportunity, or certification in question. Notwithstanding the 4857
presumption established under this division, the agency may deny 4858
the license or certification for the person if it determines 4859
that the person is unfit for issuance of the license. 4860

(3) If an employer that has hired a person who has been 4861
issued a certificate of qualification for employment applies to 4862
a licensing agency for a license or certification and the person 4863
has a conviction or guilty plea that otherwise would bar the 4864
person's employment with the employer or licensure for the 4865
employer because of a mandatory civil impact, the agency shall 4866
give the person individualized consideration, notwithstanding 4867
the mandatory civil impact, the mandatory civil impact shall be 4868
considered for all purposes to be a discretionary civil impact, 4869
and the certificate constitutes a rebuttable presumption that 4870
the person's criminal convictions are insufficient evidence that 4871
the person is unfit for the employment, or that the employer is 4872
unfit for the license or certification, in question. 4873

(E) A certificate of qualification for employment does not 4874
grant the individual to whom the certificate was issued relief 4875
from the mandatory civil impacts identified in division (A) (1) 4876
of section 2961.01 or division (B) of section 2961.02 of the 4877
Revised Code. 4878

(F) A petition for a certificate of qualification for 4879

employment filed by an individual under division (B) (1) or (2) 4880
of this section shall include all of the following: 4881

(1) The individual's name, date of birth, and social 4882
security number; 4883

(2) All aliases of the individual and all social security 4884
numbers associated with those aliases; 4885

(3) The individual's residence address, including the 4886
city, county, and state of residence and zip code; 4887

(4) The length of time that the individual has resided in 4888
the individual's current state of residence, expressed in years 4889
and months of residence; 4890

(5) A general statement as to why the individual has filed 4891
the petition and how the certificate of qualification for 4892
employment would assist the individual; 4893

(6) A summary of the individual's criminal history, except 4894
for information contained in any record that has been sealed or 4895
expunged under section 2953.32, 2953.321, or 2953.39 of the 4896
Revised Code, with respect to each offense that is a 4897
disqualification from employment or licensing in an occupation 4898
or profession, including the years of each conviction or plea of 4899
guilty for each of those offenses; 4900

(7) A summary of the individual's employment history, 4901
specifying the name of, and dates of employment with, each 4902
employer; 4903

(8) Verifiable references and endorsements; 4904

(9) The name of one or more immediate family members of 4905
the individual, or other persons with whom the individual has a 4906
close relationship, who support the individual's reentry plan; 4907

(10) A summary of the reason the individual believes the 4908
certificate of qualification for employment should be granted; 4909

(11) Any other information required by rule by the 4910
department of rehabilitation and correction. 4911

(G) (1) In a judicial or administrative proceeding alleging 4912
negligence or other fault, a certificate of qualification for 4913
employment issued to an individual under this section may be 4914
introduced as evidence of a person's due care in hiring, 4915
retaining, licensing, leasing to, admitting to a school or 4916
program, or otherwise transacting business or engaging in 4917
activity with the individual to whom the certificate of 4918
qualification for employment was issued if the person knew of 4919
the certificate at the time of the alleged negligence or other 4920
fault. 4921

(2) In any proceeding on a claim against an employer for 4922
negligent hiring, a certificate of qualification for employment 4923
issued to an individual under this section shall provide 4924
immunity for the employer as to the claim if the employer knew 4925
of the certificate at the time of the alleged negligence. 4926

(3) If an employer hires an individual who has been issued 4927
a certificate of qualification for employment under this 4928
section, if the individual, after being hired, subsequently 4929
demonstrates dangerousness or is convicted of or pleads guilty 4930
to a felony, and if the employer retains the individual as an 4931
employee after the demonstration of dangerousness or the 4932
conviction or guilty plea, the employer may be held liable in a 4933
civil action that is based on or relates to the retention of the 4934
individual as an employee only if it is proved by a 4935
preponderance of the evidence that the person having hiring and 4936
firing responsibility for the employer had actual knowledge that 4937

the employee was dangerous or had been convicted of or pleaded 4938
guilty to the felony and was willful in retaining the individual 4939
as an employee after the demonstration of dangerousness or the 4940
conviction or guilty plea of which the person has actual 4941
knowledge. 4942

(H) A certificate of qualification for employment issued 4943
under this section shall be revoked if the individual to whom 4944
the certificate of qualification for employment was issued is 4945
convicted of or pleads guilty to a felony offense committed 4946
subsequent to the issuance of the certificate of qualification 4947
for employment. The department of rehabilitation and correction 4948
shall periodically review the certificates listed in the 4949
database described in division (K) of this section to identify 4950
those that are subject to revocation under this division. Upon 4951
identifying a certificate of qualification for employment that 4952
is subject to revocation, the department shall note in the 4953
database that the certificate has been revoked, the reason for 4954
revocation, and the effective date of revocation, which shall be 4955
the date of the conviction or plea of guilty subsequent to the 4956
issuance of the certificate. 4957

(I) A designee's forwarding, or failure to forward, a 4958
petition for a certificate of qualification for employment to a 4959
court or a court's issuance, or failure to issue, a petition for 4960
a certificate of qualification for employment to an individual 4961
under division (B) of this section does not give rise to a claim 4962
for damages against the department of rehabilitation and 4963
correction or court. 4964

(J) The division of parole and community services shall 4965
adopt rules in accordance with Chapter 119. of the Revised Code 4966
for the implementation and administration of this section and 4967

shall prescribe the form for the petition to be used under 4968
division (B) (1) or (2) of this section. The form for the 4969
petition shall include places for all of the information 4970
specified in division (F) of this section. 4971

(K) The department of rehabilitation and correction shall 4972
maintain a database that identifies granted certificates and 4973
revoked certificates and tracks the number of certificates 4974
granted and revoked, the industries, occupations, and 4975
professions with respect to which the certificates have been 4976
most applicable, and the types of employers that have accepted 4977
the certificates. The department shall annually create a report 4978
that summarizes the information maintained in the database and 4979
shall make the report available to the public on its internet 4980
web site. 4981

Sec. 2953.26. (A) As used in this section: 4982

(1) "Collateral sanction for housing" means a penalty, 4983
disability, or disadvantage that is related to housing as a 4984
result of the individual's conviction of or plea of guilty to an 4985
offense and that applies by operation of law in this state 4986
whether or not the penalty, disability, or disadvantage is 4987
included in the sentence or judgment imposed. 4988

"Collateral sanction for housing" does not include 4989
imprisonment, probation, parole, supervised release, forfeiture, 4990
restitution, fine, assessment, or costs of prosecution. 4991

(2) "Decision-maker" means a housing provider in this 4992
state of residential premises as defined in section 1923.01 of 4993
the Revised Code, including a landlord as defined in section 4994
1923.01 of the Revised Code and a metropolitan housing authority 4995
established in Chapter 3735. of the Revised Code. 4996

(3) "Division of parole and community services" means the 4997
division of parole and community services of the department of 4998
rehabilitation and correction. 4999

(4) "Offense" means any felony or misdemeanor under the 5000
laws of this state. 5001

(5) "Tort action" means a civil action for injury, death, 5002
or loss to person or property. 5003

(B) (1) An individual who is subject to one or more 5004
collateral sanctions for housing as a result of being convicted 5005
of or pleading guilty to an offense and who has not already 5006
received a certificate of qualification for housing under 5007
section 2961.25 of the Revised Code may file for a certificate 5008
of qualification for housing by doing either of the following: 5009

(a) In the case of an individual who resides in this 5010
state, filing a petition with the court of common pleas of the 5011
county in which the person resides; 5012

(b) In the case of an individual who resides outside of 5013
this state, filing a petition with the court of common pleas of 5014
any county in which any conviction or plea of guilty from which 5015
the individual seeks relief was entered. 5016

(2) A petition under division (B) (1) of this section shall 5017
be made on a copy of the form prescribed by the division of 5018
parole and community services under division (I) of this 5019
section, shall contain all of the information described in 5020
division (E) of this section, and, except as provided in 5021
division (B) (5) of this section, shall be accompanied by an 5022
application fee of fifty dollars. 5023

(3) An individual may file a petition under division (B) 5024
(1) of this section at any time after the expiration of 5025

whichever of the following is applicable: 5026

(a) If the offense that resulted in the collateral 5027
sanction for housing from which the individual seeks relief is a 5028
felony, at any time after the expiration of one year from the 5029
date of release of the individual from any period of 5030
incarceration in a state or local correctional facility that was 5031
imposed for that offense or, if the individual was not 5032
incarcerated for that offense, at any time after the expiration 5033
of one year from the date of the individual's final release from 5034
all other sanctions imposed for that offense; 5035

(b) If the offense that resulted in the collateral 5036
sanction for housing from which the individual seeks relief is a 5037
misdemeanor, at any time after the expiration of six months from 5038
the date of release of the individual from any period of 5039
incarceration in a local correctional facility that was imposed 5040
for that offense and all periods of supervision imposed after 5041
release from the period of incarceration or, if the individual 5042
was not incarcerated for that offense, at any time after the 5043
expiration of six months from the date of the final release of 5044
the individual from all sanctions imposed for that offense 5045
including any period of supervision. 5046

(4) A court of common pleas that receives a petition for a 5047
certificate of qualification for housing from an individual 5048
shall attempt to determine all other courts in this state in 5049
which the individual was convicted of or pleaded guilty to an 5050
offense other than the offense from which the individual is 5051
seeking relief. The court shall notify all other courts in this 5052
state that it determines under this division were courts in 5053
which the individual was convicted of or pleaded guilty to an 5054
offense other than the offense from which the individual is 5055

seeking relief that the individual has filed the petition and 5056
that the court may send comments regarding the possible issuance 5057
of the certificate, and shall notify the county's prosecuting 5058
attorney that the individual has filed the petition. 5059

A court of common pleas that receives a petition for a 5060
certificate of qualification for housing may direct the clerk of 5061
court to process and record all notices required in or under 5062
this section. Except as provided in division (B) (5) of this 5063
section, the court shall pay thirty dollars of the application 5064
fee into the state treasury and twenty dollars of the 5065
application fee into the county general revenue fund. 5066

(5) Upon receiving a petition for a certificate of 5067
qualification for housing, a court of common pleas may waive all 5068
or part of the fifty-dollar-filing fee for an applicant who is 5069
indigent. If an application fee is partially waived, the first 5070
twenty dollars of the fee that is collected shall be paid into 5071
the county general revenue fund. Any partial fee collected in 5072
excess of twenty dollars shall be paid into the state treasury. 5073

(C) (1) Upon receiving a petition for a certificate of 5074
qualification for housing, the court shall review the 5075
individual's petition, the individual's criminal history, except 5076
for information contained in any record that has been sealed 5077
under section 2953.32 or 2953.321 of the Revised Code, all 5078
filings submitted by the prosecutor or by the victim in 5079
accordance with rules adopted by the division of parole and 5080
community services, the applicant's military service record, if 5081
applicable, and whether the applicant has an emotional, mental, 5082
or physical condition that is traceable to the applicant's 5083
military service in the armed forces of the United States and 5084
that was a contributing factor in the commission of the offense 5085

or offenses, and all other relevant evidence. The court may 5086
order any report, investigation, or disclosure by the individual 5087
that the court believes is necessary for the court to reach a 5088
decision on whether to approve the individual's petition for a 5089
certificate of qualification for housing, except that the court 5090
shall not require an individual to disclose information about 5091
any record sealed under section 2953.32 or 2953.321 of the 5092
Revised Code. 5093

(2) Upon receiving a petition for a certificate of 5094
qualification for housing, except as otherwise provided in this 5095
division, the court shall decide whether to issue the 5096
certificate within sixty days after the court receives the 5097
completed petition and all information requested for the court 5098
to make that decision. Upon request of the individual who filed 5099
the petition, the court may extend the sixty-day period 5100
specified in this division. 5101

(3) Except as provided in division (C) (5) of this section 5102
and subject to division (D) (3) of this section, a court that 5103
receives an individual's petition for a certificate of 5104
qualification for housing may issue a certificate of 5105
qualification for housing, at the court's discretion, if the 5106
court finds that the individual has established all of the 5107
following by a preponderance of the evidence: 5108

(a) Granting the petition will materially assist the 5109
individual in obtaining housing. 5110

(b) The individual has a substantial need for the relief 5111
requested in order to live a law-abiding life. 5112

(c) Granting the petition would not pose an unreasonable 5113
risk to the safety of the public or any individual. 5114

(4) The submission of an incomplete petition by an 5115
individual shall not be grounds for the court to deny the 5116
petition. 5117

(5) Subject to division (C)(6) of this section, an 5118
individual is rebuttably presumed to be eligible for a 5119
certificate of qualification for housing if the court that 5120
receives the individual's petition finds all of the following: 5121

(a) The application was filed after the expiration of the 5122
applicable waiting period prescribed in division (B)(3) of this 5123
section. 5124

(b) If the offense that resulted in the collateral 5125
sanction for housing from which the individual seeks relief is a 5126
felony, at least three years have elapsed since the date of 5127
release of the individual from any period of incarceration in a 5128
state or local correctional facility that was imposed for that 5129
offense and all periods of supervision imposed after release 5130
from the period of incarceration or, if the individual was not 5131
incarcerated for that offense, at least three years have elapsed 5132
since the date of the individual's final release from all other 5133
sanctions imposed for that offense; 5134

