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Representatives Williams, Willis

Cosponsors: Representatives Bird, Click, Creech, Fischer, Fowler Arthur, Gross, Johnson, Klopfenstein, Miller, K., Miller, M., Mullins, Newman, Ray, Stewart, Barhorst, Daniels, Holmes, Kishman, Lampton, Lear, Mathews, A., McClain, Odioso, Oelslager, Plummer, Robb Blasdel, Salvo, Schmidt, Thomas, D.

To amend sections 109.11, 109.57, 109.572, 109.578,	1
109.579, 2151.357, 2746.02, 2901.08, 2923.125,	2
2923.13, 2923.14, 2929.01, 2929.13, 2929.14,	3
2929.34, 2930.171, 2941.141, 2941.144, 2941.145,	4
2941.146, 2951.041, 2953.25, 2953.26, 2953.31,	5
2953.32, 2953.34, 2953.39, 2953.61, 4723.28,	6
4729.16, 4729.56, 4729.57, 4729.96, 4752.09, and	7
5120.035 and to enact sections 2941.1427,	8
2941.1428, 2941.1429, 2953.311, 2953.321,	9
2953.322, and 2953.323 of the Revised Code to	10
enact the Repeat Offender Act to create a repeat	11
offender classification, to create and modify	12
certain firearm specifications, to increase the	13
penalties for certain firearm offenses and	14
specifications, to broaden the scope of relief	15
from firearms disability, and to modify the	16
Sealing and Expungement Law.	17

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

Section 1. That sections 109.11, 109.57, 109.572, 109.578,	18
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109.579, 2151.357, 2746.02, 2901.08, 2923.125, 2923.13, 2923.14, 19
2929.01, 2929.13, 2929.14, 2929.34, 2930.171, 2941.141, 20
2941.144, 2941.145, 2941.146, 2951.041, 2953.25, 2953.26, 21
2953.31, 2953.32, 2953.34, 2953.39, 2953.61, 4723.28, 4729.16, 22
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035 be amended and 23
sections 2941.1427, 2941.1428, 2941.1429, 2953.311, 2953.321, 24
2953.322, and 2953.323 of the Revised Code be enacted to read as 25
follows: 26

Sec. 109.11. (A) There is hereby created in the state 27
treasury the attorney general reimbursement fund that shall be 28
used for the expenses of the office of the attorney general in 29
providing legal services and other services on behalf of the 30
state or any agency or officer thereof. 31

(B) (1) All amounts received as reimbursement for legal 32
services and other services that have been rendered by the 33
office of the attorney general to the state or any agency or 34
officer thereof shall be paid into the state treasury to the 35
credit of the attorney general reimbursement fund. 36

(2) All amounts awarded to the office of the attorney 37
general by order or judgment of a court or as part of a 38
settlement or other compromise of claims for attorney's fees, 39
investigation costs, document management costs, expert witness 40
fees, fines, and all other costs and fees associated with 41
representation provided by the office shall be paid into the 42
state treasury to the credit of the attorney general 43
reimbursement fund. 44

(3) All amounts paid into the state treasury under 45
division ~~(D) (3)~~ (C) (3) of section 2953.32, division (C) (3) of 46
section 2953.322, or division (B) (3) of section 2953.39 of the 47
Revised Code and that are required under that division to be 48

credited to the attorney general reimbursement fund shall be 49
credited to the fund, and the amounts so credited shall be used 50
by the bureau of criminal identification and investigation for 51
expenses related to the sealing or expungement of records. 52

(C) When seeking an order or judgment of a court or 53
entering a settlement agreement or other compromise of claims on 54
behalf of the state or any agency or officer thereof, the office 55
of the attorney general shall seek to secure payment of all 56
costs, expenses, and contractual obligations related to the 57
legal services and other services provided, including attorney 58
fees owed to special counsel; costs associated with an 59
investigation, preparation, and presentation of claims asserted, 60
document management, and depositions; and any fees or expenses 61
owed to any expert or consulting expert witness. This division 62
does not apply to matters in which the costs, expenses, and 63
obligations are to be paid from funds within an available 64
appropriation of the office or of the agency or officer. 65

Sec. 109.57. (A) (1) The superintendent of the bureau of 66
criminal identification and investigation shall procure from 67
wherever procurable and file for record photographs, pictures, 68
descriptions, fingerprints, measurements, and other information 69
that may be pertinent of all persons who have been convicted of 70
committing within this state a felony, any crime constituting a 71
misdemeanor on the first offense and a felony on subsequent 72
offenses, or any misdemeanor described in division (A) (1) (a), 73
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 74
of all children under eighteen years of age who have been 75
adjudicated delinquent children for committing within this state 76
an act that would be a felony or an offense of violence if 77
committed by an adult or who have been convicted of or pleaded 78
guilty to committing within this state a felony or an offense of 79

violence, and of all well-known and habitual criminals. The 80
person in charge of any county, multicounty, municipal, 81
municipal-county, or multicounty-municipal jail or workhouse, 82
community-based correctional facility, halfway house, 83
alternative residential facility, or state correctional 84
institution and the person in charge of any state institution 85
having custody of a person suspected of having committed a 86
felony, any crime constituting a misdemeanor on the first 87
offense and a felony on subsequent offenses, or any misdemeanor 88
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 89
section 109.572 of the Revised Code or having custody of a child 90
under eighteen years of age with respect to whom there is 91
probable cause to believe that the child may have committed an 92
act that would be a felony or an offense of violence if 93
committed by an adult shall furnish such material to the 94
superintendent of the bureau. Fingerprints, photographs, or 95
other descriptive information of a child who is under eighteen 96
years of age, has not been arrested or otherwise taken into 97
custody for committing an act that would be a felony or an 98
offense of violence who is not in any other category of child 99
specified in this division, if committed by an adult, has not 100
been adjudicated a delinquent child for committing an act that 101
would be a felony or an offense of violence if committed by an 102
adult, has not been convicted of or pleaded guilty to committing 103
a felony or an offense of violence, and is not a child with 104
respect to whom there is probable cause to believe that the 105
child may have committed an act that would be a felony or an 106
offense of violence if committed by an adult shall not be 107
procured by the superintendent or furnished by any person in 108
charge of any county, multicounty, municipal, municipal-county, 109
or multicounty-municipal jail or workhouse, community-based 110
correctional facility, halfway house, alternative residential 111

facility, or state correctional institution, except as 112
authorized in section 2151.313 of the Revised Code. 113

(2) Every clerk of a court of record in this state, other 114
than the supreme court or a court of appeals, shall send to the 115
superintendent of the bureau a weekly report containing a 116
summary of each case involving a felony, involving any crime 117
constituting a misdemeanor on the first offense and a felony on 118
subsequent offenses, involving a misdemeanor described in 119
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 120
of the Revised Code, or involving an adjudication in a case in 121
which a child under eighteen years of age was alleged to be a 122
delinquent child for committing an act that would be a felony or 123
an offense of violence if committed by an adult. The clerk of 124
the court of common pleas shall include in the report and 125
summary the clerk sends under this division all information 126
described in divisions (A) (2) (a) to (f) of this section 127
regarding a case before the court of appeals that is served by 128
that clerk. The summary shall be written on the standard forms 129
furnished by the superintendent pursuant to division (B) of this 130
section and shall include the following information: 131

(a) The incident tracking number contained on the standard 132
forms furnished by the superintendent pursuant to division (B) 133
of this section; 134

(b) The style and number of the case; 135

(c) The date of arrest, offense, summons, or arraignment; 136

(d) The date that the person was convicted of or pleaded 137
guilty to the offense, adjudicated a delinquent child for 138
committing the act that would be a felony or an offense of 139
violence if committed by an adult, found not guilty of the 140

offense, or found not to be a delinquent child for committing an 141
act that would be a felony or an offense of violence if 142
committed by an adult, the date of an entry dismissing the 143
charge, an entry declaring a mistrial of the offense in which 144
the person is discharged, an entry finding that the person or 145
child is not competent to stand trial, or an entry of a nolle 146
prosequi, or the date of any other determination that 147
constitutes final resolution of the case; 148

(e) A statement of the original charge with the section of 149
the Revised Code that was alleged to be violated; 150

(f) If the person or child was convicted, pleaded guilty, 151
or was adjudicated a delinquent child, the sentence or terms of 152
probation imposed or any other disposition of the offender or 153
the delinquent child. 154

If the offense involved the disarming of a law enforcement 155
officer or an attempt to disarm a law enforcement officer, the 156
clerk shall clearly state that fact in the summary, and the 157
superintendent shall ensure that a clear statement of that fact 158
is placed in the bureau's records. 159

(3) The superintendent shall cooperate with and assist 160
sheriffs, chiefs of police, and other law enforcement officers 161
in the establishment of a complete system of criminal 162
identification and in obtaining fingerprints and other means of 163
identification of all persons arrested on a charge of a felony, 164
any crime constituting a misdemeanor on the first offense and a 165
felony on subsequent offenses, or a misdemeanor described in 166
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 167
of the Revised Code and of all children under eighteen years of 168
age arrested or otherwise taken into custody for committing an 169
act that would be a felony or an offense of violence if 170

committed by an adult. The superintendent also shall file for 171
record the fingerprint impressions of all persons confined in a 172
county, multicounty, municipal, municipal-county, or 173
multicounty-municipal jail or workhouse, community-based 174
correctional facility, halfway house, alternative residential 175
facility, or state correctional institution for the violation of 176
state laws and of all children under eighteen years of age who 177
are confined in a county, multicounty, municipal, municipal- 178
county, or multicounty-municipal jail or workhouse, community- 179
based correctional facility, halfway house, alternative 180
residential facility, or state correctional institution or in 181
any facility for delinquent children for committing an act that 182
would be a felony or an offense of violence if committed by an 183
adult, and any other information that the superintendent may 184
receive from law enforcement officials of the state and its 185
political subdivisions. 186

(4) The superintendent shall carry out Chapter 2950. of 187
the Revised Code with respect to the registration of persons who 188
are convicted of or plead guilty to a sexually oriented offense 189
or a child-victim oriented offense and with respect to all other 190
duties imposed on the bureau under that chapter. 191

(5) The bureau shall perform centralized recordkeeping 192
functions for criminal history records and services in this 193
state for purposes of the national crime prevention and privacy 194
compact set forth in section 109.571 of the Revised Code and is 195
the criminal history record repository as defined in that 196
section for purposes of that compact. The superintendent or the 197
superintendent's designee is the compact officer for purposes of 198
that compact and shall carry out the responsibilities of the 199
compact officer specified in that compact. 200

(6) The superintendent shall, upon request, assist a 201
county coroner in the identification of a deceased person 202
through the use of fingerprint impressions obtained pursuant to 203
division (A) (1) of this section or collected pursuant to section 204
109.572 or 311.41 of the Revised Code. 205

(B) The superintendent shall prepare and furnish to every 206
county, multicounty, municipal, municipal-county, or 207
multicounty-municipal jail or workhouse, community-based 208
correctional facility, halfway house, alternative residential 209
facility, or state correctional institution and to every clerk 210
of a court in this state specified in division (A) (2) of this 211
section standard forms for reporting the information required 212
under division (A) of this section. The standard forms that the 213
superintendent prepares pursuant to this division may be in a 214
tangible format, in an electronic format, or in both tangible 215
formats and electronic formats. 216

(C) (1) The superintendent may operate a center for 217
electronic, automated, or other data processing for the storage 218
and retrieval of information, data, and statistics pertaining to 219
criminals and to children under eighteen years of age who are 220
adjudicated delinquent children for committing an act that would 221
be a felony or an offense of violence if committed by an adult, 222
criminal activity, crime prevention, law enforcement, and 223
criminal justice, and may establish and operate a statewide 224
communications network to be known as the Ohio law enforcement 225
gateway to gather and disseminate information, data, and 226
statistics for the use of law enforcement agencies and for other 227
uses specified in this division. The superintendent may gather, 228
store, retrieve, and disseminate information, data, and 229
statistics that pertain to children who are under eighteen years 230
of age and that are gathered pursuant to sections 109.57 to 231

109.61 of the Revised Code together with information, data, and 232
statistics that pertain to adults and that are gathered pursuant 233
to those sections. 234

(2) The superintendent or the superintendent's designee 235
shall gather information of the nature described in division (C) 236
(1) of this section that pertains to the offense and delinquency 237
history of a person who has been convicted of, pleaded guilty 238
to, or been adjudicated a delinquent child for committing a 239
sexually oriented offense or a child-victim oriented offense for 240
inclusion in the state registry of sex offenders and child- 241
victim offenders maintained pursuant to division (A) (1) of 242
section 2950.13 of the Revised Code and in the internet database 243
operated pursuant to division (A) (13) of that section and for 244
possible inclusion in the internet database operated pursuant to 245
division (A) (11) of that section. 246

(3) In addition to any other authorized use of 247
information, data, and statistics of the nature described in 248
division (C) (1) of this section, the superintendent or the 249
superintendent's designee may provide and exchange the 250
information, data, and statistics pursuant to the national crime 251
prevention and privacy compact as described in division (A) (5) 252
of this section. 253

(4) The Ohio law enforcement gateway shall contain the 254
name, confidential address, and telephone number of program 255
participants in the address confidentiality program established 256
under sections 111.41 to 111.47 of the Revised Code. 257

(5) The attorney general may adopt rules under Chapter 258
119. of the Revised Code establishing guidelines for the 259
operation of and participation in the Ohio law enforcement 260
gateway. The rules may include criteria for granting and 261

restricting access to information gathered and disseminated 262
through the Ohio law enforcement gateway. The attorney general 263
shall adopt rules under Chapter 119. of the Revised Code that 264
grant access to information in the gateway regarding an address 265
confidentiality program participant under sections 111.41 to 266
111.47 of the Revised Code to only chiefs of police, village 267
marshals, county sheriffs, county prosecuting attorneys, and a 268
designee of each of these individuals. The attorney general 269
shall permit an office of a county coroner, the state medical 270
board, and board of nursing to access and view, but not alter, 271
information gathered and disseminated through the Ohio law 272
enforcement gateway. 273

The attorney general may appoint a steering committee to 274
advise the attorney general in the operation of the Ohio law 275
enforcement gateway that is comprised of persons who are 276
representatives of the criminal justice agencies in this state 277
that use the Ohio law enforcement gateway and is chaired by the 278
superintendent or the superintendent's designee. 279

(D) (1) The following are not public records under section 280
149.43 of the Revised Code: 281

(a) Information and materials furnished to the 282
superintendent pursuant to division (A) of this section; 283

(b) Information, data, and statistics gathered or 284
disseminated through the Ohio law enforcement gateway pursuant 285
to division (C) (1) of this section; 286