(c) If the offense that resulted in the collateral 5135
sanction for housing from which the individual seeks relief is a 5136
misdemeanor, at least one year has elapsed since the date of 5137
release of the individual from any period of incarceration in a 5138
local correctional facility that was imposed for that offense 5139
and all periods of supervision imposed after release from the 5140
period of incarceration or, if the individual was not 5141
incarcerated for that offense, at least one year has elapsed 5142
since the date of the final release of the individual from all 5143
sanctions imposed for that offense including any period of 5144

supervision. 5145

(6) An application that meets all of the requirements for 5146
the presumption under division (C)(5) of this section shall be 5147
denied only if the court that receives the petition finds that 5148
the evidence reviewed under division (C)(1) of this section 5149
rebutts the presumption of eligibility for issuance by 5150
establishing, by a preponderance of the evidence, that the 5151
applicant has not been rehabilitated. 5152

(7) If a court that receives an individual's petition for 5153
a certificate of qualification for housing denies the petition, 5154
the court shall provide written notice to the individual of the 5155
court's denial. The court may place conditions on the individual 5156
regarding the individual's filing of any subsequent petition for 5157
a certificate of qualification for housing. The written notice 5158
must notify the individual of any conditions placed on the 5159
individual's filing of a subsequent petition for a certificate 5160
of qualification for housing. 5161

If a court of common pleas that receives an individual's 5162
petition for a certificate of qualification for housing denies 5163
the petition, the individual may appeal the decision to the 5164
court of appeals only if the individual alleges that the denial 5165
was an abuse of discretion on the part of the court of common 5166
pleas. 5167

(D)(1) A certificate of qualification for housing issued 5168
to an individual under this section or section 2961.25 of the 5169
Revised Code lifts the automatic bar of a collateral sanction 5170
for housing and a decision-maker shall consider on a case-by- 5171
case basis whether to provide or deny housing, notwithstanding 5172
the individual's possession of the certificate, without, 5173
however, reconsidering or rejecting any finding made by a court 5174

under division (C) (3) of this section. 5175

(2) The certificate constitutes a rebuttable presumption 5176
that the person's criminal convictions are insufficient evidence 5177
that the person is unfit for the housing in question. 5178
Notwithstanding the presumption established under this division, 5179
the decision-maker may deny the housing to the person if it 5180
determines that the person is unfit for the housing. 5181

(3) A certificate of qualification for housing issued to 5182
an individual under this section or section 2961.25 of the 5183
Revised Code does not create relief from requirements imposed by 5184
Chapter 2950. of the Revised Code and rules adopted under 5185
sections 2950.13 and 2950.132 of the Revised Code. 5186

(E) A petition for a certificate of qualification for 5187
housing filed by an individual under division (B) (1) of this 5188
section shall include all of the following: 5189

(1) The individual's name, date of birth, and social 5190
security number; 5191

(2) All aliases of the individual and all social security 5192
numbers associated with those aliases; 5193

(3) The individual's current residential address, 5194
including the length of time that the individual has resided in 5195
the current residence, expressed in years and months, and the 5196
city, county, state, and zip code of the residence; 5197

(4) A history of the individual's residential address or 5198
addresses for the past ten years, including the length of time 5199
that the individual has resided at the address, expressed in 5200
years and months of residence, and the city, county, state, and 5201
zip code of residence; 5202

(5) A general statement as to why the individual has filed 5203
the petition and how the certificate of qualification for 5204
housing would assist the individual; 5205

(6) A summary of the individual's criminal history, except 5206
for information contained in any record that has been sealed 5207
under section 2953.32 or 2953.321 of the Revised Code, with 5208
respect to each offense that is a disqualification from housing, 5209
including the years of each conviction or plea of guilty for 5210
each of those offenses; 5211

(7) A summary of the individual's employment history, 5212
specifying the name of, and dates of employment with, each 5213
employer; 5214

(8) Verifiable references and endorsements; 5215

(9) The name of one or more immediate family members of 5216
the individual, or other persons with whom the individual has a 5217
close relationship, who support the individual's reentry plan; 5218

(10) A summary of the reason the individual believes the 5219
certificate of qualification for housing should be granted; 5220

(11) Any other information required by rule by the 5221
department of rehabilitation and correction. 5222

(F) (1) In a tort action, a certificate of qualification 5223
for housing issued to an individual under this section or 5224
section 2961.25 of the Revised Code may be introduced as 5225
evidence of a decision-maker's due care in leasing to the 5226
individual to whom the certificate of qualification for housing 5227
was issued if the decision-maker knew of the certificate at the 5228
time of the alleged negligence or other fault. 5229

(2) In a tort action against a decision-maker for 5230

negligent leasing, a certificate of qualification for housing 5231
issued to an individual under this section or section 2961.25 of 5232
the Revised Code provides immunity for the decision-maker as to 5233
the claim if the decision-maker knew of the certificate at the 5234
time of the alleged negligence. 5235

(3) If a decision-maker leases to an individual who has 5236
been issued a certificate of qualification for housing under 5237
this section or section 2961.25 of the Revised Code, if the 5238
individual, after being leased to, subsequently demonstrates 5239
dangerousness or is convicted of or pleads guilty to a felony or 5240
a misdemeanor offense of violence, and if the decision-maker 5241
retains the individual as a lessee after the demonstration of 5242
dangerousness or the conviction or guilty plea, the decision- 5243
maker may be held liable in a tort action that is based on or 5244
relates to the retention of the individual as a lessee only if 5245
it is proved by a preponderance of the evidence that both of the 5246
following apply: 5247

(a) The decision-maker had actual knowledge that the 5248
lessee was dangerous or had been convicted of or pleaded guilty 5249
to the felony or the misdemeanor offense of violence. 5250

(b) The decision-maker was willful in retaining the 5251
individual as a lessee after the demonstration of dangerousness 5252
or the conviction or guilty plea of which the decision-maker has 5253
actual knowledge. 5254

(G) A certificate of qualification for housing issued 5255
under this section or section 2961.25 of the Revised Code shall 5256
be revoked if the individual to whom the certificate of 5257
qualification for housing was issued is convicted of or pleads 5258
guilty to a felony or a misdemeanor offense of violence 5259
committed subsequent to the issuance of the certificate of 5260

qualification for housing. 5261

(H) A court's issuance, or failure to issue, under this 5262
section, or the department of rehabilitation and correction's or 5263
adult parole authority's issuance, or failure to issue, under 5264
section 2961.25 of the Revised Code, a certificate of 5265
qualification for housing to an individual does not give rise to 5266
a claim for damages against the department of rehabilitation and 5267
correction or court. 5268

(I) The division of parole and community services shall 5269
adopt rules in accordance with Chapter 119. of the Revised Code 5270
for the implementation and administration of this section and 5271
shall prescribe the form for the petition to be used under 5272
division (B)(1) of this section. The form for the petition shall 5273
include places for all of the information specified in division 5274
(E) of this section. 5275

(J) Nothing in this section shall be construed to create 5276
or provide a private right of action. 5277

Sec. 2953.32. (A) (1) Sections 2953.32 to 2953.34 of the 5278
Revised Code do not apply to any of the following: 5279

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 5280
or 4549. of the Revised Code, or a conviction for a violation of 5281
a municipal ordinance that is substantially similar to any 5282
section contained in any of those chapters; 5283

(b) Convictions of a felony offense of violence that is 5284
not a sexually oriented offense; 5285

(c) Convictions of a sexually oriented offense when the 5286
offender is subject to the requirements of Chapter 2950. of the 5287
Revised Code or Chapter 2950. of the Revised Code as it existed 5288
prior to January 1, 2008; 5289

(d) Convictions of an offense in circumstances in which 5290
the victim of the offense was less than thirteen years of age, 5291
except for convictions under section 2919.21 of the Revised 5292
Code; 5293

(e) Convictions of a felony of the first or second degree; 5294

(f) Except as provided in division (A) (2) of this section, 5295
convictions for a violation of section 2919.25 or 2919.27 of the 5296
Revised Code or a conviction for a violation of a municipal 5297
ordinance that is substantially similar to either section; 5298

(g) Convictions of a felony of the third degree if the 5299
offender has more than one other conviction of any felony or, if 5300
the person has exactly two convictions of a felony of the third 5301
degree, has more convictions in total than those two third 5302
degree felony convictions and two misdemeanor convictions. 5303

(2) Sections 2953.32 to 2953.34 of the Revised Code apply 5304
to a conviction for a violation of section 2919.25 of the 5305
Revised Code that is a misdemeanor of the fourth degree for 5306
purposes of sealing, but not for purposes of expungement of the 5307
record of the case. 5308

(B) (1) Except as provided in section 2953.321 or 2953.61 5309
of the Revised Code or as otherwise provided in division (B) (1) 5310
(a) (iii) of this section, an eligible offender may apply to the 5311
sentencing court if convicted in this state, or to a court of 5312
common pleas if convicted in another state or in a federal 5313
court, for the sealing or expungement of the record of the case 5314
that pertains to the conviction, except for convictions listed 5315
in division (A) (1) of this section. Application may be made at 5316
whichever of the following times is applicable regarding the 5317
offense: 5318

(a) An application for sealing under this section may be 5319
made at whichever of the following times is applicable regarding 5320
the offense: 5321

(i) Except as otherwise provided in division (B) (1) (a) (iv) 5322
of this section, at the expiration of three years after the 5323
offender's final discharge if convicted of one or two felonies 5324
of the third degree, so long as none of the offenses is a 5325
violation of section 2921.43 of the Revised Code; 5326

(ii) Except as otherwise provided in division (B) (1) (a) 5327
(iv) of this section, at the expiration of one year after the 5328
offender's final discharge if convicted of one or more felonies 5329
of the fourth or fifth degree or one or more misdemeanors, so 5330
long as none of the offenses is a violation of section 2921.43 5331
of the Revised Code or a felony offense of violence; 5332

(iii) At the expiration of seven years after the 5333
offender's final discharge if the record includes one or more 5334
convictions of soliciting improper compensation in violation of 5335
section 2921.43 of the Revised Code; 5336

(iv) If the offender was subject to the requirements of 5337
Chapter 2950. of the Revised Code or Chapter 2950. of the 5338
Revised Code as it existed prior to January 1, 2008, at the 5339
expiration of five years after the requirements have ended under 5340
section 2950.07 of the Revised Code or section 2950.07 of the 5341
Revised Code as it existed prior to January 1, 2008, or are 5342
terminated under section 2950.15 or 2950.151 of the Revised 5343
Code; 5344

(v) At the expiration of six months after the offender's 5345
final discharge if convicted of a minor misdemeanor. 5346

(b) An application for expungement under this section may 5347

be made at whichever of the following times is applicable 5348
regarding the offense: 5349

(i) Except as otherwise provided in division (B) (1) (b) (ii) 5350
of this section, if the offense is a misdemeanor, at the 5351
expiration of one year after the offender's final discharge; 5352

(ii) If the offense is a minor misdemeanor, at the 5353
expiration of six months after the offender's final discharge; 5354

(iii) If the offense is a felony, at the expiration of ten 5355
years after the time specified in division (B) (1) (a) of this 5356
section at which the person may file an application for sealing 5357
with respect to that felony offense. 5358

(2) Any person who has been arrested for any misdemeanor 5359
offense and who has effected a bail forfeiture for the offense 5360
charged may apply to the court in which the misdemeanor criminal 5361
case was pending when bail was forfeited for the sealing or 5362
expungement of the record of the case that pertains to the 5363
charge. Except as provided in section 2953.61 of the Revised 5364
Code, the application may be filed at whichever of the following 5365
times is applicable regarding the offense: 5366

(a) An application for sealing under this section may be 5367
made at any time after the date on which the bail forfeiture was 5368
entered upon the minutes of the court or the journal, whichever 5369
entry occurs first. 5370

(b) An application for expungement under this section may 5371
be made at whichever of the following times is applicable 5372
regarding the offense: 5373

(i) Except as provided in division (B) (2) (b) (ii) of this 5374
section, at any time after the expiration of one year from the 5375
date on which the bail forfeiture was entered upon the minutes 5376

of the court or the journal, whichever entry occurs first; 5377

(ii) If the offense is a minor misdemeanor, at any time 5378
after the expiration of six months from the date on which the 5379
bail forfeiture was entered upon the minutes of the court or the 5380
journal, whichever entry occurs first. 5381

(C) Upon the filing of an application under this section, 5382
the court shall set a date for a hearing and shall notify the 5383
prosecutor for the case of the hearing on the application not 5384
less than sixty days prior to the hearing. Pursuant to the Ohio 5385
Constitution, the prosecutor shall provide timely notice of the 5386
application and the date and time of the hearing to a victim and 5387
victim's representative, if applicable, if the victim or 5388
victim's representative requested notice of the proceedings in 5389
the underlying case. The court shall hold the hearing not less 5390
than forty-five days and not more than ninety days from the date 5391
of the filing of the application. The prosecutor may object to 5392
the granting of the application by filing a written objection 5393
with the court not later than thirty days prior to the date set 5394
for the hearing. The prosecutor shall specify in the objection 5395
the reasons for believing a denial of the application is 5396
justified. The victim, victim's representative, and victim's 5397
attorney, if applicable, may be present and heard orally, in 5398
writing, or both at any hearing under this section. The court 5399
shall direct its regular probation officer, a state probation 5400
officer, or the department of probation of the county in which 5401
the applicant resides to make inquiries and written reports as 5402
the court requires concerning the applicant. The probation 5403
officer or county department of probation that the court directs 5404
to make inquiries and written reports as the court requires 5405
concerning the applicant shall determine whether or not the 5406
applicant was fingerprinted at the time of arrest or under 5407

section 109.60 of the Revised Code. If the applicant was so 5408
fingerprinted, the probation officer or county department of 5409
probation shall include with the written report a record of the 5410
applicant's fingerprints. If the applicant was convicted of or 5411
pleaded guilty to a violation of division (A) (2) or (B) of 5412
section 2919.21 of the Revised Code, the probation officer or 5413
county department of probation that the court directed to make 5414
inquiries concerning the applicant shall contact the child 5415
support enforcement agency enforcing the applicant's obligations 5416
under the child support order to inquire about the offender's 5417
compliance with the child support order. 5418

(D) (1) At the hearing held under division (C) of this 5419
section, the court shall do each of the following: 5420

(a) Determine whether the applicant is pursuing sealing or 5421
expunging a conviction of an offense that is prohibited under 5422
division (A) of this section or whether the forfeiture of bail 5423
was agreed to by the applicant and the prosecutor in the case, 5424
and determine whether the application was made at the time 5425
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 5426
(b) of this section that is applicable with respect to the 5427
application and the subject offense; 5428

(b) Determine whether criminal proceedings are pending 5429
against the applicant; 5430

(c) Determine whether the applicant has been rehabilitated 5431
to the satisfaction of the court; 5432

(d) If the prosecutor has filed an objection in accordance 5433
with division (C) of this section, consider the reasons against 5434
granting the application specified by the prosecutor in the 5435
objection; 5436

(e) If the victim objected, pursuant to the Ohio 5437
Constitution, consider the reasons against granting the 5438
application specified by the victim in the objection; 5439

(f) Weigh the interests of the applicant in having the 5440
records pertaining to the applicant's conviction or bail 5441
forfeiture sealed or expunged against the legitimate needs, if 5442
any, of the government to maintain those records; 5443

(g) Consider the oral or written statement of any victim, 5444
victim's representative, and victim's attorney, if applicable; 5445

(h) If the applicant was an eligible offender of the type 5446
described in division (A) (3) of section 2953.36 of the Revised 5447
Code as it existed prior to ~~the effective date of this amendment~~ 5448
April 4, 2023, determine whether the offender has been 5449
rehabilitated to a satisfactory degree. In making the 5450
determination, the court may consider all of the following: 5451

(i) The age of the offender; 5452

(ii) The facts and circumstances of the offense; 5453

(iii) The cessation or continuation of criminal behavior; 5454

(iv) The education and employment of the offender; 5455

(v) Any other circumstances that may relate to the 5456
offender's rehabilitation. 5457

(2) If the court determines, after complying with division 5458
(D) (1) of this section, that the offender is not pursuing 5459
sealing or expunging a conviction of an offense that is 5460
prohibited under division (A) of this section or that the 5461
forfeiture of bail was agreed to by the applicant and the 5462
prosecutor in the case, that the application was made at the 5463
time specified in division (B) (1) (a) or (b) or division (B) (2) 5464

(a) or (b) of this section that is applicable with respect to 5465
the application and the subject offense, that no criminal 5466
proceeding is pending against the applicant, that the interests 5467
of the applicant in having the records pertaining to the 5468
applicant's conviction or bail forfeiture sealed or expunged are 5469
not outweighed by any legitimate governmental needs to maintain 5470
those records, and that the rehabilitation of the applicant has 5471
been attained to the satisfaction of the court, both of the 5472
following apply: 5473

(a) The court, except as provided in division (D) (4) or 5474
(5) of this section or division (D), (F), or (G) of section 5475
2953.34 of the Revised Code, shall order all official records of 5476
the case that pertain to the conviction or bail forfeiture 5477
sealed if the application was for sealing or expunged if the 5478
application was for expungement and, except as provided in 5479
division (C) of section 2953.34 of the Revised Code, all index 5480
references to the case that pertain to the conviction or bail 5481
forfeiture deleted and, in the case of bail forfeitures, shall 5482
dismiss the charges in the case. 5483

(b) The proceedings in the case that pertain to the 5484
conviction or bail forfeiture shall be considered not to have 5485
occurred and the conviction or bail forfeiture of the person who 5486
is the subject of the proceedings shall be sealed if the 5487
application was for sealing or expunged if the application was 5488
for expungement, except that upon conviction of a subsequent 5489
offense, a sealed record of prior conviction or bail forfeiture 5490
may be considered by the court in determining the sentence or 5491
other appropriate disposition, including the relief provided for 5492
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 5493

(3) An applicant may request the sealing or expungement of 5494

the records of more than one case in a single application under 5495
this section. Upon the filing of an application under this 5496
section, the applicant, unless the applicant presents a poverty 5497
affidavit showing that the applicant is indigent, shall pay an 5498
application fee of fifty dollars and may pay a local court fee 5499
of not more than fifty dollars, regardless of the number of 5500
records the application requests to have sealed or expunged. If 5501
the applicant pays a fee, the court shall pay three-fifths of 5502
the fee collected into the state treasury, with half of that 5503
amount credited to the attorney general reimbursement fund 5504
created by section 109.11 of the Revised Code. If the applicant 5505
pays a fee, the court shall pay two-fifths of the fee collected 5506
into the county general revenue fund if the sealed or expunged 5507
conviction or bail forfeiture was pursuant to a state statute, 5508
or into the general revenue fund of the municipal corporation 5509
involved if the sealed or expunged conviction or bail forfeiture 5510
was pursuant to a municipal ordinance. 5511

(4) If the court orders the official records pertaining to 5512
the case sealed or expunged, the court shall do one of the 5513
following: 5514

(a) If the applicant was fingerprinted at the time of 5515
arrest or under section 109.60 of the Revised Code and the 5516
record of the applicant's fingerprints was provided to the court 5517
under division (C) of this section, forward a copy of the 5518
sealing or expungement order and the record of the applicant's 5519
fingerprints to the bureau of criminal identification and 5520
investigation. 5521

(b) If the applicant was not fingerprinted at the time of 5522
arrest or under section 109.60 of the Revised Code, or the 5523
record of the applicant's fingerprints was not provided to the 5524

court under division (C) of this section, but fingerprinting was 5525
required for the offense, order the applicant to appear before a 5526
sheriff to have the applicant's fingerprints taken according to 5527
the fingerprint system of identification on the forms furnished 5528
by the superintendent of the bureau of criminal identification 5529
and investigation. The sheriff shall forward the applicant's 5530
fingerprints to the court. The court shall forward the 5531
applicant's fingerprints and a copy of the sealing or 5532
expungement order to the bureau of criminal identification and 5533
investigation. 5534

Failure of the court to order fingerprints at the time of 5535
sealing or expungement does not constitute a reversible error. 5536

(5) Notwithstanding any other provision of the Revised 5537
Code to the contrary, when the bureau of criminal identification 5538
and investigation receives notice from a court that the record 5539
of a conviction or bail forfeiture has been expunged under this 5540
section, the bureau of criminal identification and investigation 5541
shall maintain a record of the expunged conviction record for 5542
the limited purpose of determining an individual's qualification 5543
or disqualification for employment in law enforcement. The 5544
bureau of criminal identification and investigation shall not be 5545
compelled by the court to destroy, delete, or erase those 5546
records so that the records are permanently irretrievable. These 5547
records may only be disclosed or provided to law enforcement for 5548
the limited purpose of determining an individual's qualification 5549
or disqualification for employment in law enforcement. 5550

When any other entity other than the bureau of criminal 5551
identification and investigation receives notice from a court 5552
that the record of a conviction or bail forfeiture has been 5553
expunged under this section, the entity shall destroy, delete, 5554

and erase the record as appropriate for the record's physical or 5555
electronic form or characteristic so that the record is 5556
permanently irretrievable. 5557

Sec. 2953.321. (A) (1) If a person is convicted of or 5558
pleads guilty to a misdemeanor or a felony of the fourth or 5559
fifth degree on or after the effective date of this section and 5560
if the record of conviction for the misdemeanor or felony of the 5561
fourth or fifth degree is eligible to be sealed under section 5562
2953.32 or 2953.61 of the Revised Code, at the expiration of 5563
five years after the offender's final discharge, the offender is 5564
eligible to have the offender's record of conviction for the 5565
misdemeanor or felony of the fourth or fifth degree sealed under 5566
this section. 5567

(2) Ninety days prior to the date that the offender is 5568
eligible to have the offender's record of conviction sealed, the 5569
sentencing court shall notify the offender, the prosecutor, the 5570
victim, and the victim's representative, if applicable, that the 5571
offender is eligible to have the offender's record of conviction 5572
sealed. 5573

(3) The prosecutor or victim may object to the sealing of 5574
the record of conviction by filing a written objection with the 5575
court not later than fourteen days prior to the date that the 5576
offender is eligible to have the offender's record of conviction 5577
sealed. The prosecutor or victim shall specify in the objection 5578
the reasons for believing a denial of the sealing of the record 5579
of conviction is justified. 5580

(B) If the prosecutor or victim does not object to the 5581
sealing of the record of conviction, the sentencing court shall 5582
determine whether the requirements in division (D) of this 5583
section have been met. If the sentencing court finds that all of 5584

the requirements in division (D) of this section have been met, 5585
the sentencing court shall seal the offender's record of 5586
conviction for the misdemeanor or felony of the fourth or fifth 5587
degree. A hearing or application requesting a sealing order is 5588
not required or needed. 5589

(C) (1) If the prosecutor or victim does object to the 5590
sealing of the record of conviction, the court shall set a date 5591
for a hearing and notify the offender and prosecutor for the 5592
case of the hearing. The prosecutor shall provide timely notice 5593
of the hearing to the victim and the victim's representative, if 5594
applicable. The court shall hold the hearing not less than 5595
forty-five days and not more than ninety days after the date 5596
that the offender is eligible to have the offender's record of 5597
conviction sealed. 5598

(2) If the offender has been served with notice of the 5599
hearing and fails to appear at the hearing, the sentencing court 5600
may deny the sealing of the offender's record of conviction for 5601
the misdemeanor or felony of the fourth or fifth degree without 5602
conducting an evidentiary hearing. 5603

(3) If the offender has been served with the notice of the 5604
hearing and appears at the hearing, the sentencing court shall 5605
determine whether the requirements in division (D) of this 5606
section have been met and shall consider the criteria in 5607
division (E) of this section. 5608

(a) If the sentencing court determines that all of the 5609
requirements in division (D) of this section have been met, and 5610
that the interests of the offender in having the records 5611
pertaining to the offender's record of conviction sealed are not 5612
substantially outweighed by any legitimate governmental needs to 5613
maintain those records, the sentencing court shall seal the 5614

offender's record of conviction for the misdemeanor or felony of 5615
the fourth or fifth degree. 5616

(b) If the sentencing court does not make the 5617
determinations described in division (C) (3) (a) of this section, 5618
the sentencing court shall deny the sealing of the offender's 5619
record of conviction for the misdemeanor or felony of the fourth 5620
or fifth degree. 5621

(D) Regardless of whether the prosecutor or victim objects 5622
to the sealing of the record of conviction under division (A) of 5623
this section, the court shall determine whether the following 5624
requirements have been met: 5625

(1) The record of conviction for sealing is a misdemeanor 5626
or a felony of the fourth or fifth degree. 5627

(2) The record of conviction for sealing described in 5628
division (A) (1) of this section is eligible for sealing under 5629
section 2953.32 or 2953.61 of the Revised Code. 5630

(3) The offender has not been convicted of a felony 5631
offense of violence that is not a sexually oriented offense. 5632

(4) The offender has not been convicted of a sexually 5633
oriented offense when the offender is subject to the 5634
requirements of Chapter 2950. of the Revised Code or Chapter 5635
2950. of the Revised Code as it existed prior to January 1, 5636
2008. 5637

(5) The offender has not been convicted of any felony 5638
other than a felony of the fourth or fifth degree. 5639

(E) If the prosecutor or victim objects to the sealing of 5640
the record of conviction under division (A) of this section, the 5641
court shall consider the following criteria: 5642

(1) If the prosecutor has filed an objection in accordance 5643
with division (A) of this section, consider the reasons against 5644
sealing the record of conviction specified by the prosecutor in 5645
the objection. 5646

(2) If the victim has filed an objection in accordance 5647
with division (A) of this section, consider the reasons against 5648
sealing the record of conviction specified by the victim in the 5649
objection. 5650

(3) Determine whether the interests of the offender in 5651
having the record of conviction sealed are not substantially 5652
outweighed by the legitimate needs, if any, of the government to 5653
maintain those records. 5654

(F) If the sentencing court makes the findings required in 5655
division (B) or (C) of this section, the sentencing court shall 5656
issue the sealing order and order all official records of that 5657
case that pertain to the conviction sealed and all index 5658
references to the case that pertain to the record of conviction 5659
deleted. The proceedings in the case that pertain to the 5660
conviction shall be considered not to have occurred and the 5661
conviction of the person who is subject to the proceedings shall 5662
be sealed. 5663