(c) Information and materials furnished to any board or 287
person under division (F) or (G) of this section. 288

(2) The superintendent or the superintendent's designee 289
shall gather and retain information so furnished under division 290

(A) of this section that pertains to the offense and delinquency 291
history of a person who has been convicted of, pleaded guilty 292
to, or been adjudicated a delinquent child for committing a 293
sexually oriented offense or a child-victim oriented offense for 294
the purposes described in division (C) (2) of this section. 295

(E) (1) The attorney general shall adopt rules, in 296
accordance with Chapter 119. of the Revised Code and subject to 297
division (E) (2) of this section, setting forth the procedure by 298
which a person may receive or release information gathered by 299
the superintendent pursuant to division (A) of this section. A 300
reasonable fee may be charged for this service. If a temporary 301
employment service submits a request for a determination of 302
whether a person the service plans to refer to an employment 303
position has been convicted of or pleaded guilty to an offense 304
listed or described in division (A) (1), (2), or (3) of section 305
109.572 of the Revised Code, the request shall be treated as a 306
single request and only one fee shall be charged. 307

(2) Except as otherwise provided in this division or 308
division (E) (3) or (4) of this section, a rule adopted under 309
division (E) (1) of this section may provide only for the release 310
of information gathered pursuant to division (A) of this section 311
that relates to the conviction of a person, or a person's plea 312
of guilty to, a criminal offense or to the arrest of a person as 313
provided in division (E) (3) of this section. The superintendent 314
shall not release, and the attorney general shall not adopt any 315
rule under division (E) (1) of this section that permits the 316
release of, any information gathered pursuant to division (A) of 317
this section that relates to an adjudication of a child as a 318
delinquent child, or that relates to a criminal conviction of a 319
person under eighteen years of age if the person's case was 320
transferred back to a juvenile court under division (B) (2) or 321

(3) of section 2152.121 of the Revised Code and the juvenile 322
court imposed a disposition or serious youthful offender 323
disposition upon the person under either division, unless either 324
of the following applies with respect to the adjudication or 325
conviction: 326

(a) The adjudication or conviction was for a violation of 327
section 2903.01 or 2903.02 of the Revised Code. 328

(b) The adjudication or conviction was for a sexually 329
oriented offense, the juvenile court was required to classify 330
the child a juvenile offender registrant for that offense under 331
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 332
classification has not been removed, and the records of the 333
adjudication or conviction have not been sealed or expunged 334
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 335
pursuant to section 2953.32, 2953.321, 2953.322, or 2953.323 of 336
the Revised Code. 337

(3) A rule adopted under division (E)(1) of this section 338
may provide for the release of information gathered pursuant to 339
division (A) of this section that relates to the arrest of a 340
person who is eighteen years of age or older when the person has 341
not been convicted as a result of that arrest if any of the 342
following applies: 343

(a) The arrest was made outside of this state. 344

(b) A criminal action resulting from the arrest is 345
pending, and the superintendent confirms that the criminal 346
action has not been resolved at the time the criminal records 347
check is performed. 348

(c) The bureau cannot reasonably determine whether a 349
criminal action resulting from the arrest is pending, and not 350

more than one year has elapsed since the date of the arrest. 351

(4) A rule adopted under division (E)(1) of this section 352
may provide for the release of information gathered pursuant to 353
division (A) of this section that relates to an adjudication of 354
a child as a delinquent child if not more than five years have 355
elapsed since the date of the adjudication, the adjudication was 356
for an act that would have been a felony if committed by an 357
adult, the records of the adjudication have not been sealed or 358
expunged pursuant to sections 2151.355 to 2151.358 of the 359
Revised Code, and the request for information is made under 360
division (F) of this section or under section 109.572 of the 361
Revised Code. In the case of an adjudication for a violation of 362
the terms of community control or supervised release, the five- 363
year period shall be calculated from the date of the 364
adjudication to which the community control or supervised 365
release pertains. 366

(F)(1) As used in division (F)(2) of this section, "head 367
start agency" means an entity in this state that has been 368
approved to be an agency for purposes of subchapter II of the 369
"Community Economic Development Act," 95 Stat. 489 (1981), 42 370
U.S.C.A. 9831, as amended. 371

(2)(a) In addition to or in conjunction with any request 372
that is required to be made under section 109.572, 2151.86, 373
3301.32, 3301.541, division (C) of section 3310.58, or section 374
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 375
5123.081, or 5153.111 of the Revised Code or that is made under 376
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 377
Code, the board of education of any school district; the 378
director of developmental disabilities; any county board of 379
developmental disabilities; any provider or subcontractor as 380

defined in section 5123.081 of the Revised Code; the chief 381
administrator of any chartered nonpublic school; the chief 382
administrator of a registered private provider that is not also 383
a chartered nonpublic school; the chief administrator of any 384
home health agency; the chief administrator of or person 385
operating any child care center, type A family child care home, 386
or type B family child care home licensed under Chapter 5104. of 387
the Revised Code; the chief administrator of or person operating 388
any authorized private before and after school care program; the 389
chief administrator of any head start agency; the executive 390
director of a public children services agency; the operator of a 391
residential facility, as defined in section 2151.46 of the 392
Revised Code; a private company described in section 3314.41, 393
3319.392, 3326.25, or 3328.20 of the Revised Code; or an 394
employer described in division (J) (2) of section 3327.10 of the 395
Revised Code may request that the superintendent of the bureau 396
investigate and determine, with respect to any individual who 397
has applied for employment in any position after October 2, 398
1989, or any individual wishing to apply for employment with a 399
board of education may request, with regard to the individual, 400
whether the bureau has any information gathered under division 401
(A) of this section that pertains to that individual. On receipt 402
of the request, subject to division (E) (2) of this section, the 403
superintendent shall determine whether that information exists 404
and, upon request of the person, board, or entity requesting 405
information, also shall request from the federal bureau of 406
investigation any criminal records it has pertaining to that 407
individual. The superintendent or the superintendent's designee 408
also may request criminal history records from other states or 409
the federal government pursuant to the national crime prevention 410
and privacy compact set forth in section 109.571 of the Revised 411
Code. Within thirty days of the date that the superintendent 412

receives a request, subject to division (E) (2) of this section, 413
the superintendent shall send to the board, entity, or person a 414
report of any information that the superintendent determines 415
exists, including information contained in records that have 416
been sealed under section 2953.32 or 2953.321 of the Revised 417
Code, and, within thirty days of its receipt, subject to 418
division (E) (2) of this section, shall send the board, entity, 419
or person a report of any information received from the federal 420
bureau of investigation, other than information the 421
dissemination of which is prohibited by federal law. 422

(b) When a board of education or a registered private 423
provider is required to receive information under this section 424
as a prerequisite to employment of an individual pursuant to 425
division (C) of section 3310.58 or section 3319.39 of the 426
Revised Code, it may accept a certified copy of records that 427
were issued by the bureau of criminal identification and 428
investigation and that are presented by an individual applying 429
for employment with the district in lieu of requesting that 430
information itself. In such a case, the board shall accept the 431
certified copy issued by the bureau in order to make a photocopy 432
of it for that individual's employment application documents and 433
shall return the certified copy to the individual. In a case of 434
that nature, a district or provider only shall accept a 435
certified copy of records of that nature within one year after 436
the date of their issuance by the bureau. 437

(c) Notwithstanding division (F) (2) (a) of this section, in 438
the case of a request under section 3319.39, 3319.391, or 439
3327.10 of the Revised Code only for criminal records maintained 440
by the federal bureau of investigation, the superintendent shall 441
not determine whether any information gathered under division 442
(A) of this section exists on the person for whom the request is 443

made. 444

(3) The state board of education or the department of 445
education and workforce may request, with respect to any 446
individual who has applied for employment after October 2, 1989, 447
in any position with the state board or the department of 448
education and workforce, any information that a school district 449
board of education is authorized to request under division (F) 450
(2) of this section, and the superintendent of the bureau shall 451
proceed as if the request has been received from a school 452
district board of education under division (F) (2) of this 453
section. 454

(4) When the superintendent of the bureau receives a 455
request for information under section 3319.291 of the Revised 456
Code, the superintendent shall proceed as if the request has 457
been received from a school district board of education and 458
shall comply with divisions (F) (2) (a) and (c) of this section. 459

(G) In addition to or in conjunction with any request that 460
is required to be made under section 3712.09, 3721.121, or 461
3740.11 of the Revised Code with respect to an individual who 462
has applied for employment in a position that involves providing 463
direct care to an older adult or adult resident, the chief 464
administrator of a home health agency, hospice care program, 465
home licensed under Chapter 3721. of the Revised Code, or adult 466
day-care program operated pursuant to rules adopted under 467
section 3721.04 of the Revised Code may request that the 468
superintendent of the bureau investigate and determine, with 469
respect to any individual who has applied after January 27, 470
1997, for employment in a position that does not involve 471
providing direct care to an older adult or adult resident, 472
whether the bureau has any information gathered under division 473

(A) of this section that pertains to that individual. 474

In addition to or in conjunction with any request that is 475
required to be made under section 173.27 of the Revised Code 476
with respect to an individual who has applied for employment in 477
a position that involves providing ombudsman services to 478
residents of long-term care facilities or recipients of 479
community-based long-term care services, the state long-term 480
care ombudsman, the director of aging, a regional long-term care 481
ombudsman program, or the designee of the ombudsman, director, 482
or program may request that the superintendent investigate and 483
determine, with respect to any individual who has applied for 484
employment in a position that does not involve providing such 485
ombudsman services, whether the bureau has any information 486
gathered under division (A) of this section that pertains to 487
that applicant. 488

In addition to or in conjunction with any request that is 489
required to be made under section 173.38 of the Revised Code 490
with respect to an individual who has applied for employment in 491
a direct-care position, the chief administrator of a provider, 492
as defined in section 173.39 of the Revised Code, may request 493
that the superintendent investigate and determine, with respect 494
to any individual who has applied for employment in a position 495
that is not a direct-care position, whether the bureau has any 496
information gathered under division (A) of this section that 497
pertains to that applicant. 498

In addition to or in conjunction with any request that is 499
required to be made under section 3712.09 of the Revised Code 500
with respect to an individual who has applied for employment in 501
a position that involves providing direct care to a pediatric 502
respite care patient, the chief administrator of a pediatric 503

respite care program may request that the superintendent of the 504
bureau investigate and determine, with respect to any individual 505
who has applied for employment in a position that does not 506
involve providing direct care to a pediatric respite care 507
patient, whether the bureau has any information gathered under 508
division (A) of this section that pertains to that individual. 509

On receipt of a request under this division, the 510
superintendent shall determine whether that information exists 511
and, on request of the individual requesting information, shall 512
also request from the federal bureau of investigation any 513
criminal records it has pertaining to the applicant. The 514
superintendent or the superintendent's designee also may request 515
criminal history records from other states or the federal 516
government pursuant to the national crime prevention and privacy 517
compact set forth in section 109.571 of the Revised Code. Within 518
thirty days of the date a request is received, subject to 519
division (E) (2) of this section, the superintendent shall send 520
to the requester a report of any information determined to 521
exist, including information contained in records that have been 522
sealed under section 2953.32 or 2953.321 of the Revised Code, 523
and, within thirty days of its receipt, shall send the requester 524
a report of any information received from the federal bureau of 525
investigation, other than information the dissemination of which 526
is prohibited by federal law. 527

(H) Information obtained by a government entity or person 528
under this section is confidential and shall not be released or 529
disseminated. 530

(I) The superintendent may charge a reasonable fee for 531
providing information or criminal records under division (F) (2) 532
or (G) of this section. 533

(J) As used in this section: 534

(1) "Pediatric respite care program" and "pediatric care 535
patient" have the same meanings as in section 3712.01 of the 536
Revised Code. 537

(2) "Sexually oriented offense" and "child-victim oriented 538
offense" have the same meanings as in section 2950.01 of the 539
Revised Code. 540

(3) "Registered private provider" means a nonpublic school 541
or entity registered with the department of education and 542
workforce under section 3310.41 of the Revised Code to 543
participate in the autism scholarship program or section 3310.58 544
of the Revised Code to participate in the Jon Peterson special 545
needs scholarship program. 546

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 547
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 548
Code, a completed form prescribed pursuant to division (C) (1) of 549
this section, and a set of fingerprint impressions obtained in 550
the manner described in division (C) (2) of this section, the 551
superintendent of the bureau of criminal identification and 552
investigation shall conduct a criminal records check in the 553
manner described in division (B) of this section to determine 554
whether any information exists that indicates that the person 555
who is the subject of the request previously has been convicted 556
of or pleaded guilty to any of the following: 557

(a) A violation of section 2903.01, 2903.02, 2903.03, 558
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 559
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 560
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 561
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 562

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 563
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 564
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 565
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 566
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 567
of the Revised Code, felonious sexual penetration in violation 568
of former section 2907.12 of the Revised Code, a violation of 569
section 2905.04 of the Revised Code as it existed prior to July 570
1, 1996, a violation of section 2919.23 of the Revised Code that 571
would have been a violation of section 2905.04 of the Revised 572
Code as it existed prior to July 1, 1996, had the violation been 573
committed prior to that date, or a violation of section 2925.11 574
of the Revised Code that is not a minor drug possession offense; 575

(b) A violation of an existing or former law of this 576
state, any other state, or the United States that is 577
substantially equivalent to any of the offenses listed in 578
division (A)(1)(a) of this section; 579

(c) If the request is made pursuant to section 3319.39 of 580
the Revised Code for an applicant who is a teacher, any offense 581
specified under section 9.79 of the Revised Code or in section 582
3319.31 of the Revised Code. 583

(2) On receipt of a request pursuant to section 3712.09 or 584
3721.121 of the Revised Code, a completed form prescribed 585
pursuant to division (C)(1) of this section, and a set of 586
fingerprint impressions obtained in the manner described in 587
division (C)(2) of this section, the superintendent of the 588
bureau of criminal identification and investigation shall 589
conduct a criminal records check with respect to any person who 590
has applied for employment in a position for which a criminal 591
records check is required by those sections. The superintendent 592

shall conduct the criminal records check in the manner described 593
in division (B) of this section to determine whether any 594
information exists that indicates that the person who is the 595
subject of the request previously has been convicted of or 596
pleaded guilty to any of the following: 597

(a) A violation of section 2903.01, 2903.02, 2903.03, 598
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 599
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 600
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 601
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 602
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 603
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 604
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 605
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 606

(b) An existing or former law of this state, any other 607
state, or the United States that is substantially equivalent to 608
any of the offenses listed in division (A)(2)(a) of this 609
section. 610