(G) Regardless of whether the sentencing court issues a 5664
sealing order under division (B) or (C) of this section, the 5665
court shall notify the offender and the prosecutor for the case 5666
of the court's decision. The prosecutor shall provide timely 5667
notice to the victim and the victim's representative, if 5668
applicable. 5669

(H) (1) Except as provided in division (H) (2) of this 5670
section, nothing in this section shall be construed to prohibit 5671

a person from filing an application for sealing or expungement 5672
under section 2953.32 of the Revised Code. 5673

(2) If the sentencing court denies the sealing of the 5674
person's record of conviction for the misdemeanor or felony of 5675
the fourth or fifth degree under this section, the person may 5676
not apply for a sealing or expungement order under section 5677
2953.32 of the Revised Code until one hundred eighty days or 5678
more after the court denies the sealing of the person's record 5679
of conviction under this section. 5680

Sec. 2953.34. (A) Inspection of the sealed records 5681
included in a sealing order may be made only by the following 5682
persons or for the following purposes: 5683

(1) By a law enforcement officer or prosecutor, or the 5684
assistants of either, to determine whether the nature and 5685
character of the offense with which a person is to be charged 5686
would be affected by virtue of the person's previously having 5687
been convicted of a crime; 5688

(2) By the parole or probation officer of the person who 5689
is the subject of the records, for the exclusive use of the 5690
officer in supervising the person while on parole or under a 5691
community control sanction or a post-release control sanction, 5692
and in making inquiries and written reports as requested by the 5693
court or adult parole authority; 5694

(3) Upon application by the person who is the subject of 5695
the records or a legal representative of that person, by the 5696
persons named in the application; 5697

(4) By a law enforcement officer who was involved in the 5698
case, for use in the officer's defense of a civil action arising 5699
out of the officer's involvement in that case; 5700

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

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

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

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

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

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

(11) By the bureau of criminal identification and

investigation, an authorized employee of the bureau, a sheriff, 5730
or an authorized employee of a sheriff in connection with a 5731
criminal records check described in section 311.41 of the 5732
Revised Code; 5733

(12) By the attorney general or an authorized employee of 5734
the attorney general or a court for purposes of determining a 5735
person's classification pursuant to Chapter 2950. of the Revised 5736
Code; 5737

(13) By a court, the registrar of motor vehicles, a 5738
prosecuting attorney or the prosecuting attorney's assistants, 5739
or a law enforcement officer for the purpose of assessing points 5740
against a person under section 4510.036 of the Revised Code or 5741
for taking action with regard to points assessed. 5742

When the nature and character of the offense with which a 5743
person is to be charged would be affected by the information, it 5744
may be used for the purpose of charging the person with an 5745
offense. 5746

(B) In any criminal proceeding, proof of any otherwise 5747
admissible prior conviction may be introduced and proved, 5748
notwithstanding the fact that for any such prior conviction an 5749
order of sealing or expungement previously was issued pursuant 5750
to sections 2953.31 to 2953.34 of the Revised Code. 5751

(C) The person or governmental agency, office, or 5752
department that maintains sealed records pertaining to 5753
convictions or bail forfeitures that have been sealed pursuant 5754
to section 2953.32 or 2953.321 of the Revised Code may maintain 5755
a manual or computerized index to the sealed records. The index 5756
shall contain only the name of, and alphanumeric identifiers 5757
that relate to, the persons who are the subject of the sealed 5758

records, the word "sealed," and the name of the person, agency, 5759
office, or department that has custody of the sealed records, 5760
and shall not contain the name of the crime committed. The index 5761
shall be made available by the person who has custody of the 5762
sealed records only for the purposes set forth in divisions (A), 5763
(B), and (D) of this section. 5764

(D) Notwithstanding any provision of this section or 5765
section 2953.32 or 2953.321 of the Revised Code that requires 5766
otherwise, a board of education of a city, local, exempted 5767
village, or joint vocational school district that maintains 5768
records of an individual who has been permanently excluded under 5769
sections 3301.121 and 3313.662 of the Revised Code is permitted 5770
to maintain records regarding a conviction that was used as the 5771
basis for the individual's permanent exclusion, regardless of a 5772
court order to seal or expunge the record. An order issued under 5773
section 2953.32 or 2953.321 of the Revised Code to seal or 5774
expunge the record of a conviction does not revoke the 5775
adjudication order of the director of education and workforce to 5776
permanently exclude the individual who is the subject of the 5777
sealing or expungement order. An order issued under section 5778
2953.32 or 2953.321 of the Revised Code to seal or expunge the 5779
record of a conviction of an individual may be presented to a 5780
district superintendent as evidence to support the contention 5781
that the superintendent should recommend that the permanent 5782
exclusion of the individual who is the subject of the sealing or 5783
expungement order be revoked. Except as otherwise authorized by 5784
this division and sections 3301.121 and 3313.662 of the Revised 5785
Code, any school employee in possession of or having access to 5786
the sealed or expunged conviction records of an individual that 5787
were the basis of a permanent exclusion of the individual is 5788
subject to division (J) of this section. 5789

(E) Notwithstanding any provision of this section or 5790
section 2953.32 or 2953.321 of the Revised Code that requires 5791
otherwise, if the auditor of state or a prosecutor maintains 5792
records, reports, or audits of an individual who has been 5793
forever disqualified from holding public office, employment, or 5794
a position of trust in this state under sections 2921.41 and 5795
2921.43 of the Revised Code, or has otherwise been convicted of 5796
an offense based upon the records, reports, or audits of the 5797
auditor of state, the auditor of state or prosecutor is 5798
permitted to maintain those records to the extent they were used 5799
as the basis for the individual's disqualification or 5800
conviction, and shall not be compelled by court order to seal or 5801
expunge those records. 5802

(F) For purposes of sections 2953.31 and 2953.34 of the 5803
Revised Code, DNA records collected in the DNA database and 5804
fingerprints filed for record by the superintendent of the 5805
bureau of criminal identification and investigation shall not be 5806
sealed or expunged unless the superintendent receives a 5807
certified copy of a final court order establishing that the 5808
offender's conviction has been overturned. For purposes of this 5809
section, a court order is not "final" if time remains for an 5810
appeal or application for discretionary review with respect to 5811
the order. 5812

(G) (1) The court shall send notice of any order to seal or 5813
expunge official records issued pursuant to section 2953.32 or 5814
2953.321 of the Revised Code to the bureau of criminal 5815
identification and investigation and to any public office or 5816
agency that the court knows or has reason to believe may have 5817
any record of the case, whether or not it is an official record, 5818
that is the subject of the order. 5819

(2) The sealing of a record under section 2953.32 or 5820
2953.321 of the Revised Code does not affect the assessment of 5821
points under section 4510.036 of the Revised Code and does not 5822
erase points assessed against a person as a result of the sealed 5823
record. 5824

(H) (1) The court shall send notice of any order to seal or 5825
expunge official records issued pursuant to division (B) (3) of 5826
section 2953.33 of the Revised Code to the bureau of criminal 5827
identification and investigation and shall send notice of any 5828
order issued pursuant to division (B) (4) of that section to any 5829
public office or agency that the court knows or has reason to 5830
believe may have any record of the case, whether or not it is an 5831
official record, that is the subject of the order. 5832

(2) A person whose official records have been sealed or 5833
expunged pursuant to an order issued pursuant to section 2953.33 5834
of the Revised Code may present a copy of that order and a 5835
written request to comply with it, to a public office or agency 5836
that has a record of the case that is the subject of the order. 5837

(3) An order to seal or expunge official records issued 5838
pursuant to section 2953.33 of the Revised Code applies to every 5839
public office or agency that has a record of the case that is 5840
the subject of the order, regardless of whether it receives 5841
notice of the hearing on the application for the order to seal 5842
or expunge the official records or receives a copy of the order 5843
to seal the official records pursuant to division (H) (1) or (2) 5844
of this section. 5845

(4) Upon receiving a copy of an order to seal or expunge 5846
official records pursuant to division (H) (1) or (2) of this 5847
section or upon otherwise becoming aware of an applicable order 5848
to seal or expunge official records issued pursuant to section 5849

2953.33 of the Revised Code, a public office or agency shall 5850
comply with the order and, if applicable, with division (K) of 5851
this section, except that if the order is a sealing order, the 5852
office or agency may maintain a record of the case that is the 5853
subject of the order if the record is maintained for the purpose 5854
of compiling statistical data only and does not contain any 5855
reference to the person who is the subject of the case and the 5856
order. 5857

(5) A public office or agency to which division (H) (4) of 5858
this section applies also may maintain an index of sealed 5859
official records that are the subject of a sealing order, in a 5860
form similar to that for sealed records of conviction as set 5861
forth in division (C) of this section, access to which may not 5862
be afforded to any person other than the person who has custody 5863
of the sealed official records. The sealed official records to 5864
which such an index pertains shall not be available to any 5865
person, except that the official records of a case that have 5866
been sealed may be made available to the following persons for 5867
the following purposes: 5868

(a) To the person who is the subject of the records upon 5869
written application, and to any other person named in the 5870
application, for any purpose; 5871

(b) To a law enforcement officer who was involved in the 5872
case, for use in the officer's defense of a civil action arising 5873
out of the officer's involvement in that case; 5874

(c) To a prosecuting attorney or the prosecuting 5875
attorney's assistants to determine a defendant's eligibility to 5876
enter a pre-trial diversion program established pursuant to 5877
section 2935.36 of the Revised Code; 5878

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

(I) (1) Upon the issuance of an order by a court pursuant to division (D) (2) of section 2953.32 or division (B) (1) of section 2953.321 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or expunged or an order by a court pursuant to division (E) of section 2151.358, division (C) (2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged:

(a) Every law enforcement officer who possesses investigatory work product immediately shall deliver that work product to the law enforcement officer's employing law enforcement agency.

(b) Except as provided in divisions (I) (1) (c) and (d) of this section, every law enforcement agency that possesses investigatory work product shall close that work product to all persons who are not directly employed by the law enforcement agency and shall treat that work product, in relation to all persons other than those who are directly employed by the law enforcement agency, as if it did not exist and never had existed.

(c) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that

is the subject of the case are reasonably similar. The agency 5909
that permits the use of investigatory work product may provide 5910
the other agency with the name of the person who is the subject 5911
of the case if it believes that the name of the person is 5912
necessary to the conduct of the investigation by the other 5913
agency. 5914

(d) The auditor of state may provide to or discuss with 5915
other parties investigatory work product maintained pursuant to 5916
Chapter 117. of the Revised Code by the auditor of state. 5917

(2) (a) Except as provided in divisions (I)(1)(c) and (d) 5918
of this section, no law enforcement officer or other person 5919
employed by a law enforcement agency shall knowingly release, 5920
disseminate, or otherwise make the investigatory work product or 5921
any information contained in that work product available to, or 5922
discuss any information contained in it with, any person not 5923
employed by the employing law enforcement agency. 5924

(b) No law enforcement agency, or person employed by a law 5925
enforcement agency, that receives investigatory work product 5926
pursuant to divisions (I)(1)(c) and (d) of this section shall 5927
use that work product for any purpose other than the 5928
investigation of the offense for which it was obtained from the 5929
other law enforcement agency, or disclose the name of the person 5930
who is the subject of the work product except when necessary for 5931
the conduct of the investigation of the offense, or the 5932
prosecution of the person for committing the offense, for which 5933
it was obtained from the other law enforcement agency. 5934

(3) Whoever violates division (I)(2)(a) or (b) of this 5935
section is guilty of divulging confidential investigatory work 5936
product, a misdemeanor of the fourth degree. 5937

(J) (1) Except as authorized by divisions (A) to (C) of 5938
this section or by Chapter 2950. of the Revised Code and subject 5939
to ~~division~~ divisions (J) (2) and (3) of this section, any 5940
officer or employee of the state, or a political subdivision of 5941
the state, who releases or otherwise disseminates or makes 5942
available for any purpose involving employment, bonding, or 5943
licensing in connection with any business, trade, or profession 5944
to any person, or to any department, agency, or other 5945
instrumentality of the state, or any political subdivision of 5946
the state, any information or other data concerning any law 5947
enforcement or justice system matter the records with respect to 5948
which the officer or employee had knowledge of were sealed by an 5949
existing order issued pursuant to section 2953.32 or 2953.321 of 5950
the Revised Code, division (E) of section 2151.358, section 5951
2953.35, or section 2953.36 of the Revised Code, or were 5952
expunged by an order issued pursuant to section 2953.42 of the 5953
Revised Code as it existed prior to June 29, 1988, is guilty of 5954
divulging confidential information, a misdemeanor of the fourth 5955
degree. 5956

(2) Division (J) (1) of this section does not apply to an 5957
officer or employee of the state, or a political subdivision of 5958
the state, who releases or otherwise disseminates or makes 5959
available for any purpose specified in that division any 5960
information or other data concerning a law enforcement or 5961
justice system matter the records of which the officer had 5962
knowledge were sealed or expunged by an order of a type 5963
described in that division, if all of the following apply: 5964

(a) The officer or employee released, disseminated, or 5965
made available the information or data from the sealed or 5966
expunged records together with information or data concerning 5967
another law enforcement or justice system matter. 5968

(b) The records of the other law enforcement or justice 5969
system matter were not sealed or expunged by any order of a type 5970
described in division (J) (1) of this section. 5971