(3) On receipt of a request pursuant to section 173.27, 611
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 612
5123.081, or 5123.169 of the Revised Code, a completed form 613
prescribed pursuant to division (C)(1) of this section, and a 614
set of fingerprint impressions obtained in the manner described 615
in division (C)(2) of this section, the superintendent of the 616
bureau of criminal identification and investigation shall 617
conduct a criminal records check of the person for whom the 618
request is made. The superintendent shall conduct the criminal 619
records check in the manner described in division (B) of this 620
section to determine whether any information exists that 621
indicates that the person who is the subject of the request 622

previously has been convicted of, has pleaded guilty to, or 623
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 624
eligible for intervention in lieu of conviction for any of the 625
following, regardless of the date of the conviction, the date of 626
entry of the guilty plea, or (except in the case of a request 627
pursuant to section 5164.34, 5164.341, or 5164.342 of the 628
Revised Code) the date the person was found eligible for 629
intervention in lieu of conviction: 630
631

(a) A violation of section 959.13, 959.131, 2903.01, 632
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 633
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 634
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 635
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 636
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 637
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 638
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 639
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 640
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 641
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 642
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 643
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 644
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 645
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 646
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 647
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 648
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 649
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 650
Revised Code; 651

(b) Felonious sexual penetration in violation of former 652
section 2907.12 of the Revised Code; 653

(c) A violation of section 2905.04 of the Revised Code as 654
it existed prior to July 1, 1996; 655

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 656
the Revised Code when the underlying offense that is the object 657
of the conspiracy, attempt, or complicity is one of the offenses 658
listed in divisions (A) (3) (a) to (c) of this section; 659

(e) A violation of an existing or former municipal 660
ordinance or law of this state, any other state, or the United 661
States that is substantially equivalent to any of the offenses 662
listed in divisions (A) (3) (a) to (d) of this section. 663

(4) On receipt of a request pursuant to section 2151.86, 664
2151.904, or 5103.053 of the Revised Code, a completed form 665
prescribed pursuant to division (C) (1) of this section, and a 666
set of fingerprint impressions obtained in the manner described 667
in division (C) (2) of this section, the superintendent of the 668
bureau of criminal identification and investigation shall 669
conduct a criminal records check in the manner described in 670
division (B) of this section to determine whether any 671
information exists that indicates that the person who is the 672
subject of the request previously has been convicted of or 673
pleaded guilty to any of the following: 674

(a) A violation of section 959.13, 2151.421, 2903.01, 675
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 676
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 677
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 678
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 679
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 680
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 681
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 682
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 683

2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 684
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 685
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 686
Revised Code, a violation of section 2905.04 of the Revised Code 687
as it existed prior to July 1, 1996, a violation of section 688
2919.23 of the Revised Code that would have been a violation of 689
section 2905.04 of the Revised Code as it existed prior to July 690
1, 1996, had the violation been committed prior to that date, a 691
violation of section 2925.11 of the Revised Code that is not a 692
minor drug possession offense, two or more OVI or OVUAC 693
violations committed within the three years immediately 694
preceding the submission of the application or petition that is 695
the basis of the request, or felonious sexual penetration in 696
violation of former section 2907.12 of the Revised Code, or a 697
violation of Chapter 2919. of the Revised Code that is a felony; 698

(b) A violation of an existing or former law of this 699
state, any other state, or the United States that is 700
substantially equivalent to any of the offenses listed in 701
division (A) (4) (a) of this section. 702

(5) Upon receipt of a request pursuant to section 5104.013 703
of the Revised Code, a completed form prescribed pursuant to 704
division (C) (1) of this section, and a set of fingerprint 705
impressions obtained in the manner described in division (C) (2) 706
of this section, the superintendent of the bureau of criminal 707
identification and investigation shall conduct a criminal 708
records check in the manner described in division (B) of this 709
section to determine whether any information exists that 710
indicates that the person who is the subject of the request has 711
been convicted of or pleaded guilty to any of the following: 712

(a) A violation of section 2151.421, 2903.01, 2903.02, 713

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 714
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 715
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 716
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 717
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 718
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 719
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 720
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 721
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 722
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 723
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 724
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 725
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 726
3716.11 of the Revised Code, felonious sexual penetration in 727
violation of former section 2907.12 of the Revised Code, a 728
violation of section 2905.04 of the Revised Code as it existed 729
prior to July 1, 1996, a violation of section 2919.23 of the 730
Revised Code that would have been a violation of section 2905.04 731
of the Revised Code as it existed prior to July 1, 1996, had the 732
violation been committed prior to that date, a violation of 733
section 2925.11 of the Revised Code that is not a minor drug 734
possession offense, a violation of section 2923.02 or 2923.03 of 735
the Revised Code that relates to a crime specified in this 736
division, or a second violation of section 4511.19 of the 737
Revised Code within five years of the date of application for 738
licensure or certification. 739

(b) A violation of an existing or former law of this 740
state, any other state, or the United States that is 741
substantially equivalent to any of the offenses or violations 742
described in division (A) (5) (a) of this section. 743

(6) Upon receipt of a request pursuant to section 5153.111 744

of the Revised Code, a completed form prescribed pursuant to 745
division (C) (1) of this section, and a set of fingerprint 746
impressions obtained in the manner described in division (C) (2) 747
of this section, the superintendent of the bureau of criminal 748
identification and investigation shall conduct a criminal 749
records check in the manner described in division (B) of this 750
section to determine whether any information exists that 751
indicates that the person who is the subject of the request 752
previously has been convicted of or pleaded guilty to any of the 753
following: 754

(a) A violation of section 2903.01, 2903.02, 2903.03, 755
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 756
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 757
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 758
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 759
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 760
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 761
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 762
Code, felonious sexual penetration in violation of former 763
section 2907.12 of the Revised Code, a violation of section 764
2905.04 of the Revised Code as it existed prior to July 1, 1996, 765
a violation of section 2919.23 of the Revised Code that would 766
have been a violation of section 2905.04 of the Revised Code as 767
it existed prior to July 1, 1996, had the violation been 768
committed prior to that date, or a violation of section 2925.11 769
of the Revised Code that is not a minor drug possession offense; 770

(b) A violation of an existing or former law of this 771
state, any other state, or the United States that is 772
substantially equivalent to any of the offenses listed in 773
division (A) (6) (a) of this section. 774

(7) On receipt of a request for a criminal records check 775
from an individual pursuant to section 4749.03 or 4749.06 of the 776
Revised Code, accompanied by a completed copy of the form 777
prescribed in division (C)(1) of this section and a set of 778
fingerprint impressions obtained in a manner described in 779
division (C)(2) of this section, the superintendent of the 780
bureau of criminal identification and investigation shall 781
conduct a criminal records check in the manner described in 782
division (B) of this section to determine whether any 783
information exists indicating that the person who is the subject 784
of the request has been convicted of or pleaded guilty to any 785
criminal offense in this state or in any other state. If the 786
individual indicates that a firearm will be carried in the 787
course of business, the superintendent shall require information 788
from the federal bureau of investigation as described in 789
division (B)(2) of this section. Subject to division (F) of this 790
section, the superintendent shall report the findings of the 791
criminal records check and any information the federal bureau of 792
investigation provides to the director of public safety. 793

(8) On receipt of a request pursuant to section 1321.37, 794
1321.53, or 4763.05 of the Revised Code, a completed form 795
prescribed pursuant to division (C)(1) of this section, and a 796
set of fingerprint impressions obtained in the manner described 797
in division (C)(2) of this section, the superintendent of the 798
bureau of criminal identification and investigation shall 799
conduct a criminal records check with respect to any person who 800
has applied for a license, permit, or certification from the 801
department of commerce or a division in the department. The 802
superintendent shall conduct the criminal records check in the 803
manner described in division (B) of this section to determine 804
whether any information exists that indicates that the person 805

who is the subject of the request previously has been convicted 806
of or pleaded guilty to any criminal offense in this state, any 807
other state, or the United States. 808

(9) On receipt of a request for a criminal records check 809
from the treasurer of state under section 113.041 of the Revised 810
Code or from an individual under section 928.03, 4701.08, 811
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 812
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 813
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 814
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 815
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 816
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 817
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 818
accompanied by a completed form prescribed under division (C) (1) 819
of this section and a set of fingerprint impressions obtained in 820
the manner described in division (C) (2) of this section, the 821
superintendent of the bureau of criminal identification and 822
investigation shall conduct a criminal records check in the 823
manner described in division (B) of this section to determine 824
whether any information exists that indicates that the person 825
who is the subject of the request has been convicted of or 826
pleaded guilty to any criminal offense in this state or any 827
other state. Subject to division (F) of this section, the 828
superintendent shall send the results of a check requested under 829
section 113.041 of the Revised Code to the treasurer of state 830
and shall send the results of a check requested under any of the 831
other listed sections to the licensing board specified by the 832
individual in the request. 833

(10) On receipt of a request pursuant to section 124.74, 834
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 835
Code, a completed form prescribed pursuant to division (C) (1) of 836

this section, and a set of fingerprint impressions obtained in 837
the manner described in division (C)(2) of this section, the 838
superintendent of the bureau of criminal identification and 839
investigation shall conduct a criminal records check in the 840
manner described in division (B) of this section to determine 841
whether any information exists that indicates that the person 842
who is the subject of the request previously has been convicted 843
of or pleaded guilty to any criminal offense under any existing 844
or former law of this state, any other state, or the United 845
States. 846

(11) On receipt of a request for a criminal records check 847
from an appointing or licensing authority under section 3772.07 848
of the Revised Code, a completed form prescribed under division 849
(C)(1) of this section, and a set of fingerprint impressions 850
obtained in the manner prescribed in division (C)(2) of this 851
section, the superintendent of the bureau of criminal 852
identification and investigation shall conduct a criminal 853
records check in the manner described in division (B) of this 854
section to determine whether any information exists that 855
indicates that the person who is the subject of the request 856
previously has been convicted of or pleaded guilty or no contest 857
to any offense under any existing or former law of this state, 858
any other state, or the United States that makes the person 859
ineligible for appointment or retention under section 3772.07 of 860
the Revised Code or that is a disqualifying offense as defined 861
in that section or substantially equivalent to a disqualifying 862
offense, as applicable. 863

(12) On receipt of a request pursuant to section 2151.33 864
or 2151.412 of the Revised Code, a completed form prescribed 865
pursuant to division (C)(1) of this section, and a set of 866
fingerprint impressions obtained in the manner described in 867

division (C) (2) of this section, the superintendent of the 868
bureau of criminal identification and investigation shall 869
conduct a criminal records check with respect to any person for 870
whom a criminal records check is required under that section. 871
The superintendent shall conduct the criminal records check in 872
the manner described in division (B) of this section to 873
determine whether any information exists that indicates that the 874
person who is the subject of the request previously has been 875
convicted of or pleaded guilty to any of the following: 876

(a) A violation of section 2903.01, 2903.02, 2903.03, 877
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 878
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 879
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 880
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 881
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 882
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 883
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 884
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 885

(b) An existing or former law of this state, any other 886
state, or the United States that is substantially equivalent to 887
any of the offenses listed in division (A) (12) (a) of this 888
section. 889

(13) On receipt of a request pursuant to section 3796.12 890
of the Revised Code, a completed form prescribed pursuant to 891
division (C) (1) of this section, and a set of fingerprint 892
impressions obtained in a manner described in division (C) (2) of 893
this section, the superintendent of the bureau of criminal 894
identification and investigation shall conduct a criminal 895
records check in the manner described in division (B) of this 896
section to determine whether any information exists that 897

indicates that the person who is the subject of the request 898
previously has been convicted of or pleaded guilty to a 899
disqualifying offense as specified in rules adopted under 900
section 9.79 and division (B) (2) (b) of section 3796.03 of the 901
Revised Code if the person who is the subject of the request is 902
an administrator or other person responsible for the daily 903
operation of, or an owner or prospective owner, officer or 904
prospective officer, or board member or prospective board member 905
of, an entity seeking a license from the department of commerce 906
under Chapter 3796. of the Revised Code. 907

(14) On receipt of a request required by section 3796.13 908
of the Revised Code, a completed form prescribed pursuant to 909
division (C) (1) of this section, and a set of fingerprint 910
impressions obtained in a manner described in division (C) (2) of 911
this section, the superintendent of the bureau of criminal 912
identification and investigation shall conduct a criminal 913
records check in the manner described in division (B) of this 914
section to determine whether any information exists that 915
indicates that the person who is the subject of the request 916
previously has been convicted of or pleaded guilty to a 917
disqualifying offense as specified in rules adopted under 918
division (B) (14) (a) of section 3796.03 of the Revised Code if 919
the person who is the subject of the request is seeking 920
employment with an entity licensed by the department of commerce 921
under Chapter 3796. of the Revised Code. 922

(15) On receipt of a request pursuant to section 4768.06 923
of the Revised Code, a completed form prescribed under division 924
(C) (1) of this section, and a set of fingerprint impressions 925
obtained in the manner described in division (C) (2) of this 926
section, the superintendent of the bureau of criminal 927
identification and investigation shall conduct a criminal 928

records check in the manner described in division (B) of this 929
section to determine whether any information exists indicating 930
that the person who is the subject of the request has been 931
convicted of or pleaded guilty to any criminal offense in this 932
state or in any other state. 933

(16) On receipt of a request pursuant to division (B) of 934
section 4764.07 or division (A) of section 4735.143 of the 935
Revised Code, a completed form prescribed under division (C) (1) 936
of this section, and a set of fingerprint impressions obtained 937
in the manner described in division (C) (2) of this section, the 938
superintendent of the bureau of criminal identification and 939
investigation shall conduct a criminal records check in the 940
manner described in division (B) of this section to determine 941
whether any information exists indicating that the person who is 942
the subject of the request has been convicted of or pleaded 943
guilty to any criminal offense in any state or the United 944
States. 945

(17) On receipt of a request for a criminal records check 946
under section 147.022 of the Revised Code, a completed form 947
prescribed under division (C) (1) of this section, and a set of 948
fingerprint impressions obtained in the manner prescribed in 949
division (C) (2) of this section, the superintendent of the 950
bureau of criminal identification and investigation shall 951
conduct a criminal records check in the manner described in 952
division (B) of this section to determine whether any 953
information exists that indicates that the person who is the 954
subject of the request previously has been convicted of or 955
pleaded guilty or no contest to any criminal offense under any 956
existing or former law of this state, any other state, or the 957
United States. 958