(c) The law enforcement or justice system matter covered 5972
by the information or data from the sealed or expunged records 5973
and the other law enforcement or justice system matter covered 5974
by the information or data from the records that were not sealed 5975
or expunged resulted from or were connected to the same act. 5976

(d) The officer or employee made a good faith effort to 5977
not release, disseminate, or make available any information or 5978
other data concerning any law enforcement or justice system 5979
matter from the sealed or expunged records, and the officer or 5980
employee did not release, disseminate, or make available the 5981
information or other data from the sealed or expunged records 5982
with malicious purpose, in bad faith, or in a wanton or reckless 5983
manner. 5984

(3) Division (J) (1) of this section does not apply to an 5985
officer or employee of the state, or a political subdivision of 5986
the state, who releases or otherwise disseminates or makes 5987
available for any purpose specified in that division any 5988
information or other data concerning a law enforcement or 5989
justice system matter the records of which the officer had 5990
knowledge were sealed or expunged by an order of a type 5991
described in that division, if the records are released or 5992
disseminated or access is provided pursuant to an application by 5993
the person who is the subject of the information or data or by a 5994
legal representative of that person. 5995

(4) Any person who, in violation of this section, uses, 5996
disseminates, or otherwise makes available any index prepared 5997
pursuant to division (C) of this section is guilty of a 5998

misdemeanor of the fourth degree. 5999

(K) (1) Except as otherwise provided in Chapter 2950. of 6000
the Revised Code, upon the issuance of an order by a court under 6001
division (B) of section 2953.33 of the Revised Code directing 6002
that all official records pertaining to a case be sealed or 6003
expunged and that the proceedings in the case be deemed not to 6004
have occurred: 6005

(a) Every law enforcement officer possessing records or 6006
reports pertaining to the case that are the officer's specific 6007
investigatory work product and that are excepted from the 6008
definition of official records shall immediately deliver the 6009
records and reports to the officer's employing law enforcement 6010
agency. Except as provided in division (K) (1) (c) or (d) of this 6011
section, no such officer shall knowingly release, disseminate, 6012
or otherwise make the records and reports or any information 6013
contained in them available to, or discuss any information 6014
contained in them with, any person not employed by the officer's 6015
employing law enforcement agency. 6016

(b) Every law enforcement agency that possesses records or 6017
reports pertaining to the case that are its specific 6018
investigatory work product and that are excepted from the 6019
definition of official records, or that are the specific 6020
investigatory work product of a law enforcement officer it 6021
employs and that were delivered to it under division (K) (1) (a) 6022
of this section shall, except as provided in division (K) (1) (c) 6023
or (d) of this section, close the records and reports to all 6024
persons who are not directly employed by the law enforcement 6025
agency and shall, except as provided in division (K) (1) (c) or 6026
(d) of this section, treat the records and reports, in relation 6027
to all persons other than those who are directly employed by the 6028

law enforcement agency, as if they did not exist and had never
existed. Except as provided in division (K) (1) (c) or (d) of this
section, no person who is employed by the law enforcement agency
shall knowingly release, disseminate, or otherwise make the
records and reports in the possession of the employing law
enforcement agency or any information contained in them
available to, or discuss any information contained in them with,
any person not employed by the employing law enforcement agency.

(c) A law enforcement agency that possesses records or
reports pertaining to the case that are its specific
investigatory work product and that are excepted from the
definition of official records, or that are the specific
investigatory work product of a law enforcement officer it
employs and that were delivered to it under division (K) (1) (a)
of this section may permit another law enforcement agency to use
the records or reports in the investigation of another offense,
if the facts incident to the offense being investigated by the
other law enforcement agency and the facts incident to an
offense that is the subject of the case are reasonably similar.
The agency that provides the records and reports may provide the
other agency with the name of the person who is the subject of
the case, if it believes that the name of the person is
necessary to the conduct of the investigation by the other
agency.

No law enforcement agency, or person employed by a law
enforcement agency, that receives from another law enforcement
agency records or reports pertaining to a case the records of
which have been ordered sealed or expunged pursuant to division
(B) of section 2953.33 of the Revised Code shall use the records
and reports for any purpose other than the investigation of the
offense for which they were obtained from the other law

enforcement agency, or disclose the name of the person who is 6060
the subject of the records or reports except when necessary for 6061
the conduct of the investigation of the offense, or the 6062
prosecution of the person for committing the offense, for which 6063
they were obtained from the other law enforcement agency. 6064

(d) The auditor of state may provide to or discuss with 6065
other parties records, reports, or audits maintained by the 6066
auditor of state pursuant to Chapter 117. of the Revised Code 6067
pertaining to the case that are the auditor of state's specific 6068
investigatory work product and that are excepted from the 6069
definition of "official records" contained in division (C) of 6070
section 2953.31 of the Revised Code, or that are the specific 6071
investigatory work product of a law enforcement officer the 6072
auditor of state employs and that were delivered to the auditor 6073
of state under division (K) (1) (a) of this section. 6074

(2) Whoever violates division (K) (1) of this section is 6075
guilty of divulging confidential information, a misdemeanor of 6076
the fourth degree. 6077

(L) (1) In any application for employment, license, or any 6078
other right or privilege, any appearance as a witness, or any 6079
other inquiry, a person may not be questioned with respect to 6080
any record that has been sealed or expunged pursuant to section 6081
2953.33 of the Revised Code. If an inquiry is made in violation 6082
of this division, the person whose official record was sealed 6083
may respond as if the arrest underlying the case to which the 6084
sealed official records pertain and all other proceedings in 6085
that case did not occur, and the person whose official record 6086
was sealed shall not be subject to any adverse action because of 6087
the arrest, the proceedings, or the person's response. 6088

(2) (a) Except as provided in division (L) (2) (b) of this 6089

section, an officer or employee of the state or any of its 6090
political subdivisions who knowingly releases, disseminates, or 6091
makes available for any purpose involving employment, bonding, 6092
licensing, or education to any person or to any department, 6093
agency, or other instrumentality of the state, or of any of its 6094
political subdivisions, any information or other data concerning 6095
any arrest, complaint, indictment, information, trial, 6096
adjudication, or correctional supervision, knowing the records 6097
of which have been sealed or expunged pursuant to section 6098
2953.33 of the Revised Code, is guilty of divulging confidential 6099
information, a misdemeanor of the fourth degree. 6100

(b) Division (L)(2)(a) of this section does not apply to 6101
any release, dissemination, or access to information or data if 6102
the records are released or disseminated or access is provided 6103
pursuant to an application by the person who is the subject of 6104
the information or data or by a legal representative of that 6105
person. 6106

(M) It is not a violation of division (I), (J), (K), or 6107
(L) of this section for the bureau of criminal identification 6108
and investigation or any authorized employee of the bureau 6109
participating in the investigation of criminal activity to 6110
release, disseminate, or otherwise make available to, or discuss 6111
with, a person directly employed by a law enforcement agency DNA 6112
records collected in the DNA database or fingerprints filed for 6113
record by the superintendent of the bureau of criminal 6114
identification and investigation. 6115

(N)(1) An order issued under section 2953.35 of the 6116
Revised Code to expunge the record of a person's conviction or, 6117
except as provided in division (D) of this section, an order 6118
issued under that section to seal the record of a person's 6119

conviction restores the person who is the subject of the order 6120
to all rights and privileges not otherwise restored by 6121
termination of the sentence or community control sanction or by 6122
final release on parole or post-release control. 6123

(2) (a) In any application for employment, license, or 6124
other right or privilege, any appearance as a witness, or any 6125
other inquiry, except as provided in division (B) of this 6126
section and in section 3319.292 of the Revised Code and subject 6127
to division (N) (2) (c) of this section, a person may be 6128
questioned only with respect to convictions not sealed, bail 6129
forfeitures not expunged under section 2953.42 of the Revised 6130
Code as it existed prior to June 29, 1988, and bail forfeitures 6131
not sealed, unless the question bears a direct and substantial 6132
relationship to the position for which the person is being 6133
considered. 6134

(b) In any application for a certificate of qualification 6135
for employment under section 2953.25 of the Revised Code, a 6136
person may be questioned only with respect to convictions not 6137
sealed and bail forfeitures not sealed. 6138

(c) A person may not be questioned in any application, 6139
appearance, or inquiry of a type described in division (N) (2) (a) 6140
of this section with respect to any conviction expunged under 6141
section 2953.35 of the Revised Code. 6142

(O) Nothing in section 2953.32, 2953.321, or 2953.34 of 6143
the Revised Code precludes an offender from taking an appeal or 6144
seeking any relief from the offender's conviction or from 6145
relying on it in lieu of any subsequent prosecution for the same 6146
offense. 6147

Sec. 2953.61. (A) Except as provided in division (B) (1) of 6148

this section, a person charged with two or more offenses as a 6149
result of or in connection with the same act may not apply to 6150
the court pursuant to section 2953.32, 2953.321, 2953.33, or 6151
2953.521 of the Revised Code for the sealing or expungement of 6152
the person's record in relation to any of the charges, and a 6153
prosecutor may not apply to the court pursuant to section 6154
2953.39 of the Revised Code for the sealing or expungement of 6155
the record of a person in relation to any of the charges if the 6156
person was charged with two or more offenses as a result of or 6157
in connection with the same act, when at least one of the 6158
charges has a final disposition that is different from the final 6159
disposition of the other charges until such time as the person, 6160
or prosecutor, would be able to apply to the court and have all 6161
of the records pertaining to all of those charges sealed or 6162
expunged pursuant to section 2953.32, 2953.321, 2953.33, 6163
2953.39, or 2953.521 of the Revised Code. 6164

(B) (1) When a person is charged with two or more offenses 6165
as a result of or in connection with the same act and the final 6166
disposition of one, and only one, of the charges is a conviction 6167
under any section of Chapter 4507., 4510., 4511., or 4549., 6168
other than section 4511.19 or 4511.194 of the Revised Code, or 6169
under a municipal ordinance that is substantially similar to any 6170
section other than section 4511.19 or 4511.194 of the Revised 6171
Code contained in any of those chapters, and if the records 6172
pertaining to all the other charges would be eligible for 6173
sealing or expungement under section 2953.33, 2953.39, or 6174
2953.521 of the Revised Code in the absence of that conviction, 6175
the court may order that the records pertaining to all the 6176
charges be sealed or expunged. In such a case, the court shall 6177
not order that only a portion of the records be sealed or 6178
expunged. 6179

(2) Division (B)(1) of this section does not apply if the
person convicted of the offenses currently holds a commercial
driver's license or commercial driver's license temporary
instruction permit.

Sec. 4723.28. (A) The board of nursing, by a vote of a
quorum, may impose one or more of the following sanctions if it
finds that a person committed fraud in passing an examination
required to obtain a license or dialysis technician certificate
issued by the board or to have committed fraud,
misrepresentation, or deception in applying for or securing any
nursing license or dialysis technician certificate issued by the
board: deny, revoke, suspend, or place restrictions on any
nursing license or dialysis technician certificate issued by the
board; reprimand or otherwise discipline a holder of a nursing
license or dialysis technician certificate; or impose a fine of
not more than five hundred dollars per violation.

(B) Except as provided in section 4723.092 of the Revised
Code, the board of nursing, by a vote of a quorum, may impose
one or more of the following sanctions: deny, revoke, suspend,
or place restrictions on any nursing license or dialysis
technician certificate issued by the board; reprimand or
otherwise discipline a holder of a nursing license or dialysis
technician certificate; or impose a fine of not more than five
hundred dollars per violation. The sanctions may be imposed for
any of the following:

(1) Denial, revocation, suspension, or restriction of
authority to engage in a licensed profession or practice a
health care occupation, including nursing or practice as a
dialysis technician, for any reason other than a failure to
renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in 6210
practice as a dialysis technician, having failed to renew a 6211
nursing license or dialysis technician certificate issued under 6212
this chapter, or while a nursing license or dialysis technician 6213
certificate is under suspension; 6214

(3) Conviction of, a plea of guilty to, a judicial finding 6215
of guilt of, a judicial finding of guilt resulting from a plea 6216
of no contest to, or a judicial finding of eligibility for a 6217
pretrial diversion or similar program or for intervention in 6218
lieu of conviction for, a misdemeanor committed in the course of 6219
practice; 6220

(4) Conviction of, a plea of guilty to, a judicial finding 6221
of guilt of, a judicial finding of guilt resulting from a plea 6222
of no contest to, or a judicial finding of eligibility for a 6223
pretrial diversion or similar program or for intervention in 6224
lieu of conviction for, any felony or of any crime involving 6225
gross immorality or moral turpitude; 6226

(5) Selling, giving away, or administering drugs or 6227
therapeutic devices for other than legal and legitimate 6228
therapeutic purposes; or conviction of, a plea of guilty to, a 6229
judicial finding of guilt of, a judicial finding of guilt 6230
resulting from a plea of no contest to, or a judicial finding of 6231
eligibility for a pretrial diversion or similar program or for 6232
intervention in lieu of conviction for, violating any municipal, 6233
state, county, or federal drug law; 6234

(6) Conviction of, a plea of guilty to, a judicial finding 6235
of guilt of, a judicial finding of guilt resulting from a plea 6236
of no contest to, or a judicial finding of eligibility for a 6237
pretrial diversion or similar program or for intervention in 6238
lieu of conviction for, an act in another jurisdiction that 6239

would constitute a felony or a crime of moral turpitude in Ohio; 6240

(7) Conviction of, a plea of guilty to, a judicial finding 6241
of guilt of, a judicial finding of guilt resulting from a plea 6242
of no contest to, or a judicial finding of eligibility for a 6243
pretrial diversion or similar program or for intervention in 6244
lieu of conviction for, an act in the course of practice in 6245
another jurisdiction that would constitute a misdemeanor in 6246
Ohio; 6247

(8) Self-administering or otherwise taking into the body 6248
any dangerous drug, as defined in section 4729.01 of the Revised 6249
Code, in any way that is not in accordance with a legal, valid 6250
prescription issued for that individual, or self-administering 6251
or otherwise taking into the body any drug that is a schedule I 6252
controlled substance; 6253

(9) Habitual or excessive use of controlled substances, 6254
other habit-forming drugs, or alcohol or other chemical 6255
substances to an extent that impairs the individual's ability to 6256
provide safe nursing care or safe dialysis care; 6257

(10) Impairment of the ability to practice according to 6258
acceptable and prevailing standards of safe nursing care or safe 6259
dialysis care because of the use of drugs, alcohol, or other 6260
chemical substances; 6261

(11) Impairment of the ability to practice according to 6262
acceptable and prevailing standards of safe nursing care or safe 6263
dialysis care because of a physical or mental disability; 6264

(12) Assaulting or causing harm to a patient or depriving 6265
a patient of the means to summon assistance; 6266

(13) Misappropriation or attempted misappropriation of 6267
money or anything of value in the course of practice; 6268

(14) Adjudication by a probate court of being mentally ill 6269
or mentally incompetent. The board may reinstate the person's 6270
nursing license or dialysis technician certificate upon 6271
adjudication by a probate court of the person's restoration to 6272
competency or upon submission to the board of other proof of 6273
competency. 6274

(15) The suspension or termination of employment by the 6275
United States department of defense or department of veterans 6276
affairs for any act that violates or would violate this chapter; 6277

(16) Violation of this chapter or any rules adopted under 6278
it; 6279

(17) Violation of any restrictions placed by the board on 6280
a nursing license or dialysis technician certificate; 6281

(18) Failure to use universal and standard precautions 6282
established by rules adopted under section 4723.07 of the 6283
Revised Code; 6284

(19) Failure to practice in accordance with acceptable and 6285
prevailing standards of safe nursing care or safe dialysis care; 6286

(20) In the case of a registered nurse, engaging in 6287
activities that exceed the practice of nursing as a registered 6288
nurse; 6289

(21) In the case of a licensed practical nurse, engaging 6290
in activities that exceed the practice of nursing as a licensed 6291
practical nurse; 6292

(22) In the case of a dialysis technician, engaging in 6293
activities that exceed those permitted under section 4723.72 of 6294
the Revised Code; 6295

(23) Aiding and abetting a person in that person's 6296

practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; 6297
6298

(24) In the case of an advanced practice registered nurse, 6299
except as provided in division (M) of this section, either of 6300
the following: 6301

(a) Waiving the payment of all or any part of a deductible 6302
or copayment that a patient, pursuant to a health insurance or 6303
health care policy, contract, or plan that covers such nursing 6304
services, would otherwise be required to pay if the waiver is 6305
used as an enticement to a patient or group of patients to 6306
receive health care services from that provider; 6307

(b) Advertising that the nurse will waive the payment of 6308
all or any part of a deductible or copayment that a patient, 6309
pursuant to a health insurance or health care policy, contract, 6310
or plan that covers such nursing services, would otherwise be 6311
required to pay. 6312

(25) Failure to comply with the terms and conditions of 6313
participation in the safe haven program conducted under sections 6314
4723.35 and 4723.351 of the Revised Code; 6315

(26) Failure to comply with the terms and conditions 6316
required under the practice intervention and improvement program 6317
established under section 4723.282 of the Revised Code; 6318

(27) In the case of an advanced practice registered nurse: 6319

(a) Engaging in activities that exceed those permitted for 6320
the nurse's nursing specialty under section 4723.43 of the 6321
Revised Code; 6322

(b) Failure to meet the quality assurance standards 6323
established under section 4723.07 of the Revised Code. 6324

(28) In the case of an advanced practice registered nurse 6325
other than a certified registered nurse anesthetist, failure to 6326
maintain a standard care arrangement in accordance with section 6327
4723.431 of the Revised Code or to practice in accordance with 6328
the standard care arrangement; 6329

(29) In the case of an advanced practice registered nurse 6330
who is designated as a clinical nurse specialist, certified 6331
nurse-midwife, or certified nurse practitioner, failure to 6332
prescribe drugs and therapeutic devices in accordance with 6333
section 4723.481 of the Revised Code; 6334

(30) Prescribing any drug or device to perform or induce 6335
an abortion, or otherwise performing or inducing an abortion; 6336

(31) Failure to establish and maintain professional 6337
boundaries with a patient, as specified in rules adopted under 6338
section 4723.07 of the Revised Code; 6339

(32) Regardless of whether the contact or verbal behavior 6340
is consensual, engaging with a patient other than the spouse of 6341
the registered nurse, licensed practical nurse, or dialysis 6342
technician in any of the following: 6343

(a) Sexual contact, as defined in section 2907.01 of the 6344
Revised Code; 6345

(b) Verbal behavior that is sexually demeaning to the 6346
patient or may be reasonably interpreted by the patient as 6347
sexually demeaning. 6348

(33) Assisting suicide, as defined in section 3795.01 of 6349
the Revised Code; 6350

(34) Failure to comply with the requirements in section 6351
3719.061 of the Revised Code before issuing for a minor a 6352

prescription for an opioid analgesic, as defined in section 6353
3719.01 of the Revised Code; 6354

(35) Failure to comply with section 4723.487 of the 6355
Revised Code, unless the state board of pharmacy no longer 6356
maintains a drug database pursuant to section 4729.75 of the 6357
Revised Code; 6358

(36) The revocation, suspension, restriction, reduction, 6359
or termination of clinical privileges by the United States 6360
department of defense or department of veterans affairs or the 6361
termination or suspension of a certificate of registration to 6362
prescribe drugs by the drug enforcement administration of the 6363
United States department of justice; 6364

(37) In the case of an advanced practice registered nurse 6365
who is designated as a clinical nurse specialist, certified 6366
nurse-midwife, or certified nurse practitioner, failure to 6367
comply with the terms of a consult agreement entered into with a 6368
pharmacist pursuant to section 4729.39 of the Revised Code. 6369

(C) Disciplinary actions taken by the board under 6370
divisions (A) and (B) of this section shall be taken pursuant to 6371
an adjudication conducted under Chapter 119. of the Revised 6372
Code, except that in lieu of a hearing, the board may enter into 6373
a consent agreement with an individual to resolve an allegation 6374
of a violation of this chapter or any rule adopted under it. A 6375
consent agreement, when ratified by a vote of a quorum, shall 6376
constitute the findings and order of the board with respect to 6377
the matter addressed in the agreement. If the board refuses to 6378
ratify a consent agreement, the admissions and findings 6379
contained in the agreement shall be of no effect. 6380

(D) The hearings of the board shall be conducted in 6381

accordance with Chapter 119. of the Revised Code, the board may 6382
appoint a hearing examiner, as provided in section 119.09 of the 6383
Revised Code, to conduct any hearing the board is authorized to 6384
hold under Chapter 119. of the Revised Code. 6385

In any instance in which the board is required under 6386
Chapter 119. of the Revised Code to give notice of an 6387
opportunity for a hearing and the applicant, licensee, or 6388
certificate holder does not make a timely request for a hearing 6389
in accordance with section 119.07 of the Revised Code, the board 6390
is not required to hold a hearing, but may adopt, by a vote of a 6391
quorum, a final order that contains the board's findings. In the 6392
final order, the board may order any of the sanctions listed in 6393
division (A) or (B) of this section. 6394

(E) If a criminal action is brought against a registered 6395
nurse, licensed practical nurse, or dialysis technician for an 6396
act or crime described in divisions (B) (3) to (7) of this 6397
section and the action is dismissed by the trial court other 6398
than on the merits, the board shall conduct an adjudication to 6399
determine whether the registered nurse, licensed practical 6400
nurse, or dialysis technician committed the act on which the 6401
action was based. If the board determines on the basis of the 6402
adjudication that the registered nurse, licensed practical 6403
nurse, or dialysis technician committed the act, or if the 6404
registered nurse, licensed practical nurse, or dialysis 6405
technician fails to participate in the adjudication, the board 6406
may take action as though the registered nurse, licensed 6407
practical nurse, or dialysis technician had been convicted of 6408
the act. 6409

If the board takes action on the basis of a conviction, 6410
plea, or a judicial finding as described in divisions (B) (3) to 6411

(7) of this section that is overturned on appeal, the registered
nurse, licensed practical nurse, or dialysis technician may, on
exhaustion of the appeal process, petition the board for
reconsideration of its action. On receipt of the petition and
supporting court documents, the board shall temporarily rescind
its action. If the board determines that the decision on appeal
was a decision on the merits, it shall permanently rescind its
action. If the board determines that the decision on appeal was
not a decision on the merits, it shall conduct an adjudication
to determine whether the registered nurse, licensed practical
nurse, or dialysis technician committed the act on which the
original conviction, plea, or judicial finding was based. If the
board determines on the basis of the adjudication that the
registered nurse, licensed practical nurse, or dialysis
technician committed such act, or if the registered nurse,
licensed practical nurse, or dialysis technician does not
request an adjudication, the board shall reinstate its action;
otherwise, the board shall permanently rescind its action.

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 shall 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, 6443
or otherwise modify its records to reflect the court's sealing 6444
or expungement of conviction records. 6445

(F) The board may investigate an individual's criminal 6446
background in performing its duties under this section. As part 6447
of such investigation, the board may order the individual to 6448
submit, at the individual's expense, a request to the bureau of 6449
criminal identification and investigation for a criminal records 6450
check and check of federal bureau of investigation records in 6451
accordance with the procedure described in section 4723.091 of 6452
the Revised Code. 6453

(G) During the course of an investigation conducted under 6454
this section, the board may compel any registered nurse, 6455
licensed practical nurse, or dialysis technician or applicant 6456
under this chapter to submit to a mental or physical 6457
examination, or both, as required by the board and at the 6458
expense of the individual, if the board finds reason to believe 6459
that the individual under investigation may have a physical or 6460
mental impairment that may affect the individual's ability to 6461
provide safe nursing care. 6462

The board shall not compel an individual who has been 6463
referred to the safe haven program as described in sections 6464
4723.35 and 4723.351 of the Revised Code to submit to a mental 6465
or physical examination. 6466

Failure of any individual to submit to a mental or 6467
physical examination when directed constitutes an admission of 6468
the allegations, unless the failure is due to circumstances 6469
beyond the individual's control, and a default and final order 6470
may be entered without the taking of testimony or presentation 6471
of evidence. 6472

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may

disclose information to law enforcement officers and government 6503
entities for purposes of an investigation of either a licensed 6504
health care professional, including a registered nurse, licensed 6505
practical nurse, or dialysis technician, or a person who may 6506
have engaged in the unauthorized practice of nursing or dialysis 6507
care. No law enforcement officer or government entity with 6508
knowledge of any information disclosed by the board pursuant to 6509
this division shall divulge the information to any other person 6510
or government entity except for the purpose of a government 6511
investigation, a prosecution, or an adjudication by a court or 6512
government entity. 6513

(2) If an investigation requires a review of patient 6514
records, the investigation and proceeding shall be conducted in 6515
such a manner as to protect patient confidentiality. 6516

(3) All adjudications and investigations of the board 6517
shall be considered civil actions for the purposes of section 6518
2305.252 of the Revised Code. 6519

(4) Any board activity that involves continued monitoring 6520
of an individual as part of or following any disciplinary action 6521
taken under this section shall be conducted in a manner that 6522
maintains the individual's confidentiality. Information received 6523
or maintained by the board with respect to the board's 6524
monitoring activities is not subject to discovery in any civil 6525
action and is confidential, except that the board may disclose 6526
information to law enforcement officers and government entities 6527
for purposes of an investigation of a licensee or certificate 6528
holder. 6529

(J) Any action taken by the board under this section 6530
resulting in a suspension from practice shall be accompanied by 6531
a written statement of the conditions under which the person may 6532

be reinstated to practice. 6533

(K) When the board refuses to grant a license or 6534
certificate to an applicant, revokes a license or certificate, 6535
or refuses to reinstate a license or certificate, the board may 6536
specify that its action is permanent. An individual subject to 6537
permanent action taken by the board is forever ineligible to 6538
hold a license or certificate of the type that was refused or 6539
revoked and the board shall not accept from the individual an 6540
application for reinstatement of the license or certificate or 6541
for a new license or certificate. 6542

(L) No unilateral surrender of a nursing license or 6543
dialysis technician certificate issued under this chapter shall 6544
be effective unless accepted by majority vote of the board. No 6545
application for a nursing license or dialysis technician 6546
certificate issued under this chapter may be withdrawn without a 6547
majority vote of the board. The board's jurisdiction to take 6548
disciplinary action under this section is not removed or limited 6549
when an individual has a license or certificate classified as 6550
inactive or fails to renew a license or certificate. 6551