(18) Upon receipt of a request pursuant to division (F) of 959
section 2915.081 or division (E) of section 2915.082 of the 960
Revised Code, a completed form prescribed under division (C) (1) 961
of this section, and a set of fingerprint impressions obtained 962
in the manner described in division (C) (2) of this section, the 963
superintendent of the bureau of criminal identification and 964
investigation shall conduct a criminal records check in the 965
manner described in division (B) of this section to determine 966
whether any information exists indicating that the person who is 967
the subject of the request has been convicted of or pleaded 968
guilty or no contest to any offense that is a violation of 969
Chapter 2915. of the Revised Code or to any offense under any 970
existing or former law of this state, any other state, or the 971
United States that is substantially equivalent to such an 972
offense. 973

(19) On receipt of a request pursuant to section 3775.03 974
of the Revised Code, a completed form prescribed under division 975
(C) (1) of this section, and a set of fingerprint impressions 976
obtained in the manner described in division (C) (2) of this 977
section, the superintendent of the bureau of criminal 978
identification and investigation shall conduct a criminal 979
records check in the manner described in division (B) of this 980
section and shall request information from the federal bureau of 981
investigation to determine whether any information exists 982
indicating that the person who is the subject of the request has 983
been convicted of any offense under any existing or former law 984
of this state, any other state, or the United States that is a 985
disqualifying offense as defined in section 3772.07 of the 986
Revised Code. 987

(B) Subject to division (F) of this section, the 988
superintendent shall conduct any criminal records check to be 989

conducted under this section as follows: 990

(1) The superintendent shall review or cause to be 991
reviewed any relevant information gathered and compiled by the 992
bureau under division (A) of section 109.57 of the Revised Code 993
that relates to the person who is the subject of the criminal 994
records check, including, if the criminal records check was 995
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 996
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 997
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 998
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 999
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1000
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 1001
5123.081, 5123.169, or 5153.111 of the Revised Code, any 1002
relevant information contained in records that have been sealed 1003
under section 2953.32 or 2953.321 of the Revised Code; 1004

(2) If the request received by the superintendent asks for 1005
information from the federal bureau of investigation, the 1006
superintendent shall request from the federal bureau of 1007
investigation any information it has with respect to the person 1008
who is the subject of the criminal records check, including 1009
fingerprint-based checks of national crime information databases 1010
as described in 42 U.S.C. 671 if the request is made pursuant to 1011
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 1012
any other Revised Code section requires fingerprint-based checks 1013
of that nature, and shall review or cause to be reviewed any 1014
information the superintendent receives from that bureau. If a 1015
request under section 3319.39 of the Revised Code asks only for 1016
information from the federal bureau of investigation, the 1017
superintendent shall not conduct the review prescribed by 1018
division (B) (1) of this section. 1019

(3) The superintendent or the superintendent's designee 1020
may request criminal history records from other states or the 1021
federal government pursuant to the national crime prevention and 1022
privacy compact set forth in section 109.571 of the Revised 1023
Code. 1024

(4) The superintendent shall include in the results of the 1025
criminal records check a list or description of the offenses 1026
listed or described in the relevant provision of division (A) of 1027
this section. The superintendent shall exclude from the results 1028
any information the dissemination of which is prohibited by 1029
federal law. 1030

(5) The superintendent shall send the results of the 1031
criminal records check to the person to whom it is to be sent 1032
not later than the following number of days after the date the 1033
superintendent receives the request for the criminal records 1034
check, the completed form prescribed under division (C) (1) of 1035
this section, and the set of fingerprint impressions obtained in 1036
the manner described in division (C) (2) of this section: 1037

(a) If the superintendent is required by division (A) of 1038
this section (other than division (A) (3) of this section) to 1039
conduct the criminal records check, thirty; 1040

(b) If the superintendent is required by division (A) (3) 1041
of this section to conduct the criminal records check, sixty. 1042

(C) (1) The superintendent shall prescribe a form to obtain 1043
the information necessary to conduct a criminal records check 1044
from any person for whom a criminal records check is to be 1045
conducted under this section. The form that the superintendent 1046
prescribes pursuant to this division may be in a tangible 1047
format, in an electronic format, or in both tangible and 1048

electronic formats. 1049

(2) The superintendent shall prescribe standard impression 1050
sheets to obtain the fingerprint impressions of any person for 1051
whom a criminal records check is to be conducted under this 1052
section. Any person for whom a records check is to be conducted 1053
under this section shall obtain the fingerprint impressions at a 1054
county sheriff's office, municipal police department, or any 1055
other entity with the ability to make fingerprint impressions on 1056
the standard impression sheets prescribed by the superintendent. 1057
The office, department, or entity may charge the person a 1058
reasonable fee for making the impressions. The standard 1059
impression sheets the superintendent prescribes pursuant to this 1060
division may be in a tangible format, in an electronic format, 1061
or in both tangible and electronic formats. 1062

(3) Subject to division (D) of this section, the 1063
superintendent shall prescribe and charge a reasonable fee for 1064
providing a criminal records check under this section. The 1065
person requesting the criminal records check shall pay the fee 1066
prescribed pursuant to this division. In the case of a request 1067
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1068
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1069
fee shall be paid in the manner specified in that section. 1070

(4) The superintendent of the bureau of criminal 1071
identification and investigation may prescribe methods of 1072
forwarding fingerprint impressions and information necessary to 1073
conduct a criminal records check, which methods shall include, 1074
but not be limited to, an electronic method. 1075

(D) The results of a criminal records check conducted 1076
under this section, other than a criminal records check 1077
specified in division (A) (7) of this section, are valid for the 1078

person who is the subject of the criminal records check for a 1079
period of one year from the date upon which the superintendent 1080
completes the criminal records check. If during that period the 1081
superintendent receives another request for a criminal records 1082
check to be conducted under this section for that person, the 1083
superintendent shall provide the results from the previous 1084
criminal records check of the person at a lower fee than the fee 1085
prescribed for the initial criminal records check. 1086

(E) When the superintendent receives a request for 1087
information from a registered private provider, the 1088
superintendent shall proceed as if the request was received from 1089
a school district board of education under section 3319.39 of 1090
the Revised Code. The superintendent shall apply division (A)(1) 1091
(c) of this section to any such request for an applicant who is 1092
a teacher. 1093

(F)(1) Subject to division (F)(2) of this section, all 1094
information regarding the results of a criminal records check 1095
conducted under this section that the superintendent reports or 1096
sends under division (A)(7) or (9) of this section to the 1097
director of public safety, the treasurer of state, or the 1098
person, board, or entity that made the request for the criminal 1099
records check shall relate to the conviction of the subject 1100
person, or the subject person's plea of guilty to, a criminal 1101
offense. 1102

(2) Division (F)(1) of this section does not limit, 1103
restrict, or preclude the superintendent's release of 1104
information that relates to the arrest of a person who is 1105
eighteen years of age or older, to an adjudication of a child as 1106
a delinquent child, or to a criminal conviction of a person 1107
under eighteen years of age in circumstances in which a release 1108

of that nature is authorized under division (E) (2), (3), or (4) 1109
of section 109.57 of the Revised Code pursuant to a rule adopted 1110
under division (E) (1) of that section. 1111

(G) As used in this section: 1112

(1) "Criminal records check" means any criminal records 1113
check conducted by the superintendent of the bureau of criminal 1114
identification and investigation in accordance with division (B) 1115
of this section. 1116

(2) "Minor drug possession offense" has the same meaning 1117
as in section 2925.01 of the Revised Code. 1118

(3) "OVI or OVUAC violation" means a violation of section 1119
4511.19 of the Revised Code or a violation of an existing or 1120
former law of this state, any other state, or the United States 1121
that is substantially equivalent to section 4511.19 of the 1122
Revised Code. 1123

(4) "Registered private provider" means a nonpublic school 1124
or entity registered with the department of education and 1125
workforce under section 3310.41 of the Revised Code to 1126
participate in the autism scholarship program or section 3310.58 1127
of the Revised Code to participate in the Jon Peterson special 1128
needs scholarship program. 1129

Sec. 109.578. (A) On receipt of a request pursuant to 1130
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1131
Code, a completed form prescribed pursuant to division (C) (1) of 1132
this section, and a set of fingerprint impressions obtained in 1133
the manner described in division (C) (2) of this section, the 1134
superintendent of the bureau of criminal identification and 1135
investigation shall conduct a criminal records check in the 1136
manner described in division (B) of this section to determine 1137

whether any information exists that indicates that the person 1138
who is the subject of the request previously has been convicted 1139
of or pleaded guilty to any of the following: 1140

(1) A felony; 1141

(2) A violation of section 2909.03 of the Revised Code; 1142

(3) A violation of an existing or former law of this 1143
state, any other state, or the United States that is 1144
substantially equivalent to any of the offenses listed in 1145
division (A)(1) or (2) of this section. 1146

(B) Subject to division (E) of this section, the 1147
superintendent shall conduct any criminal records check pursuant 1148
to division (A) of this section as follows: 1149

(1) The superintendent shall review or cause to be 1150
reviewed any relevant information gathered and compiled by the 1151
bureau under division (A) of section 109.57 of the Revised Code 1152
that relates to the person who is the subject of the request, 1153
including any relevant information contained in records that 1154
have been sealed under section 2953.32 or 2953.321 of the 1155
Revised Code. 1156

(2) If the request received by the superintendent asks for 1157
information from the federal bureau of investigation, the 1158
superintendent shall request from the federal bureau of 1159
investigation any information it has with respect to the person 1160
who is the subject of the request and shall review or cause to 1161
be reviewed any information the superintendent receives from 1162
that bureau. 1163

(C)(1) The superintendent shall prescribe a form to obtain 1164
the information necessary to conduct a criminal records check 1165
from any person for whom a criminal records check is requested 1166

pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1167
the Revised Code. The form that the superintendent prescribes 1168
pursuant to this division may be in a tangible format, in an 1169
electronic format, or in both tangible and electronic formats. 1170

(2) The superintendent shall prescribe standard impression 1171
sheets to obtain the fingerprint impressions of any person for 1172
whom a criminal records check is requested pursuant to section 1173
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1174
person for whom a records check is requested pursuant to any of 1175
those sections shall obtain the fingerprint impressions at a 1176
county sheriff's office, a municipal police department, or any 1177
other entity with the ability to make fingerprint impressions on 1178
the standard impression sheets prescribed by the superintendent. 1179
The office, department, or entity may charge the person a 1180
reasonable fee for making the impressions. The standard 1181
impression sheets the superintendent prescribes pursuant to this 1182
division may be in a tangible format, in an electronic format, 1183
or in both tangible and electronic formats. 1184

(3) Subject to division (D) of this section, the 1185
superintendent shall prescribe and charge a reasonable fee for 1186
providing a criminal records check requested under section 1187
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1188
person making the criminal records request shall pay the fee 1189
prescribed pursuant to this division. 1190

(4) The superintendent may prescribe methods of forwarding 1191
fingerprint impressions and information necessary to conduct a 1192
criminal records check. The methods shall include, but are not 1193
limited to, an electronic method. 1194

(D) A determination whether any information exists that 1195
indicates that a person previously has been convicted of or 1196

pleaded guilty to any offense listed or described in division 1197
(A) of this section and that the superintendent made with 1198
respect to information considered in a criminal records check in 1199
accordance with this section is valid for the person who is the 1200
subject of the criminal records check for a period of one year 1201
from the date upon which the superintendent makes the 1202
determination. During the period in which the determination in 1203
regard to a person is valid, if another request under this 1204
section is made for a criminal records check for that person, 1205
the superintendent shall provide the information that is the 1206
basis for the superintendent's initial determination at a lower 1207
fee than the fee prescribed for the initial criminal records 1208
check. 1209

(E) (1) Subject to division (E) (2) of this section, all 1210
information regarding the results of a criminal records check 1211
conducted under this section that the superintendent reports or 1212
sends under this section to the person, board, or entity that 1213
made the request for the criminal records check shall relate to 1214
the conviction of the subject person, or the subject person's 1215
plea of guilty to, a criminal offense. 1216

(2) Division (E) (1) of this section does not limit, 1217
restrict, or preclude the superintendent's release of 1218
information that relates to the arrest of a person who is 1219
eighteen years of age or older, to an adjudication of a child as 1220
a delinquent child, or to a criminal conviction of a person 1221
under eighteen years of age in circumstances in which a release 1222
of that nature is authorized under division (E) (2), (3), or (4) 1223
of section 109.57 of the Revised Code pursuant to a rule adopted 1224
under division (E) (1) of that section. 1225

(F) As used in this section, "criminal records check" 1226

means any criminal records check conducted by the superintendent 1227
of the bureau of criminal identification and investigation in 1228
accordance with division (B) of this section. 1229

Sec. 109.579. (A) On receipt of a request pursuant to 1230
division (B) of section 4123.444 of the Revised Code, a 1231
completed form prescribed pursuant to division (C) (1) of this 1232
section, and a set of fingerprint impressions obtained in the 1233
manner described in division (C) (2) of this section, the 1234
superintendent of the bureau of criminal identification and 1235
investigation shall conduct a criminal records check in the 1236
manner described in division (B) of this section to determine 1237
whether any information exists that indicates that the person 1238
who is the subject of the request previously has been convicted 1239
of or pleaded guilty to any criminal offense involving theft, 1240
receiving stolen property, embezzlement, forgery, fraud, passing 1241
bad checks, money laundering, drug trafficking, or any criminal 1242
offense involving money or securities, as set forth in Chapters 1243
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 1244
Revised Code or other law of this state, or the laws of any 1245
other state or of the United States that are substantially 1246
equivalent to those offenses. 1247

(B) The superintendent shall conduct a criminal records 1248
check pursuant to division (A) of this section as follows: 1249

(1) The superintendent shall review or cause to be 1250
reviewed any relevant information gathered and compiled by the 1251
bureau under division (A) of section 109.57 of the Revised Code 1252
that relates to the person who is the subject of the request, 1253
including any relevant information contained in records that 1254
have been sealed under section 2953.32 or 2953.321 of the 1255
Revised Code. 1256

(2) If the request received by the superintendent asks for 1257
information from the federal bureau of investigation, the 1258
superintendent shall request from the federal bureau of 1259
investigation any information it has with respect to the person 1260
who is the subject of the request. The superintendent shall 1261
review or cause to be reviewed any information that the 1262
superintendent receives from the federal bureau of 1263
investigation. 1264

(3) The superintendent shall forward the results of a 1265
criminal records check conducted pursuant to this division to 1266
the administrator of workers' compensation. 1267

(C) (1) The superintendent shall prescribe a form to obtain 1268
the information necessary to conduct a criminal records check 1269
from any person for whom a criminal records check is requested 1270
pursuant to division (B) of section 4123.444 of the Revised 1271
Code. The form that the superintendent prescribes pursuant to 1272
this division may be in a tangible format, in an electronic 1273
format, or in both tangible and electronic formats. 1274

(2) The superintendent shall prescribe standard impression 1275
sheets to obtain the fingerprint impressions of any person for 1276
whom a criminal records check is requested pursuant to section 1277
4123.444 of the Revised Code. Any person for whom the 1278
administrator requests the superintendent to conduct a criminal 1279
records check pursuant to that section shall have the person's 1280
fingerprint impressions made at a county sheriff's office, a 1281
municipal police department, or any other entity with the 1282
ability to make fingerprint impressions on the standard 1283
impression sheets prescribed by the superintendent. The office, 1284
department, or entity may charge the person a reasonable fee for 1285
making the impressions. The standard impression sheets the 1286

superintendent prescribes pursuant to this division may be in a 1287
tangible format, in an electronic format, or in both tangible 1288
and electronic formats. 1289

(3) The superintendent may prescribe methods of forwarding 1290
fingerprint impressions and information necessary to conduct a 1291
criminal records check. The methods shall include, but are not 1292
limited to, electronic methods. 1293

(D) A determination whether any information exists that 1294
indicates that a person previously has been convicted of or 1295
pleaded guilty to any offense listed or described in division 1296
(A) of this section that the superintendent makes pursuant to 1297
information considered in a criminal records check under this 1298
section is valid for the person who is the subject of that 1299
criminal records check for a period of one year after the date 1300
the superintendent makes that determination. 1301

(E) The superintendent shall prescribe and charge a 1302
reasonable fee for providing a criminal records check requested 1303
under section 4123.444 of the Revised Code. If another request 1304
for a criminal records check is made under this section for a 1305
person for whom a valid determination under division (D) of this 1306
section is available, the superintendent shall provide the 1307
determination for a reduced fee. 1308

Sec. 2151.357. (A) If the court orders the records of a 1309
person sealed pursuant to section 2151.356 of the Revised Code, 1310
the person who is subject of the order properly may, and the 1311
court shall, reply that no record exists with respect to the 1312
person upon any inquiry in the matter, and the court, except as 1313
provided in division (D) of this section, shall do all of the 1314
following: 1315

(1) Order that the proceedings in a case described in 1316
divisions (B) and (C) of section 2151.356 of the Revised Code be 1317
deemed never to have occurred; 1318

(2) Except as provided in division (C) of this section, 1319
delete all index references to the case and the person so that 1320
the references are permanently irretrievable; 1321

(3) Order that all original records of the case maintained 1322
by any public office or agency, except fingerprints held by a 1323
law enforcement agency, DNA specimens collected pursuant to 1324
section 2152.74 of the Revised Code, and DNA records derived 1325
from DNA specimens pursuant to section 109.573 of the Revised 1326
Code, be delivered to the court; 1327

(4) Order each public office or agency, upon the 1328
delivering of records to the court under division (A) (3) of this 1329
section, to expunge remaining records of the case that are the 1330
subject of the sealing order that are maintained by that public 1331
office or agency, except fingerprints, DNA specimens, and DNA 1332
records described under division (A) (3) of this section; 1333

(5) Send notice of the order to seal to any public office 1334
or agency that the court has reason to believe may have a record 1335
of the sealed record including, but not limited to, the bureau 1336
of criminal identification and investigation; 1337

(6) Seal all of the records delivered to the court under 1338
division (A) (3) of this section, in a separate file in which 1339
only sealed records are maintained. 1340

(B) Except as provided in division (D) of this section, an 1341
order to seal under section 2151.356 of the Revised Code applies 1342
to every public office or agency that has a record relating to 1343
the case, regardless of whether it receives notice of the 1344

hearing on the sealing of the record or a copy of the order. 1345
Except as provided in division (D) of this section, upon the 1346
written request of a person whose record has been sealed and the 1347
presentation of a copy of the order and compliance with division 1348
(A) (3) of this section, a public office or agency shall expunge 1349
its record relating to the case, except a record of the 1350
adjudication or arrest or taking into custody that is maintained 1351
for compiling statistical data and that does not contain any 1352
reference to the person who is the subject of the order. 1353

(C) The court that maintains sealed records pursuant to 1354
this section may maintain a manual or computerized index of the 1355
sealed records and shall make the index available only for the 1356
purposes set forth in division (E) of this section. 1357

(1) Each entry regarding a sealed record in the index of 1358
sealed records shall contain all of the following: 1359

(a) The name of the person who is the subject of the 1360
sealed record; 1361

(b) An alphanumeric identifier relating to the person who 1362
is the subject of the sealed record; 1363

(c) The word "sealed"; 1364

(d) The name of the court that has custody of the sealed 1365
record. 1366

(2) Any entry regarding a sealed record in the index of 1367
sealed records shall not contain either of the following: 1368

(a) The social security number of the person who is 1369
subject of the sealed record; 1370

(b) The name or a description of the act committed. 1371

(D) Notwithstanding any provision of this section that
requires otherwise, a board of education of a city, local,
exempted village, or joint vocational school district that
maintains records of an individual who has been permanently
excluded under sections 3301.121 and 3313.662 of the Revised
Code is permitted to maintain records regarding an adjudication
that the individual is a delinquent child that was used as the
basis for the individual's permanent exclusion, regardless of a
court order to seal the record. An order issued under section
2151.356 of the Revised Code to seal the record of an
adjudication that an individual is a delinquent child does not
revoke the adjudication order of the director of education and
workforce to permanently exclude the individual who is the
subject of the sealing order. An order to seal the record of an
adjudication that an individual is a delinquent child may be
presented to a district superintendent as evidence to support
the contention that the superintendent should recommend that the
permanent exclusion of the individual who is the subject of the
sealing order be revoked. Except as otherwise authorized by this
division and sections 3301.121 and 3313.662 of the Revised Code,
any school employee in possession of or having access to the
sealed adjudication records of an individual that were the basis
of a permanent exclusion of the individual is subject to
division (F) of this section.

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

(1) By the court;

(2) If the records in question pertain to an act that
would be an offense of violence that would be a felony if

committed by an adult, by any law enforcement officer or any 1402
prosecutor, or the assistants of a law enforcement officer or 1403
prosecutor, for any valid law enforcement or prosecutorial 1404
purpose; 1405

(3) Upon application by the person who is the subject of 1406
the sealed records, by the person that is named in that 1407
application; 1408

(4) If the records in question pertain to an alleged 1409
violation of division (E) (1) of section 4301.69 of the Revised 1410
Code, by any law enforcement officer or any prosecutor, or the 1411
assistants of a law enforcement officer or prosecutor, for the 1412
purpose of determining whether the person is eligible for 1413
diversion under division (E) (2) of section 4301.69 of the 1414
Revised Code; 1415

(5) At the request of a party in a civil action that is 1416
based on a case the records for which are the subject of a 1417
sealing order issued under section 2151.356 of the Revised Code, 1418
as needed for the civil action. The party also may copy the 1419
records as needed for the civil action. The sealed records shall 1420
be used solely in the civil action and are otherwise 1421
confidential and subject to the provisions of this section; 1422

(6) By the attorney general or an authorized employee of 1423
the attorney general or the court for purposes of determining 1424
whether a child is a public registry-qualified juvenile offender 1425
registrant, as defined in section 2950.01 of the Revised Code, 1426
for purposes of Chapter 2950. of the Revised Code. 1427

(F) No officer or employee of the state or any of its 1428
political subdivisions shall knowingly release, disseminate, or 1429
make available for any purpose involving employment, bonding, 1430

licensing, or education to any person or to any department, 1431
agency, or other instrumentality of the state or of any of its 1432
political subdivisions any information or other data concerning 1433
any arrest, taking into custody, complaint, indictment, 1434
information, trial, hearing, adjudication, or correctional 1435
supervision, the records of which have been sealed pursuant to 1436
section 2151.356 of the Revised Code and the release, 1437
dissemination, or making available of which is not expressly 1438
permitted by this section. Whoever violates this division is 1439
guilty of divulging confidential information, a misdemeanor of 1440
the fourth degree. 1441

(G) In any application for employment, license, or other 1442
right or privilege, any appearance as a witness, or any other 1443
inquiry, a person may not be questioned with respect to any 1444
arrest or taking into custody for which the records were sealed. 1445
If an inquiry is made in violation of this division, the person 1446
may respond as if the sealed arrest or taking into custody did 1447
not occur, and the person shall not be subject to any adverse 1448
action because of the arrest or taking into custody or the 1449
response. 1450

(H) The judgment rendered by the court under this chapter 1451
shall not impose any of the civil disabilities ordinarily 1452
imposed by conviction of a crime in that the child is not a 1453
criminal by reason of the adjudication, and no child shall be 1454
charged with or convicted of a crime in any court except as 1455
provided by this chapter. The disposition of a child under the 1456
judgment rendered or any evidence given in court shall not 1457
operate to disqualify a child in any future civil service 1458
examination, appointment, or application. Evidence of a judgment 1459
rendered and the disposition of a child under the judgment is 1460
not admissible to impeach the credibility of the child in any 1461

action or proceeding. Otherwise, the disposition of a child 1462
under the judgment rendered or any evidence given in court is 1463
admissible as evidence for or against the child in any action or 1464
proceeding in any court in accordance with the Rules of Evidence 1465
and also may be considered by any court as to the matter of 1466
sentence or to the granting of probation, and a court may 1467
consider the judgment rendered and the disposition of a child 1468
under that judgment for purposes of determining whether the 1469
child, for a future criminal conviction or guilty plea, is a 1470
repeat violent offender or a repeat offender, as defined in 1471
section 2929.01 of the Revised Code. 1472

Sec. 2746.02. A court of record of this state shall tax as 1473
costs or otherwise require the payment of fees for the following 1474
services rendered, as compensation for the following persons, or 1475
as part of the sentence imposed by the court, or any other of 1476
the following fees that are applicable in a particular case: 1477

(A) In a felony case, financial sanctions, as provided in 1478
section 2929.18 of the Revised Code; 1479

(B) In any criminal case, the costs of prosecution, as 1480
provided in section 2947.23 of the Revised Code; 1481

(C) In a misdemeanor case in which the offender is 1482
sentenced to a jail term, the local detention facility is 1483
covered by a policy adopted by the facility's governing 1484
authority requiring reimbursement for the costs of confinement, 1485
and the offender is presented with an itemized bill pursuant to 1486
section 2929.37 of the Revised Code for such costs, the costs of 1487
confinement, as provided in section 2929.24 of the Revised Code; 1488

(D) In a case in which an offender is sentenced for 1489
endangering children in violation of section 2919.22 of the 1490

Revised Code, the costs of the offender's supervised community 1491
service work, as provided in section 2919.22 of the Revised 1492
Code; 1493

(E) In a case in which a defendant is charged with any of 1494
certain sexual assault or prostitution-related offenses and is 1495
found to have a venereal disease in an infectious stage, the 1496
cost of medical treatment, as provided in section 2907.27 of the 1497
Revised Code; 1498

(F) In a case in which a defendant is charged with 1499
harassment with a bodily substance, the cost of medical testing, 1500
as provided in section 2921.38 of the Revised Code; 1501

(G) In a case in which a defendant is charged with 1502
violating a protection order in violation of section 2919.27 of 1503
the Revised Code or of a municipal ordinance that is 1504
substantially similar to that section, the costs of any 1505
evaluation and preceding examination of the defendant, as 1506
provided in section 2919.271 of the Revised Code; 1507

(H) Presentence psychological or psychiatric reports, as 1508
provided in section 2947.06 of the Revised Code; 1509

(I) In a criminal proceeding, the taking of a deposition 1510
of a person who is imprisoned in a detention facility or state 1511
correctional institution within this state or who is in the 1512
custody of the department of youth services, as provided in 1513
section 2945.47 of the Revised Code; 1514

(J) In a case in which a person is convicted of or pleads 1515
guilty to any offense other than a parking violation or in which 1516
a child is found to be a delinquent child or a juvenile traffic 1517
offender for an act that, if committed by an adult, would be an 1518
offense other than a parking violation, additional costs and 1519

bail, if applicable, as provided in sections 2743.70 and 1520
2949.091 of the Revised Code, but subject to waiver as provided 1521
in section 2949.092 of the Revised Code; 1522

(K) In a case in which a person is convicted of or pleads 1523
guilty to a moving violation or in which a child is found to be 1524
a juvenile traffic offender for an act which, if committed by an 1525
adult, would be a moving violation, additional costs and bail, 1526
if applicable, as provided in sections 2949.093 and 2949.094 of 1527
the Revised Code, but subject to waiver as provided in section 1528
2949.092 of the Revised Code; 1529

(L) In a case in which a defendant is convicted of 1530
abandoning a junk vessel or outboard motor without notifying the 1531
appropriate law enforcement officer, the cost incurred by the 1532
state or a political subdivision in disposing of the vessel or 1533
motor, as provided in section 1547.99 of the Revised Code; 1534

(M) The costs of electronic monitoring in the following 1535
cases: 1536

(1) In a misdemeanor case in which the offender is 1537
convicted of any of certain prostitution-related offenses and a 1538
specification under section 2941.1421 of the Revised Code, as 1539
provided in section 2929.24 of the Revised Code; 1540

(2) In a case in which the court issues a criminal 1541
protection order against a minor upon a petition alleging that 1542
the respondent committed any of certain assault, menacing, or 1543
trespass offenses, a sexually oriented offense, or an offense 1544
under a municipal ordinance that is substantially equivalent to 1545
any of those offenses, as provided in section 2151.34 of the 1546
Revised Code; 1547

(3) In a case in which the court issues a protection order 1548

against an adult upon a petition alleging that the respondent 1549
committed menacing by stalking or a sexually oriented offense, 1550
as provided in section 2903.214 of the Revised Code; 1551

(4) In a case in which an offender is convicted of 1552
violating a protection order, as provided in section 2919.27 of 1553
the Revised Code; 1554

(5) In a case in which the offender is convicted of any 1555
sexually oriented offense and is a tier III sex offender/child- 1556
victim offender relative to that offense, as provided in section 1557
2929.13 of the Revised Code. 1558

(N) In a proceeding for post-conviction relief, a 1559
transcript, as provided in section 2953.21 of the Revised Code; 1560

(O) In a proceeding for the sealing or expungement of a 1561
conviction record, the fees provided for in section 2953.32, 1562
2953.322, or 2953.39 of the Revised Code. 1563

Sec. 2901.08. (A) If a person is alleged to have committed 1564
an offense and if the person previously has been adjudicated a 1565
delinquent child or juvenile traffic offender for a violation of 1566
a law or ordinance, except as provided in division (B) of this 1567
section, the adjudication as a delinquent child or as a juvenile 1568
traffic offender is a conviction for a violation of the law or 1569
ordinance for purposes of determining the offense with which the 1570
person should be charged and, if the person is convicted of or 1571
pleads guilty to an offense, the sentence to be imposed upon the 1572
person relative to the conviction or guilty plea. 1573