(M) Sanctions shall not be imposed under division (B) (24) 6552
of this section against any licensee who waives deductibles and 6553
copayments as follows: 6554

(1) In compliance with the health benefit plan that 6555
expressly allows such a practice. Waiver of the deductibles or 6556
copayments shall be made only with the full knowledge and 6557
consent of the plan purchaser, payer, and third-party 6558
administrator. Documentation of the consent shall be made 6559
available to the board upon request. 6560

(2) For professional services rendered to any other person 6561

licensed pursuant to this chapter to the extent allowed by this 6562
chapter and the rules of the board. 6563

Sec. 4729.16. (A) (1) The state board of pharmacy, after 6564
notice and hearing in accordance with Chapter 119. of the 6565
Revised Code, may impose any one or more of the following 6566
sanctions on a pharmacist or pharmacy intern if the board finds 6567
the individual engaged in any of the conduct set forth in 6568
division (A) (2) of this section: 6569

(a) Revoke, suspend, restrict, limit, or refuse to grant 6570
or renew a license; 6571

(b) Reprimand or place the license holder on probation; 6572

(c) Impose a monetary penalty or forfeiture not to exceed 6573
in severity any fine designated under the Revised Code for a 6574
similar offense, or in the case of a violation of a section of 6575
the Revised Code that does not bear a penalty, a monetary 6576
penalty or forfeiture of not more than five hundred dollars. 6577

(2) Except as provided in division (I) of this section, 6578
the board may impose the sanctions listed in division (A) (1) of 6579
this section if the board finds a pharmacist or pharmacy intern: 6580

(a) Has been convicted of a felony, or a crime of moral 6581
turpitude, as defined in section 4776.10 of the Revised Code; 6582

(b) Engaged in dishonesty or unprofessional conduct in the 6583
practice of pharmacy; 6584

(c) Is addicted to or abusing alcohol or drugs or is 6585
impaired physically or mentally to such a degree as to render 6586
the pharmacist or pharmacy intern unfit to practice pharmacy; 6587

(d) Has been convicted of a misdemeanor related to, or 6588
committed in, the practice of pharmacy; 6589

(e) Violated, conspired to violate, attempted to violate, 6590
or aided and abetted the violation of any of the provisions of 6591
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6592
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6593
by the board under those provisions; 6594

(f) Permitted someone other than a pharmacist or pharmacy 6595
intern to practice pharmacy; 6596

(g) Knowingly lent the pharmacist's or pharmacy intern's 6597
name to an illegal practitioner of pharmacy or had a 6598
professional connection with an illegal practitioner of 6599
pharmacy; 6600

(h) Divided or agreed to divide remuneration made in the 6601
practice of pharmacy with any other individual, including, but 6602
not limited to, any licensed health professional authorized to 6603
prescribe drugs or any owner, manager, or employee of a health 6604
care facility, residential care facility, or nursing home; 6605

(i) Violated the terms of a consult agreement entered into 6606
pursuant to section 4729.39 of the Revised Code; 6607

(j) Committed fraud, misrepresentation, or deception in 6608
applying for or securing a license issued by the board under 6609
this chapter or under Chapter 3715. or 3719. of the Revised 6610
Code; 6611

(k) Failed to comply with an order of the board or a 6612
settlement agreement; 6613

(l) Engaged in any other conduct for which the board may 6614
impose discipline as set forth in rules adopted under section 6615
4729.26 of the Revised Code. 6616

(B) Any individual whose license is revoked, suspended, or 6617

refused, shall return the license to the offices of the state 6618
board of pharmacy within ten days after receipt of notice of 6619
such action. 6620

(C) As used in this section: 6621

"Unprofessional conduct in the practice of pharmacy" 6622
includes any of the following: 6623

(1) Advertising or displaying signs that promote dangerous 6624
drugs to the public in a manner that is false or misleading; 6625

(2) Except as provided in section 3715.50, 3715.502, 6626
4729.281, or 4729.47 of the Revised Code, the dispensing or sale 6627
of any drug for which a prescription is required, without having 6628
received a prescription for the drug; 6629

(3) Knowingly dispensing medication pursuant to false or 6630
forged prescriptions; 6631

(4) Knowingly failing to maintain complete and accurate 6632
records of all dangerous drugs received or dispensed in 6633
compliance with federal laws and regulations and state laws and 6634
rules; 6635

(5) Obtaining any remuneration by fraud, 6636
misrepresentation, or deception; 6637

(6) Failing to conform to prevailing standards of care of 6638
similar pharmacists or pharmacy interns under the same or 6639
similar circumstances, whether or not actual injury to a patient 6640
is established; 6641

(7) Engaging in any other conduct that the board specifies 6642
as unprofessional conduct in the practice of pharmacy in rules 6643
adopted under section 4729.26 of the Revised Code. 6644

(D) The board may suspend a license under division (B) of 6645
section 3719.121 of the Revised Code by utilizing a telephone 6646
conference call to review the allegations and take a vote. 6647

(E) For purposes of this division, an individual 6648
authorized to practice as a pharmacist or pharmacy intern 6649
accepts the privilege of practicing in this state subject to 6650
supervision by the board. By filing an application for or 6651
holding a license to practice as a pharmacist or pharmacy 6652
intern, an individual gives consent to submit to a mental or 6653
physical examination when ordered to do so by the board in 6654
writing and waives all objections to the admissibility of 6655
testimony or examination reports that constitute privileged 6656
communications. 6657

If the board has reasonable cause to believe that an 6658
individual who is a pharmacist or pharmacy intern is physically 6659
or mentally impaired, the board may require the individual to 6660
submit to a physical or mental examination, or both. The expense 6661
of the examination is the responsibility of the individual 6662
required to be examined. 6663

Failure of an individual who is a pharmacist or pharmacy 6664
intern to submit to a physical or mental examination ordered by 6665
the board, unless the failure is due to circumstances beyond the 6666
individual's control, constitutes an admission of the 6667
allegations and a suspension order shall be entered without the 6668
taking of testimony or presentation of evidence. Any subsequent 6669
adjudication hearing under Chapter 119. of the Revised Code 6670
concerning failure to submit to an examination is limited to 6671
consideration of whether the failure was beyond the individual's 6672
control. 6673

If, based on the results of an examination ordered under 6674

this division, the board determines that the individual's 6675
ability to practice is impaired, the board shall suspend the 6676
individual's license or deny the individual's application and 6677
shall require the individual, as a condition for an initial, 6678
continued, reinstated, or renewed license to practice, to submit 6679
to a physical or mental examination and treatment. 6680

An order of suspension issued under this division shall 6681
not be subject to suspension by a court during pendency of any 6682
appeal filed under section 119.12 of the Revised Code. 6683

(F) If the board is required under Chapter 119. of the 6684
Revised Code to give notice of an opportunity for a hearing and 6685
the applicant or licensee does not make a timely request for a 6686
hearing in accordance with section 119.07 of the Revised Code, 6687
the board is not required to hold a hearing, but may adopt a 6688
final order that contains the board's findings. In the final 6689
order, the board may impose any of the sanctions listed in 6690
division (A) of this section. 6691

(G) Notwithstanding the provision of division (D) (2) of 6692
section 2953.32, division (B) (1) of section 2953.321, or 6693
division (F) (1) of section 2953.39 of the Revised Code 6694
specifying that if records pertaining to a criminal case are 6695
sealed or expunged under that section the proceedings in the 6696
case must be deemed not to have occurred, sealing or expungement 6697
of the following records on which the board has based an action 6698
under this section shall have no effect on the board's action or 6699
any sanction imposed by the board under this section: records of 6700
any conviction, guilty plea, judicial finding of guilt resulting 6701
from a plea of no contest, or a judicial finding of eligibility 6702
for a pretrial diversion program or intervention in lieu of 6703
conviction. The board shall not be required to seal, destroy, 6704

redact, or otherwise modify its records to reflect the court's 6705
sealing or expungement of conviction records. 6706

(H) No pharmacist or pharmacy intern shall knowingly 6707
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 6708
(e) to (l) of this section. 6709

(I) The board shall not refuse to issue a license to an 6710
applicant for a conviction of an offense unless the refusal is 6711
in accordance with section 9.79 of the Revised Code. 6712

Sec. 4729.56. (A) (1) The state board of pharmacy, in 6713
accordance with Chapter 119. of the Revised Code, may impose any 6714
one or more of the following sanctions on a person licensed 6715
under division (B) (1) (a) of section 4729.52 of the Revised Code 6716
for any of the causes set forth in division (A) (2) of this 6717
section: 6718

(a) Suspend, revoke, restrict, limit, or refuse to grant 6719
or renew a license; 6720

(b) Reprimand or place the license holder on probation; 6721

(c) Impose a monetary penalty or forfeiture not to exceed 6722
in severity any fine designated under the Revised Code for a 6723
similar offense or two thousand five hundred dollars if the acts 6724
committed are not classified as an offense by the Revised Code; 6725

(2) The board may impose the sanctions set forth in 6726
division (A) (1) of this section for any of the following: 6727

(a) Making any false material statements in an application 6728
for licensure under section 4729.52 of the Revised Code; 6729

(b) Violating any federal, state, or local drug law; any 6730
provision of this chapter or Chapter 2925., 3715., or 3719. of 6731
the Revised Code; or any rule of the board; 6732

(c) A conviction of a felony; 6733

(d) Failing to satisfy the qualifications for licensure 6734
under section 4729.53 of the Revised Code or the rules of the 6735
board or ceasing to satisfy the qualifications after the 6736
registration is granted or renewed; 6737

(e) Falsely or fraudulently promoting to the public a drug 6738
that is a controlled substance included in schedule I, II, III, 6739
IV, or V, except that nothing in this division prohibits a 6740
manufacturer, outsourcing facility, third-party logistics 6741
provider, repackager, or wholesale distributor of dangerous 6742
drugs from furnishing information concerning a controlled 6743
substance to a health care provider or licensed terminal 6744
distributor; 6745

(f) Violating any provision of the "Federal Food, Drug, 6746
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 6747
Chapter 3715. of the Revised Code; 6748

(g) Any other cause for which the board may impose 6749
sanctions as set forth in rules adopted under section 4729.26 of 6750
the Revised Code. 6751

(B) Upon the suspension or revocation of any license 6752
identified in division (B) (1) (a) of section 4729.52 of the 6753
Revised Code, the licensee shall immediately surrender the 6754
license to the board. 6755

(C) If the board suspends, revokes, or refuses to renew 6756
any license identified in division (B) (1) (a) of section 4729.52 6757
of the Revised Code and determines that there is clear and 6758
convincing evidence of a danger of immediate and serious harm to 6759
any person, the board may place under seal all dangerous drugs 6760
owned by or in the possession, custody, or control of the 6761

affected licensee. Except as provided in this division, the
board shall not dispose of the dangerous drugs sealed under this
division until the licensee exhausts all of the licensee's
appeal rights under Chapter 119. of the Revised Code. The court
involved in such an appeal may order the board, during the
pendency of the appeal, to sell sealed dangerous drugs that are
perishable. The board shall deposit the proceeds of the sale
with the court.

(D) If the board is required under Chapter 119. of the
Revised Code to give notice of an opportunity for a hearing and
the license holder 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 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.

Sec. 4729.57. (A) The state board of pharmacy may after 6793
notice and a hearing in accordance with Chapter 119. of the 6794
Revised Code, impose any one or more of the following sanctions 6795
on a terminal distributor of dangerous drugs for any of the 6796
causes set forth in division (B) of this section: 6797

(1) Suspend, revoke, restrict, limit, or refuse to grant 6798
or renew any license; 6799

(2) Reprimand or place the license holder on probation; 6800

(3) Impose a monetary penalty or forfeiture not to exceed 6801
in severity any fine designated under the Revised Code for a 6802
similar offense or one thousand dollars if the acts committed 6803
have not been classified as an offense by the Revised Code. 6804

(B) The board may impose the sanctions listed in division 6805
(A) of this section for any of the following: 6806

(1) Making any false material statements in an application 6807
for a license as a terminal distributor of dangerous drugs; 6808

(2) Violating any rule of the board; 6809

(3) Violating any provision of this chapter; 6810

(4) Except as provided in section 4729.89 of the Revised 6811
Code, violating any provision of the "Federal Food, Drug, and 6812
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 6813
3715. of the Revised Code; 6814

(5) Violating any provision of the federal drug abuse 6815
control laws or Chapter 2925. or 3719. of the Revised Code; 6816

(6) Falsely or fraudulently promoting to the public a 6817
dangerous drug, except that nothing in this division prohibits a 6818
terminal distributor of dangerous drugs from furnishing 6819

information concerning a dangerous drug to a health care 6820
provider or another licensed terminal distributor; 6821

(7) Ceasing to satisfy the qualifications of a terminal 6822
distributor of dangerous drugs set forth in section 4729.55 of 6823
the Revised Code; 6824

(8) Except as provided in division (C) of this section: 6825

(a) Waiving the payment of all or any part of a deductible 6826
or copayment that an individual, pursuant to a health insurance 6827
or health care policy, contract, or plan that covers the 6828
services provided by a terminal distributor of dangerous drugs, 6829
would otherwise be required to pay for the services if the 6830
waiver is used as an enticement to a patient or group of 6831
patients to receive pharmacy services from that terminal 6832
distributor; 6833