(B) A previous adjudication of a person as a delinquent 1574
child or juvenile traffic offender for a violation of a law or 1575
ordinance is not a conviction for a violation of the law or 1576
ordinance for purposes of determining any of the following: 1577

(1) Whether the person is a repeat violent offender, as 1578
defined in section 2929.01 of the Revised Code, or whether the 1579
person should be sentenced as a repeat violent offender under 1580
division (B) (2) of section 2929.14 and section 2941.149 of the 1581
Revised Code; 1582

(2) Whether the person is a violent career criminal as 1583
defined in section 2923.132 of the Revised Code, whether the 1584
person has committed unlawful use of a weapon by a violent 1585
career criminal in violation of section 2923.132 of the Revised 1586
Code or should be sentenced for that offense under that section, 1587
or whether the person should be sentenced under division (K) of 1588
section 2929.14 of the Revised Code as a violent career criminal 1589
who had a firearm on or about the person's person or under the 1590
person's control while committing a violent felony offense and 1591
displayed or brandished the firearm, indicated that the offender 1592
possessed a firearm, or used the firearm to facilitate the 1593
offense; 1594

(3) Whether the person is a repeat offender, as defined in 1595
section 2929.01 of the Revised Code, or whether the person 1596
should be sentenced as a repeat offender under division (B) (12) 1597
of section 2929.14 and section 2941.1427 of the Revised Code. 1598

Sec. 2923.125. It is the intent of the general assembly 1599
that Ohio concealed handgun license law be compliant with the 1600
national instant criminal background check system, that the 1601
bureau of alcohol, tobacco, firearms, and explosives is able to 1602
determine that Ohio law is compliant with the national instant 1603
criminal background check system, and that no person shall be 1604
eligible to receive a concealed handgun license permit under 1605
section 2923.125 or 2923.1213 of the Revised Code unless the 1606
person is eligible lawfully to receive or possess a firearm in 1607

the United States. 1608

(A) This section applies with respect to the application 1609
for and issuance by this state of concealed handgun licenses 1610
other than concealed handgun licenses on a temporary emergency 1611
basis that are issued under section 2923.1213 of the Revised 1612
Code. Upon the request of a person who wishes to obtain a 1613
concealed handgun license with respect to which this section 1614
applies or to renew a concealed handgun license with respect to 1615
which this section applies, a sheriff, as provided in division 1616
(I) of this section, shall provide to the person free of charge 1617
an application form and the web site address at which a 1618
printable version of the application form that can be downloaded 1619
and the pamphlet described in division (B) of section 109.731 of 1620
the Revised Code may be found. A sheriff shall accept a 1621
completed application form and the fee, items, materials, and 1622
information specified in divisions (B) (1) to (5) of this section 1623
at the times and in the manners described in division (I) of 1624
this section. 1625

(B) An applicant for a concealed handgun license who is a 1626
resident of this state shall submit a completed application form 1627
and all of the material and information described in divisions 1628
(B) (1) to (6) of this section to the sheriff of the county in 1629
which the applicant resides or to the sheriff of any county 1630
adjacent to the county in which the applicant resides. An 1631
applicant for a license who resides in another state shall 1632
submit a completed application form and all of the material and 1633
information described in divisions (B) (1) to (7) of this section 1634
to the sheriff of the county in which the applicant is employed 1635
or to the sheriff of any county adjacent to the county in which 1636
the applicant is employed: 1637

(1) (a) A nonrefundable license fee as described in either 1638
of the following: 1639

(i) For an applicant who has been a resident of this state 1640
for five or more years, a fee of sixty-seven dollars; 1641

(ii) For an applicant who has been a resident of this 1642
state for less than five years or who is not a resident of this 1643
state, but who is employed in this state, a fee of sixty-seven 1644
dollars plus the actual cost of having a background check 1645
performed by the federal bureau of investigation. 1646

(b) No sheriff shall require an applicant to pay for the 1647
cost of a background check performed by the bureau of criminal 1648
identification and investigation. 1649

(c) A sheriff shall waive the payment of the license fee 1650
described in division (B) (1) (a) of this section in connection 1651
with an initial or renewal application for a license that is 1652
submitted by an applicant who is an active or reserve member of 1653
the armed forces of the United States or has retired from or was 1654
honorably discharged from military service in the active or 1655
reserve armed forces of the United States, a retired peace 1656
officer, a retired person described in division (B) (1) (b) of 1657
section 109.77 of the Revised Code, or a retired federal law 1658
enforcement officer who, prior to retirement, was authorized 1659
under federal law to carry a firearm in the course of duty, 1660
unless the retired peace officer, person, or federal law 1661
enforcement officer retired as the result of a mental 1662
disability. 1663

(d) The sheriff shall deposit all fees paid by an 1664
applicant under division (B) (1) (a) of this section into the 1665
sheriff's concealed handgun license issuance fund established 1666

pursuant to section 311.42 of the Revised Code. The county shall 1667
distribute the fees in accordance with section 311.42 of the 1668
Revised Code. 1669

(2) A color photograph of the applicant that was taken 1670
within thirty days prior to the date of the application; 1671

(3) One or more of the following competency 1672
certifications, each of which shall reflect that, regarding a 1673
certification described in division (B)(3)(a), (b), (c), (e), or 1674
(f) of this section, within the three years immediately 1675
preceding the application the applicant has performed that to 1676
which the competency certification relates and that, regarding a 1677
certification described in division (B)(3)(d) of this section, 1678
the applicant currently is an active or reserve member of the 1679
armed forces of the United States, the applicant has retired 1680
from or was honorably discharged from military service in the 1681
active or reserve armed forces of the United States, or within 1682
the ten years immediately preceding the application the 1683
retirement of the peace officer, person described in division 1684
(B)(1)(b) of section 109.77 of the Revised Code, or federal law 1685
enforcement officer to which the competency certification 1686
relates occurred: 1687

(a) An original or photocopy of a certificate of 1688
completion of a firearms safety, training, or requalification or 1689
firearms safety instructor course, class, or program that was 1690
offered by or under the auspices of a national gun advocacy 1691
organization and that complies with the requirements set forth 1692
in division (G) of this section; 1693

(b) An original or photocopy of a certificate of 1694
completion of a firearms safety, training, or requalification or 1695
firearms safety instructor course, class, or program that 1696

satisfies all of the following criteria: 1697

(i) It was open to members of the general public. 1698

(ii) It utilized qualified instructors who were certified 1699
by a national gun advocacy organization, the executive director 1700
of the Ohio peace officer training commission pursuant to 1701
section 109.75 or 109.78 of the Revised Code, or a governmental 1702
official or entity of another state. 1703

(iii) It was offered by or under the auspices of a law 1704
enforcement agency of this or another state or the United 1705
States, a public or private college, university, or other 1706
similar postsecondary educational institution located in this or 1707
another state, a firearms training school located in this or 1708
another state, or another type of public or private entity or 1709
organization located in this or another state. 1710

(iv) It complies with the requirements set forth in 1711
division (G) of this section. 1712

(c) An original or photocopy of a certificate of 1713
completion of a state, county, municipal, or department of 1714
natural resources peace officer training school that is approved 1715
by the executive director of the Ohio peace officer training 1716
commission pursuant to section 109.75 of the Revised Code and 1717
that complies with the requirements set forth in division (G) of 1718
this section, or the applicant has satisfactorily completed and 1719
been issued a certificate of completion of a basic firearms 1720
training program, a firearms requalification training program, 1721
or another basic training program described in section 109.78 or 1722
109.801 of the Revised Code that complies with the requirements 1723
set forth in division (G) of this section; 1724

(d) A document that evidences both of the following: 1725

(i) That the applicant is an active or reserve member of 1726
the armed forces of the United States, has retired from or was 1727
honorably discharged from military service in the active or 1728
reserve armed forces of the United States, is a retired trooper 1729
of the state highway patrol, or is a retired peace officer or 1730
federal law enforcement officer described in division (B) (1) of 1731
this section or a retired person described in division (B) (1) (b) 1732
of section 109.77 of the Revised Code and division (B) (1) of 1733
this section; 1734

(ii) That, through participation in the military service 1735
or through the former employment described in division (B) (3) (d) 1736
(i) of this section, the applicant acquired experience with 1737
handling handguns or other firearms, and the experience so 1738
acquired was equivalent to training that the applicant could 1739
have acquired in a course, class, or program described in 1740
division (B) (3) (a), (b), or (c) of this section. 1741

(e) A certificate or another similar document that 1742
evidences satisfactory completion of a firearms training, 1743
safety, or requalification or firearms safety instructor course, 1744
class, or program that is not otherwise described in division 1745
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1746
by an instructor who was certified by an official or entity of 1747
the government of this or another state or the United States or 1748
by a national gun advocacy organization, and that complies with 1749
the requirements set forth in division (G) of this section; 1750

(f) An affidavit that attests to the applicant's 1751
satisfactory completion of a course, class, or program described 1752
in division (B) (3) (a), (b), (c), or (e) of this section and that 1753
is subscribed by the applicant's instructor or an authorized 1754
representative of the entity that offered the course, class, or 1755

program or under whose auspices the course, class, or program 1756
was offered; 1757

(g) A document that evidences that the applicant has 1758
successfully completed the Ohio peace officer training program 1759
described in section 109.79 of the Revised Code. 1760

(4) A certification by the applicant that the applicant 1761
has read the pamphlet prepared by the Ohio peace officer 1762
training commission pursuant to section 109.731 of the Revised 1763
Code that reviews firearms, dispute resolution, and use of 1764
deadly force matters. 1765

(5) A set of fingerprints of the applicant provided as 1766
described in section 311.41 of the Revised Code through use of 1767
an electronic fingerprint reading device or, if the sheriff to 1768
whom the application is submitted does not possess and does not 1769
have ready access to the use of such a reading device, on a 1770
standard impression sheet prescribed pursuant to division (C) (2) 1771
of section 109.572 of the Revised Code. 1772

(6) If the applicant is not a citizen or national of the 1773
United States, the name of the applicant's country of 1774
citizenship and the applicant's alien registration number issued 1775
by the United States citizenship and immigration services 1776
agency. 1777

(7) If the applicant resides in another state, adequate 1778
proof of employment in Ohio. 1779

(C) Upon receipt of the completed application form, 1780
supporting documentation, and, if not waived, license fee of an 1781
applicant under this section, a sheriff, in the manner specified 1782
in section 311.41 of the Revised Code, shall conduct or cause to 1783
be conducted the criminal records check and the incompetency 1784

records check described in section 311.41 of the Revised Code. 1785

(D) (1) Except as provided in division (D) (3) of this 1786
section, within forty-five days after a sheriff's receipt of an 1787
applicant's completed application form for a concealed handgun 1788
license under this section, the supporting documentation, and, 1789
if not waived, the license fee, the sheriff shall make available 1790
through the law enforcement automated data system in accordance 1791
with division (H) of this section the information described in 1792
that division and, upon making the information available through 1793
the system, shall issue to the applicant a concealed handgun 1794
license that shall expire as described in division (D) (2) (a) of 1795
this section if all of the following apply: 1796

(a) The applicant is legally living in the United States. 1797
For purposes of division (D) (1) (a) of this section, if a person 1798
is absent from the United States in compliance with military or 1799
naval orders as an active or reserve member of the armed forces 1800
of the United States and if prior to leaving the United States 1801
the person was legally living in the United States, the person, 1802
solely by reason of that absence, shall not be considered to 1803
have lost the person's status as living in the United States. 1804

(b) The applicant is at least twenty-one years of age. 1805

(c) The applicant is not a fugitive from justice. 1806

(d) The applicant is not under indictment for or otherwise 1807
charged with a felony; an offense under Chapter 2925., 3719., or 1808
4729. of the Revised Code that involves the illegal possession, 1809
use, sale, administration, or distribution of or trafficking in 1810
a drug of abuse; a misdemeanor offense of violence; or a 1811
violation of section 2903.14 or 2923.1211 of the Revised Code. 1812

(e) Except as otherwise provided in division (D) (4) or (5) 1813

of this section, the applicant has not been convicted of or 1814
pleaded guilty to a felony or an offense under Chapter 2925., 1815
3719., or 4729. of the Revised Code that involves the illegal 1816
possession, use, sale, administration, or distribution of or 1817
trafficking in a drug of abuse; has not been adjudicated a 1818
delinquent child for committing an act that if committed by an 1819
adult would be a felony or would be an offense under Chapter 1820
2925., 3719., or 4729. of the Revised Code that involves the 1821
illegal possession, use, sale, administration, or distribution 1822
of or trafficking in a drug of abuse; has not been convicted of, 1823
pleaded guilty to, or adjudicated a delinquent child for 1824
committing a violation of section 2903.13 of the Revised Code 1825
when the victim of the violation is a peace officer, regardless 1826
of whether the applicant was sentenced under division (C) (4) of 1827
that section; and has not been convicted of, pleaded guilty to, 1828
or adjudicated a delinquent child for committing any other 1829
offense that is not previously described in this division that 1830
is a misdemeanor punishable by imprisonment for a term exceeding 1831
one year. 1832

(f) Except as otherwise provided in division (D) (4) or (5) 1833
of this section, the applicant, within three years of the date 1834
of the application, has not been convicted of or pleaded guilty 1835
to a misdemeanor offense of violence other than a misdemeanor 1836
violation of section 2921.33 of the Revised Code or a violation 1837
of section 2903.13 of the Revised Code when the victim of the 1838
violation is a peace officer, or a misdemeanor violation of 1839
section 2923.1211 of the Revised Code; and has not been 1840
adjudicated a delinquent child for committing an act that if 1841
committed by an adult would be a misdemeanor offense of violence 1842
other than a misdemeanor violation of section 2921.33 of the 1843
Revised Code or a violation of section 2903.13 of the Revised 1844

Code when the victim of the violation is a peace officer or for 1845
committing an act that if committed by an adult would be a 1846
misdemeanor violation of section 2923.1211 of the Revised Code. 1847

(g) Except as otherwise provided in division (D)(1)(e) of 1848
this section, the applicant, within five years of the date of 1849
the application, has not been convicted of, pleaded guilty to, 1850
or adjudicated a delinquent child for committing two or more 1851
violations of section 2903.13 or 2903.14 of the Revised Code. 1852

(h) Except as otherwise provided in division (D)(4) or (5) 1853
of this section, the applicant, within ten years of the date of 1854
the application, has not been convicted of, pleaded guilty to, 1855
or adjudicated a delinquent child for committing a violation of 1856
section 2921.33 of the Revised Code. 1857

(i) The applicant has not been committed to any mental 1858
institution, is not under adjudication of mental incompetence, 1859
has not been found by a court to be a person with a mental 1860
illness subject to court order, and is not an involuntary 1861
patient other than one who is a patient only for purposes of 1862
observation. As used in this division, "person with a mental 1863
illness subject to court order" and "patient" have the same 1864
meanings as in section 5122.01 of the Revised Code. 1865

(j) The applicant is not currently subject to a civil 1866
protection order, a temporary protection order, or a protection 1867
order issued by a court of another state. 1868

(k) The applicant certifies that the applicant desires a 1869
legal means to carry a concealed handgun for defense of the 1870
applicant or a member of the applicant's family while engaged in 1871
lawful activity. 1872

(l) The applicant submits a competency certification of 1873

the type described in division (B) (3) of this section and 1874
submits a certification of the type described in division (B) (4) 1875
of this section regarding the applicant's reading of the 1876
pamphlet prepared by the Ohio peace officer training commission 1877
pursuant to section 109.731 of the Revised Code. 1878

(m) The applicant currently is not subject to a suspension 1879
imposed under division (A) (2) of section 2923.128 of the Revised 1880
Code of a concealed handgun license that previously was issued 1881
to the applicant under this section or section 2923.1213 of the 1882
Revised Code or a similar suspension imposed by another state 1883
regarding a concealed handgun license issued by that state. 1884

(n) If the applicant resides in another state, the 1885
applicant is employed in this state. 1886

(o) The applicant certifies that the applicant is not an 1887
unlawful user of or addicted to any controlled substance as 1888
defined in 21 U.S.C. 802. 1889

(p) If the applicant is not a United States citizen, the 1890
applicant is an alien and has not been admitted to the United 1891
States under a nonimmigrant visa, as defined in the "Immigration 1892
and Nationality Act," 8 U.S.C. 1101(a) (26). 1893

(q) The applicant has not been discharged from the armed 1894
forces of the United States under dishonorable conditions. 1895

(r) The applicant certifies that the applicant has not 1896
renounced the applicant's United States citizenship, if 1897
applicable. 1898

(s) The applicant has not been convicted of, pleaded 1899
guilty to, or adjudicated a delinquent child for committing a 1900
violation of section 2919.25 of the Revised Code or a similar 1901
violation in another state. 1902

(2) (a) A concealed handgun license that a sheriff issues 1903
under division (D) (1) of this section shall expire five years 1904
after the date of issuance. 1905

If a sheriff issues a license under this section, the 1906
sheriff shall place on the license a unique combination of 1907
letters and numbers identifying the license in accordance with 1908
the procedure prescribed by the Ohio peace officer training 1909
commission pursuant to section 109.731 of the Revised Code. 1910

(b) If a sheriff denies an application under this section 1911
because the applicant does not satisfy the criteria described in 1912
division (D) (1) of this section, the sheriff shall specify the 1913
grounds for the denial in a written notice to the applicant. The 1914
applicant may appeal the denial pursuant to section 119.12 of 1915
the Revised Code in the county served by the sheriff who denied 1916
the application. If the denial was as a result of the criminal 1917
records check conducted pursuant to section 311.41 of the 1918
Revised Code and if, pursuant to section 2923.127 of the Revised 1919
Code, the applicant challenges the criminal records check 1920
results using the appropriate challenge and review procedure 1921
specified in that section, the time for filing the appeal 1922
pursuant to section 119.12 of the Revised Code and this division 1923
is tolled during the pendency of the request or the challenge 1924
and review. 1925

(c) If the court in an appeal under section 119.12 of the 1926
Revised Code and division (D) (2) (b) of this section enters a 1927
judgment sustaining the sheriff's refusal to grant to the 1928
applicant a concealed handgun license, the applicant may file a 1929
new application beginning one year after the judgment is 1930
entered. If the court enters a judgment in favor of the 1931
applicant, that judgment shall not restrict the authority of a 1932

sheriff to suspend or revoke the license pursuant to section 1933
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1934
the license for any proper cause that may occur after the date 1935
the judgment is entered. In the appeal, the court shall have 1936
full power to dispose of all costs. 1937

(3) If the sheriff with whom an application for a 1938
concealed handgun license was filed under this section becomes 1939
aware that the applicant has been arrested for or otherwise 1940
charged with an offense that would disqualify the applicant from 1941
holding the license, the sheriff shall suspend the processing of 1942
the application until the disposition of the case arising from 1943
the arrest or charge. 1944

(4) If an applicant has been convicted of or pleaded 1945
guilty to an offense identified in division (D)(1)(e), (f), or 1946
(h) of this section or has been adjudicated a delinquent child 1947
for committing an act or violation identified in any of those 1948
divisions, and if a court has ordered the sealing or expungement 1949
of the records of that conviction, guilty plea, or adjudication 1950
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1951
2953.35, or section 2953.39 of the Revised Code or the applicant 1952
has been relieved under operation of law or legal process from 1953
the disability imposed pursuant to section ~~2923.13~~ 2923.14 of 1954
the Revised Code relative to that conviction, guilty plea, or 1955
adjudication, the sheriff with whom the application was 1956
submitted shall not consider the conviction, guilty plea, or 1957
adjudication in making a determination under division (D)(1) or 1958
(F) of this section or, in relation to an application for a 1959
concealed handgun license on a temporary emergency basis 1960
submitted under section 2923.1213 of the Revised Code, in making 1961
a determination under division (B)(2) of that section. 1962

(5) If an applicant has been convicted of or pleaded 1963
guilty to a minor misdemeanor offense or has been adjudicated a 1964
delinquent child for committing an act or violation that is a 1965
minor misdemeanor offense, the sheriff with whom the application 1966
was submitted shall not consider the conviction, guilty plea, or 1967
adjudication in making a determination under division (D)(1) or 1968
(F) of this section or, in relation to an application for a 1969
concealed handgun license on a temporary basis submitted under 1970
section 2923.1213 of the Revised Code, in making a determination 1971
under division (B)(2) of that section. 1972

(E) If a concealed handgun license issued under this 1973
section is lost or is destroyed, the licensee may obtain from 1974
the sheriff who issued that license a duplicate license upon the 1975
payment of a fee of fifteen dollars and the submission of an 1976
affidavit attesting to the loss or destruction of the license. 1977
The sheriff, in accordance with the procedures prescribed in 1978
section 109.731 of the Revised Code, shall place on the 1979
replacement license a combination of identifying numbers 1980
different from the combination on the license that is being 1981
replaced. 1982

(F)(1)(a) Except as provided in division (F)(1)(b) of this 1983
section, a licensee who wishes to renew a concealed handgun 1984
license issued under this section may do so at any time before 1985
the expiration date of the license or at any time after the 1986
expiration date of the license by filing with the sheriff of the 1987
county in which the applicant resides or with the sheriff of an 1988
adjacent county, or in the case of an applicant who resides in 1989
another state with the sheriff of the county that issued the 1990
applicant's previous concealed handgun license an application 1991
for renewal of the license obtained pursuant to division (D) of 1992
this section, a certification by the applicant that, subsequent 1993

to the issuance of the license, the applicant has reread the 1994
pamphlet prepared by the Ohio peace officer training commission 1995
pursuant to section 109.731 of the Revised Code that reviews 1996
firearms, dispute resolution, and use of deadly force matters, 1997
and a nonrefundable license renewal fee in an amount determined 1998
pursuant to division (F) (4) of this section unless the fee is 1999
waived. 2000

(b) A person on active duty in the armed forces of the 2001
United States or in service with the peace corps, volunteers in 2002
service to America, or the foreign service of the United States 2003
is exempt from the license requirements of this section for the 2004
period of the person's active duty or service and for six months 2005
thereafter, provided the person was a licensee under this 2006
section at the time the person commenced the person's active 2007
duty or service or had obtained a license while on active duty 2008
or service. The spouse or a dependent of any such person on 2009
active duty or in service also is exempt from the license 2010
requirements of this section for the period of the person's 2011
active duty or service and for six months thereafter, provided 2012
the spouse or dependent was a licensee under this section at the 2013
time the person commenced the active duty or service or had 2014
obtained a license while the person was on active duty or 2015
service, and provided further that the person's active duty or 2016
service resulted in the spouse or dependent relocating outside 2017
of this state during the period of the active duty or service. 2018
This division does not prevent such a person or the person's 2019
spouse or dependent from making an application for the renewal 2020
of a concealed handgun license during the period of the person's 2021
active duty or service. 2022

(2) A sheriff shall accept a completed renewal 2023
application, the license renewal fee, and the information 2024

specified in division (F)(1) of this section at the times and in 2025
the manners described in division (I) of this section. Upon 2026
receipt of a completed renewal application, of certification 2027
that the applicant has reread the specified pamphlet prepared by 2028
the Ohio peace officer training commission, and of a license 2029
renewal fee unless the fee is waived, a sheriff, in the manner 2030
specified in section 311.41 of the Revised Code shall conduct or 2031
cause to be conducted the criminal records check and the 2032
incompetency records check described in section 311.41 of the 2033
Revised Code. The sheriff shall renew the license if the sheriff 2034
determines that the applicant continues to satisfy the 2035
requirements described in division (D)(1) of this section, 2036
except that the applicant is not required to meet the 2037
requirements of division (D)(1)(1) of this section. A renewed 2038
license shall expire five years after the date of issuance. A 2039
renewed license is subject to division (E) of this section and 2040
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2041
shall comply with divisions (D)(2) and (3) of this section when 2042
the circumstances described in those divisions apply to a 2043
requested license renewal. If a sheriff denies the renewal of a 2044
concealed handgun license, the applicant may appeal the denial, 2045
or challenge the criminal record check results that were the 2046
basis of the denial if applicable, in the same manner as 2047
specified in division (D)(2)(b) of this section and in section 2048
2923.127 of the Revised Code, regarding the denial of a license 2049
under this section. 2050

(3) A renewal application submitted pursuant to division 2051
(F) of this section shall only require the licensee to list on 2052
the application form information and matters occurring since the 2053
date of the licensee's last application for a license pursuant 2054
to division (B) or (F) of this section. A sheriff conducting the 2055

criminal records check and the incompetency records check 2056
described in section 311.41 of the Revised Code shall conduct 2057
the check only from the date of the licensee's last application 2058
for a license pursuant to division (B) or (F) of this section 2059
through the date of the renewal application submitted pursuant 2060
to division (F) of this section. 2061

(4) An applicant for a renewal concealed handgun license 2062
under this section shall submit to the sheriff of the county in 2063
which the applicant resides or to the sheriff of any county 2064
adjacent to the county in which the applicant resides, or in the 2065
case of an applicant who resides in another state to the sheriff 2066
of the county that issued the applicant's previous concealed 2067
handgun license, a nonrefundable license fee as described in 2068
either of the following: 2069

(a) For an applicant who has been a resident of this state 2070
for five or more years, a fee of fifty dollars; 2071

(b) For an applicant who has been a resident of this state 2072
for less than five years or who is not a resident of this state 2073
but who is employed in this state, a fee of fifty dollars plus 2074
the actual cost of having a background check performed by the 2075
federal bureau of investigation. 2076

(5) The concealed handgun license of a licensee who is no 2077
longer a resident of this state or no longer employed in this 2078
state, as applicable, is valid until the date of expiration on 2079
the license, and the licensee is prohibited from renewing the 2080
concealed handgun license. 2081

(G) (1) Each course, class, or program described in 2082
division (B) (3) (a), (b), (c), or (e) of this section shall 2083
provide to each person who takes the course, class, or program 2084

the web site address at which the pamphlet prepared by the Ohio
peace officer training commission pursuant to section 109.731 of
the Revised Code that reviews firearms, dispute resolution, and
use of deadly force matters may be found. Each such course,
class, or program described in one of those divisions shall
include at least eight hours of training in the safe handling
and use of a firearm that shall include training, provided as
described in division (G) (3) of this section, on all of the
following:

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

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

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

(d) Gun handling training;

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

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

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

(b) An in-person physical demonstration of competence in

the use of a handgun and in the rules for safe handling and 2113
storage of a handgun and a physical demonstration of the 2114
attitude necessary to shoot a handgun in a safe manner. 2115

(3) (a) Except as otherwise provided in this division, the 2116
training specified in division (G) (1) (a) of this section shall 2117
be provided to the person receiving the training in person by an 2118
instructor. If the training specified in division (G) (1) (a) of 2119
this section is provided by a course, class, or program 2120
described in division (B) (3) (a) of this section, or it is 2121
provided by a course, class, or program described in division 2122
(B) (3) (b), (c), or (e) of this section and the instructor is a 2123
qualified instructor certified by a national gun advocacy 2124
organization, the training so specified, other than the training 2125
that requires the person receiving the training to demonstrate 2126
handling abilities, may be provided online or as a combination 2127
of in-person and online training, as long as the online training 2128
includes an interactive component that regularly engages the 2129
person. 2130

(b) Except as otherwise provided in this division, the 2131
written section of the competency examination specified in 2132
division (G) (2) (a) of this section shall be administered to the 2133
person taking the competency examination in person by an 2134
instructor. If the training specified in division (G) (1) (a) of 2135
this section is provided to the person receiving the training by 2136
a course, class, or program described in division (B) (3) (a) of 2137
this section, or it is provided by a course, class, or program 2138
described in division (B) (3) (b), (c), or (e) of this section and 2139
the instructor is a qualified instructor certified by a national 2140
gun advocacy organization, the written section of the competency 2141
examination specified in division (G) (2) (a) of this section may 2142
be administered online, as long as the online training includes 2143

an interactive component that regularly engages the person. 2144

(4) The competency certification described in division (B) 2145
(3) (a), (b), (c), or (e) of this section shall be dated and 2146
shall attest that the course, class, or program the applicant 2147
successfully completed met the requirements described in 2148
division (G) (1) of this section and that the applicant passed 2149
the competency examination described in division (G) (2) of this 2150
section. 2151

(H) Upon deciding to issue a concealed handgun license, 2152
deciding to issue a replacement concealed handgun license, or 2153
deciding to renew a concealed handgun license pursuant to this 2154
section, and before actually issuing or renewing the license, 2155
the sheriff shall make available through the law enforcement 2156
automated data system all information contained on the license. 2157
If the license subsequently is suspended under division (A) (1) 2158
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2159
to division (B) (1) of section 2923.128 of the Revised Code, or 2160
lost or destroyed, the sheriff also shall make available through 2161
the law enforcement automated data system a notation of that 2162
fact. The superintendent of the state highway patrol shall 2163
ensure that the law enforcement automated data system is so 2164
configured as to permit the transmission through the system of 2165
the information specified in this division. 2166