(b) Advertising that the terminal distributor will waive 6834
the payment of all or any part of a deductible or copayment that 6835
an individual, pursuant to a health insurance or health care 6836
policy, contract, or plan that covers the pharmaceutical 6837
services, would otherwise be required to pay for the services. 6838

(9) Conviction of a felony; 6839

(10) Any other cause for which the board may impose 6840
discipline as set forth in rules adopted under section 4729.26 6841
of the Revised Code. 6842

(C) Sanctions shall not be imposed under division (B) (8) 6843
of this section against any terminal distributor of dangerous 6844
drugs that waives deductibles and copayments as follows: 6845

(1) In compliance with a health benefit plan that 6846
expressly allows such a practice. Waiver of the deductibles or 6847

copayments shall be made only with the full knowledge and 6848
consent of the plan purchaser, payer, and third-party 6849
administrator. Documentation of the consent shall be made 6850
available to the board on request. 6851

(2) For professional services rendered to any other person 6852
licensed pursuant to this chapter to the extent allowed by this 6853
chapter and the rules of the board. 6854

(D) (1) Upon the suspension or revocation of a license 6855
issued to a terminal distributor of dangerous drugs or the 6856
refusal by the board to renew such a license, the distributor 6857
shall immediately surrender the license to the board. 6858

(2) (a) The board may place under seal all dangerous drugs 6859
that are owned by or in the possession, custody, or control of a 6860
terminal distributor at the time the license is suspended or 6861
revoked or at the time the board refuses to renew the license. 6862
Except as provided in division (D) (2) (b) of this section, 6863
dangerous drugs so sealed shall not be disposed of until appeal 6864
rights under Chapter 119. of the Revised Code have expired or an 6865
appeal filed pursuant to that chapter has been determined. 6866

(b) The court involved in an appeal filed pursuant to 6867
Chapter 119. of the Revised Code may order the board, during the 6868
pendency of the appeal, to sell sealed dangerous drugs that are 6869
perishable. The proceeds of such a sale shall be deposited with 6870
that court. 6871

(E) If the board is required under Chapter 119. of the 6872
Revised Code to give notice of an opportunity for a hearing and 6873
the license holder does not make a timely request for a hearing 6874
in accordance with section 119.07 of the Revised Code, the board 6875
is not required to hold a hearing, but may adopt a final order 6876

that contains the board's findings. In the final order, the 6877
board may impose any of the sanctions listed in division (A) of 6878
this section. 6879

(F) Notwithstanding division (D) (2) of section 2953.32, 6880
division (B) (1) of section 2953.321, or division (F) (1) of 6881
section 2953.39 of the Revised Code specifying that if records 6882
pertaining to a criminal case are sealed or expunged under that 6883
section the proceedings in the case must be deemed not to have 6884
occurred, sealing or expungement of the following records on 6885
which the board has based an action under this section shall 6886
have no effect on the board's action or any sanction imposed by 6887
the board under this section: records of any conviction, guilty 6888
plea, judicial finding of guilt resulting from a plea of no 6889
contest, or a judicial finding of eligibility for a pretrial 6890
diversion program or intervention in lieu of conviction. The 6891
board is not required to seal, destroy, redact, or otherwise 6892
modify its records to reflect the court's sealing or expungement 6893
of conviction records. 6894

Sec. 4729.96. (A) (1) The state board of pharmacy, after 6895
notice and hearing in accordance with Chapter 119. of the 6896
Revised Code, may impose one or more of the following sanctions 6897
on a pharmacy technician trainee, registered pharmacy 6898
technician, or certified pharmacy technician if the board finds 6899
the individual engaged in any of the conduct set forth in 6900
division (A) (2) of this section: 6901

(a) Revoke, suspend, restrict, limit, or refuse to grant 6902
or renew a registration; 6903

(b) Reprimand or place the holder of the registration on 6904
probation; 6905

(c) Impose a monetary penalty or forfeiture not to exceed 6906
in severity any fine designated under the Revised Code for a 6907
similar offense, or in the case of a violation of a section of 6908
the Revised Code that does not bear a penalty, a monetary 6909
penalty or forfeiture of not more than five hundred dollars. 6910

(2) Except as provided in division (G) of this section, 6911
the board may impose the sanctions listed in division (A)(1) of 6912
this section if the board finds a pharmacy technician trainee, 6913
registered pharmacy technician, or certified pharmacy 6914
technician: 6915

(a) Has been convicted of a felony, or a crime of moral 6916
turpitude, as defined in section 4776.10 of the Revised Code; 6917

(b) Engaged in dishonesty or unprofessional conduct, as 6918
prescribed in rules adopted by the board under section 4729.94 6919
of the Revised Code; 6920

(c) Is addicted to or abusing alcohol or drugs or impaired 6921
physically or mentally to such a degree as to render the 6922
individual unable to perform the individual's duties; 6923

(d) Violated, conspired to violate, attempted to violate, 6924
or aided and abetted the violation of any of the provisions of 6925
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6926
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6927
by the board under those provisions; 6928

(e) Committed fraud, misrepresentation, or deception in 6929
applying for or securing a registration issued by the board 6930
under this chapter; 6931

(f) Failed to comply with an order of the board or a 6932
settlement agreement; 6933

(g) Engaged in any other conduct for which the board may 6934
impose discipline as set forth in rules adopted by the board 6935
under section 4729.94 of the Revised Code. 6936

(B) The board may suspend a registration under division 6937
(B) of section 3719.121 of the Revised Code by utilizing a 6938
telephone conference call to review the allegations and take a 6939
vote. 6940

(C) For purposes of this division, an individual 6941
authorized to practice as a pharmacy technician trainee, 6942
registered pharmacy technician, or certified pharmacy technician 6943
accepts the privilege of practicing in this state subject to 6944
supervision by the board. By filing an application for or 6945
holding a registration under this chapter, the individual gives 6946
consent to submit to a mental or physical examination when 6947
ordered to do so by the board in writing and waives all 6948
objections to the admissibility of testimony or examination 6949
reports that constitute privileged communications. 6950

If the board has reasonable cause to believe that an 6951
individual who is a pharmacy technician trainee, registered 6952
pharmacy technician, or certified pharmacy technician is 6953
physically or mentally impaired, the board may require the 6954
individual to submit to a physical or mental examination, or 6955
both. The expense of the examination is the responsibility of 6956
the individual required to be examined. 6957

Failure of an individual who is a pharmacy technician 6958
trainee, registered pharmacy technician, or certified pharmacy 6959
technician to submit to a physical or mental examination ordered 6960
by the board, unless the failure is due to circumstances beyond 6961
the individual's control, constitutes an admission of the 6962
allegations and a suspension order shall be entered without the 6963

taking of testimony or presentation of evidence. Any subsequent
adjudication hearing under Chapter 119. of the Revised Code
concerning failure to submit to an examination is limited to
consideration of whether the failure was beyond the individual's
control.

If, based on the results of an examination ordered under
this division, the board determines that the individual's
ability to practice is impaired, the board shall suspend the
individual's registration or deny the individual's application
and shall require the individual, as a condition for an initial,
continued, reinstated, or renewed registration to practice, to
submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall
not be subject to suspension by a court during pendency of any
appeal filed under section 119.12 of the Revised Code.

(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 6994
any sanction imposed by the board under this section: records of 6995
any conviction, guilty plea, judicial finding of guilt resulting 6996
from a plea of no contest, or a judicial finding of eligibility 6997
for a pretrial diversion program or intervention in lieu of 6998
conviction. The board shall not be required to seal, destroy, 6999
redact, or otherwise modify its records to reflect the court's 7000
sealing or expungement of conviction records. 7001

(F) No pharmacy technician trainee, registered pharmacy 7002
technician, or certified pharmacy technician shall knowingly 7003
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 7004
(d) to (g) of this section. 7005

(G) The board shall not refuse to issue a registration to 7006
an applicant because of a conviction of an offense unless the 7007
refusal is in accordance with section 9.79 of the Revised Code. 7008

Sec. 4752.09. (A) The state board of pharmacy may, in 7009
accordance with Chapter 119. of the Revised Code, impose any one 7010
or more of the following sanctions on an applicant for a license 7011
or certificate of registration issued under this chapter or a 7012
license or certificate holder for any of the causes set forth in 7013
division (B) of this section: 7014

(1) Suspend, revoke, restrict, limit, or refuse to grant 7015
or renew a license or certificate of registration; 7016

(2) Reprimand or place the license or certificate holder 7017
on probation; 7018

(3) Impose a monetary penalty or forfeiture not to exceed 7019
in severity any fine designated under the Revised Code for a 7020
similar offense or not more than five thousand dollars if the 7021
acts committed are not classified as an offense by the Revised 7022

Code.	7023
(B) The board may impose the sanctions listed in division	7024
(A) of this section for any of the following:	7025
(1) Violation of any provision of this chapter or an order	7026
or rule of the board, as those provisions, orders, or rules are	7027
applicable to persons licensed under this chapter;	7028
(2) A plea of guilty to or a judicial finding of guilt of	7029
a felony or a misdemeanor that involves dishonesty or is	7030
directly related to the provision of home medical equipment	7031
services;	7032
(3) Making a material misstatement in furnishing	7033
information to the board;	7034
(4) Professional incompetence;	7035
(5) Being guilty of negligence or gross misconduct in	7036
providing home medical equipment services;	7037
(6) Aiding, assisting, or willfully permitting another	7038
person to violate any provision of this chapter or an order or	7039
rule of the board, as those provisions, orders, or rules are	7040
applicable to persons licensed under this chapter;	7041
(7) Failing to provide information in response to a	7042
written request by the board;	7043
(8) Engaging in conduct likely to deceive, defraud, or	7044
harm the public;	7045
(9) Denial, revocation, suspension, or restriction of a	7046
license to provide home medical equipment services, for any	7047
reason other than failure to renew, in another state or	7048
jurisdiction;	7049

(10) Directly or indirectly giving to or receiving from 7050
any person a fee, commission, rebate, or other form of 7051
compensation for services not rendered; 7052

(11) Knowingly making or filing false records, reports, or 7053
billings in the course of providing home medical equipment 7054
services, including false records, reports, or billings prepared 7055
for or submitted to state and federal agencies or departments; 7056

(12) Failing to comply with federal rules issued pursuant 7057
to the medicare program established under Title XVIII of the 7058
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 7059
amended, relating to operations, financial transactions, and 7060
general business practices of home medical services providers; 7061

(13) Any other cause for which the board may impose 7062
sanctions as set forth in rules adopted under section 4752.17 of 7063
the Revised Code. 7064

(C) Notwithstanding any provision of divisions (A) and (B) 7065
of this section to the contrary, the board shall not refuse to 7066
issue a license or certificate of registration to an applicant 7067
because of a plea of guilty to or a judicial finding of guilt of 7068
an offense unless the refusal is in accordance with section 9.79 7069
of the Revised Code. 7070

(D) The state board of pharmacy immediately may suspend a 7071
license without a hearing if it determines that there is 7072
evidence that the license holder is subject to actions under 7073
this section and that there is clear and convincing evidence 7074
that continued operation by the license holder presents an 7075
immediate and serious harm to the public. The board shall follow 7076
the procedure for suspension without a prior hearing in section 7077
119.07 of the Revised Code. The board may vote on the suspension 7078

by way of a telephone conference call.

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A suspension under this division shall remain in effect,
unless reversed by the board, until a final adjudication order
issued by the board pursuant to this section and Chapter 119. of
the Revised Code becomes effective. The board shall issue its
final adjudication order not later than ninety days after
completion of the hearing. The board's failure to issue the
order by that day shall cause the summary suspension to end, but
shall not affect the validity of any subsequent final
adjudication order.

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(E) 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 license or certificate holder 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.

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(F) 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

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conviction. The board shall not be required to seal, destroy, 7109
redact, or otherwise modify its records to reflect the court's 7110
sealing or expungement of conviction records. 7111

Section 2. That existing sections 109.57, 109.572, 7112
109.578, 109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 7113
2929.01, 2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 7114
2941.146, 2953.25, 2953.26, 2953.32, 2953.34, 2953.61, 4723.28, 7115
4729.16, 4729.56, 4729.57, 4729.96, and 4752.09 of the Revised 7116
Code are hereby repealed. 7117

Section 3. This act shall be known as the Repeat Offender 7118
Act. 7119

Section 4. The General Assembly, applying the principle 7120
stated in division (B) of section 1.52 of the Revised Code that 7121
amendments are to be harmonized if reasonably capable of 7122
simultaneous operation, finds that the following sections, 7123
presented in this act as composites of the sections as amended 7124
by the acts indicated, are the resulting versions of the 7125
sections in effect prior to the effective date of the sections 7126
as presented in this act: 7127

Section 2923.125 of the Revised Code as a composite of the 7128
section as amended by both H.B. 281 and S.B. 288 of the 134th 7129
General Assembly. 7130

Section 2929.14 of the Revised Code as a composite of the 7131
section as amended by both H.B. 56 and S.B. 106 of the 135th 7132
General Assembly. 7133

Section 4729.16 of the Revised Code as a composite of the 7134
section as amended by H.B. 558 and S.B. 288, both of the 134th 7135
General Assembly. 7136