(I) (1) A sheriff shall accept a completed application form 2167
or renewal application, and the fee, items, materials, and 2168
information specified in divisions (B) (1) to (5) or division (F) 2169
of this section, whichever is applicable, and shall provide an 2170
application form or renewal application to any person during at 2171
least fifteen hours a week and shall provide the web site 2172
address at which a printable version of the application form 2173

that can be downloaded and the pamphlet described in division 2174
(B) of section 109.731 of the Revised Code may be found at any 2175
time, upon request. The sheriff shall post notice of the hours 2176
during which the sheriff is available to accept or provide the 2177
information described in this division. 2178

(2) A sheriff shall transmit a notice to the attorney 2179
general, in a manner determined by the attorney general, every 2180
time a license is issued that waived payment under division (B) 2181
(1) (c) of this section for an applicant who is an active or 2182
reserve member of the armed forces of the United States or has 2183
retired from or was honorably discharged from military service 2184
in the active or reserve armed forces of the United States. The 2185
attorney general shall monitor and inform sheriffs issuing 2186
licenses under this section when the amount of license fee 2187
payments waived and transmitted to the attorney general reach 2188
one million five hundred thousand dollars each year. Once a 2189
sheriff is informed that the payments waived reached one million 2190
five hundred thousand dollars in any year, a sheriff shall no 2191
longer waive payment of a license fee for an applicant who is an 2192
active or reserve member of the armed forces of the United 2193
States or has retired from or was honorably discharged from 2194
military service in the active or reserve armed forces of the 2195
United States for the remainder of that year. 2196

Sec. 2923.13. (A) Unless relieved from disability under 2197
operation of law or legal process, no person shall knowingly 2198
acquire, have, carry, or use any firearm or dangerous ordnance, 2199
if any of the following apply: 2200

(1) The person is a fugitive from justice. 2201

(2) The person is under indictment for or has been 2202
convicted of any felony offense of violence or has been 2203

adjudicated a delinquent child for the commission of an offense 2204
that, if committed by an adult, would have been a felony offense 2205
of violence. 2206

(3) The person is under indictment for or has been 2207
convicted of any felony offense involving the illegal 2208
possession, use, sale, administration, distribution, or 2209
trafficking in any drug of abuse or has been adjudicated a 2210
delinquent child for the commission of an offense that, if 2211
committed by an adult, would have been a felony offense 2212
involving the illegal possession, use, sale, administration, 2213
distribution, or trafficking in any drug of abuse. 2214

(4) The person has a drug dependency, is in danger of drug 2215
dependence, or has chronic alcoholism. 2216

(5) The person is under adjudication of mental 2217
incompetence, has been committed to a mental institution, has 2218
been found by a court to be a person with a mental illness 2219
subject to court order, or is an involuntary patient other than 2220
one who is a patient only for purposes of observation. As used 2221
in this division, "person with a mental illness subject to court 2222
order" and "patient" have the same meanings as in section 2223
5122.01 of the Revised Code. 2224

~~(B)~~ (B) (1) Whoever violates this section is guilty of 2225
having weapons while under disability, ~~—~~. 2226

(2) Except as provided in division (B) (4) of this section, 2227
a violation of division (A) (1), (3), (4), or (5) of this section 2228
is a felony of the ~~third~~ fourth degree. 2229

(3) Except as otherwise provided in division (B) (5) of 2230
this section, a violation of division (A) (2) of this section is 2231
a felony of the third degree and there is a presumption that a 2232

prison term shall be imposed for the offense.

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

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

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

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

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

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

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(iii) Any person who is prohibited from obtaining a
concealed handgun license or a concealed handgun license on a

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temporary emergency basis under division (D) (1) (e), (f), or (h) 2262
of section 2923.125 of the Revised Code; 2263

(iv) Any person who is prohibited from carrying a 2264
concealed handgun as a qualifying adult under division (D) (1) 2265
(e), (f), or (h) of section 2923.125 of the Revised Code. 2266

(b) An application for relief from the prohibition shall 2267
be filed in the court of common pleas of the county in which the 2268
person resides or, if the person is not a resident of this state 2269
and the prohibition is based on an indictment, a conviction of 2270
or plea of guilty to an offense, or a delinquent child 2271
adjudication, in the county in which the indictment was entered 2272
or in which the conviction, guilty plea, or adjudication 2273
occurred. 2274

(2) Division (A) (1) of this section does not apply to a 2275
person who has been convicted of or pleaded guilty to a 2276
violation of section 2923.132 of the Revised Code or to a person 2277
who, two or more times, has been convicted of or pleaded guilty 2278
to a felony and a specification of the type described in section 2279
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, ~~or~~ 2941.1424, 2280
2941.1427, or 2941.1429 of the Revised Code. 2281

(B) The application shall recite the following: 2282

(1) All indictments, convictions or guilty pleas, or 2283
adjudications upon which the applicant's disability is based, 2284
the sentence imposed and served, and any release granted under a 2285
community control sanction, post-release control sanction, or 2286
parole, any partial or conditional pardon granted, or other 2287
disposition of each case, or, if the disability is based upon a 2288
factor other than an indictment, a conviction or guilty plea, or 2289
an adjudication, the factor upon which the disability is based 2290

and all details related to that factor; 2291

(2) Facts showing the applicant to be a fit subject for 2292
relief under this section. 2293

(C) A copy of the application shall be served on the 2294
county prosecutor. The county prosecutor shall cause the matter 2295
to be investigated and shall raise before the court any 2296
objections to granting relief that the investigation reveals. 2297

(D) Upon hearing, the court may grant the applicant relief 2298
pursuant to this section, if all of the following apply: 2299

(1) One of the following applies: 2300

(a) If the disability is based upon an indictment, a 2301
conviction or guilty plea, or an adjudication, the applicant has 2302
been fully discharged from imprisonment, community control, 2303
post-release control, and parole, or, if the applicant is under 2304
indictment, has been released on bail or recognizance. 2305

(b) If the disability is based upon a factor other than an 2306
indictment, a conviction or guilty plea, or an adjudication, 2307
that factor no longer is applicable to the applicant. 2308

(2) The applicant has led a law-abiding life since 2309
discharge or release, and appears likely to continue to do so. 2310

(3) The applicant is not otherwise prohibited by law from 2311
acquiring, having, or using firearms. 2312

(E) Costs of the proceeding shall be charged as in other 2313
civil cases, and taxed to the applicant. 2314

(F) Relief from disability granted pursuant to this 2315
section restores the applicant to all civil firearm rights to 2316
the full extent enjoyed by any citizen, and is subject to the 2317

following conditions: 2318

(1) Applies only with respect to indictments, convictions_ 2319
or guilty pleas, or adjudications, or to the other factor, 2320
recited in the application as the basis for the applicant's 2321
disability; 2322

(2) Applies only with respect to firearms lawfully 2323
acquired, possessed, carried, or used by the applicant; 2324

(3) May be revoked by the court at any time for good cause 2325
shown and upon notice to the applicant; 2326

(4) Is automatically void upon commission by the applicant 2327
of any offense set forth in division (A)(2) or (3) of section 2328
2923.13 of the Revised Code, or upon the applicant's becoming 2329
one of the class of persons named in division (A)(1), (4), or 2330
(5) of that section. 2331

(G) As used in this section: 2332

(1) "Community control sanction" has the same meaning as 2333
in section 2929.01 of the Revised Code. 2334

(2) "Post-release control" and "post-release control 2335
sanction" have the same meanings as in section 2967.01 of the 2336
Revised Code. 2337

(3) "Qualifying adult" has the same meaning as in section 2338
2923.111 of the Revised Code. 2339

Sec. 2929.01. As used in this chapter: 2340

(A)(1) "Alternative residential facility" means, subject 2341
to divisions (A)(2) and (3) of this section, any facility other 2342
than an offender's home or residence in which an offender is 2343
assigned to live and that satisfies all of the following 2344

criteria: 2345

(a) It provides programs through which the offender may 2346
seek or maintain employment or may receive education, training, 2347
treatment, or habilitation. 2348

(b) It has received the appropriate license or certificate 2349
for any specialized education, training, treatment, 2350
habilitation, or other service that it provides from the 2351
government agency that is responsible for licensing or 2352
certifying that type of education, training, treatment, 2353
habilitation, or service. 2354

(2) "Alternative residential facility" does not include a 2355
community-based correctional facility, jail, halfway house, or 2356
prison. 2357

(3) "Alternative residential facility" includes a 2358
community alternative sentencing center or district community 2359
alternative sentencing center when authorized by section 307.932 2360
of the Revised Code and when the center is being used for an OVI 2361
term of confinement, as defined by that section. 2362

(B) "Basic probation supervision" means a requirement that 2363
the offender maintain contact with a person appointed to 2364
supervise the offender in accordance with sanctions imposed by 2365
the court or imposed by the parole board pursuant to section 2366
2967.28 of the Revised Code. "Basic probation supervision" 2367
includes basic parole supervision and basic post-release control 2368
supervision. 2369

(C) "Cocaine," "fentanyl-related compound," "hashish," 2370
"L.S.D.," and "unit dose" have the same meanings as in section 2371
2925.01 of the Revised Code. 2372

(D) "Community-based correctional facility" means a 2373

community-based correctional facility and program or district 2374
community-based correctional facility and program developed 2375
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2376

(E) "Community control sanction" means a sanction that is 2377
not a prison term and that is described in section 2929.15, 2378
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2379
that is not a jail term and that is described in section 2380
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2381
control sanction" includes probation if the sentence involved 2382
was imposed for a felony that was committed prior to July 1, 2383
1996, or if the sentence involved was imposed for a misdemeanor 2384
that was committed prior to January 1, 2004. 2385

(F) "Controlled substance," "marihuana," "schedule I," and 2386
"schedule II" have the same meanings as in section 3719.01 of 2387
the Revised Code. 2388

(G) "Curfew" means a requirement that an offender during a 2389
specified period of time be at a designated place. 2390

(H) "Day reporting" means a sanction pursuant to which an 2391
offender is required each day to report to and leave a center or 2392
other approved reporting location at specified times in order to 2393
participate in work, education or training, treatment, and other 2394
approved programs at the center or outside the center. 2395

(I) "Deadly weapon" has the same meaning as in section 2396
2923.11 of the Revised Code. 2397

(J) "Drug and alcohol use monitoring" means a program 2398
under which an offender agrees to submit to random chemical 2399
analysis of the offender's blood, breath, or urine to determine 2400
whether the offender has ingested any alcohol or other drugs. 2401

(K) "Drug treatment program" means any program under which 2402

a person undergoes assessment and treatment designed to reduce 2403
or completely eliminate the person's physical or emotional 2404
reliance upon alcohol, another drug, or alcohol and another drug 2405
and under which the person may be required to receive assessment 2406
and treatment on an outpatient basis or may be required to 2407
reside at a facility other than the person's home or residence 2408
while undergoing assessment and treatment. 2409

(L) "Economic loss" means any economic detriment suffered 2410
by a victim as a direct and proximate result of the commission 2411
of an offense and includes any loss of income due to lost time 2412
at work because of any injury caused to the victim, any property 2413
loss, medical cost, or funeral expense incurred as a result of 2414
the commission of the offense, and the cost of any accounting or 2415
auditing done to determine the extent of loss if the cost is 2416
incurred and payable by the victim. "Economic loss" does not 2417
include non-economic loss or any punitive or exemplary damages. 2418

(M) "Education or training" includes study at, or in 2419
conjunction with a program offered by, a university, college, or 2420
technical college or vocational study and also includes the 2421
completion of primary school, secondary school, and literacy 2422
curricula or their equivalent. 2423

(N) "Firearm" has the same meaning as in section 2923.11 2424
of the Revised Code. 2425

(O) "Halfway house" means a facility licensed by the 2426
division of parole and community services of the department of 2427
rehabilitation and correction pursuant to section 2967.14 of the 2428
Revised Code as a suitable facility for the care and treatment 2429
of adult offenders. 2430

(P) "House arrest" means a period of confinement of an 2431

offender that is in the offender's home or in other premises 2432
specified by the sentencing court or by the parole board 2433
pursuant to section 2967.28 of the Revised Code and during which 2434
all of the following apply: 2435

(1) The offender is required to remain in the offender's 2436
home or other specified premises for the specified period of 2437
confinement, except for periods of time during which the 2438
offender is at the offender's place of employment or at other 2439
premises as authorized by the sentencing court or by the parole 2440
board. 2441

(2) The offender is required to report periodically to a 2442
person designated by the court or parole board. 2443

(3) The offender is subject to any other restrictions and 2444
requirements that may be imposed by the sentencing court or by 2445
the parole board. 2446

(Q) "Intensive probation supervision" means a requirement 2447
that an offender maintain frequent contact with a person 2448
appointed by the court, or by the parole board pursuant to 2449
section 2967.28 of the Revised Code, to supervise the offender 2450
while the offender is seeking or maintaining necessary 2451
employment and participating in training, education, and 2452
treatment programs as required in the court's or parole board's 2453
order. "Intensive probation supervision" includes intensive 2454
parole supervision and intensive post-release control 2455
supervision. 2456

(R) "Jail" means a jail, workhouse, minimum security jail, 2457
or other residential facility used for the confinement of 2458
alleged or convicted offenders that is operated by a political 2459
subdivision or a combination of political subdivisions of this 2460

state. 2461

(S) "Jail term" means the term in a jail that a sentencing 2462
court imposes or is authorized to impose pursuant to section 2463
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2464
provision of the Revised Code that authorizes a term in a jail 2465
for a misdemeanor conviction. 2466

(T) "Mandatory jail term" means the term in a jail that a 2467
sentencing court is required to impose pursuant to division (G) 2468
of section 1547.99 of the Revised Code, division (E) of section 2469
2903.06 or division (D) of section 2903.08 of the Revised Code, 2470
division (F) of section 2929.24 of the Revised Code, division 2471
(B) of section 4510.14 of the Revised Code, or division (G) of 2472
section 4511.19 of the Revised Code or pursuant to any other 2473
provision of the Revised Code that requires a term in a jail for 2474
a misdemeanor conviction. 2475

(U) "Delinquent child" has the same meaning as in section 2476
2152.02 of the Revised Code. 2477

(V) "License violation report" means a report that is made 2478
by a sentencing court, or by the parole board pursuant to 2479
section 2967.28 of the Revised Code, to the regulatory or 2480
licensing board or agency that issued an offender a professional 2481
license or a license or permit to do business in this state and 2482
that specifies that the offender has been convicted of or 2483
pleaded guilty to an offense that may violate the conditions 2484
under which the offender's professional license or license or 2485
permit to do business in this state was granted or an offense 2486
for which the offender's professional license or license or 2487
permit to do business in this state may be revoked or suspended. 2488

(W) "Major drug offender" means an offender who is 2489

convicted of or pleads guilty to the possession of, sale of, or 2490
offer to sell any drug, compound, mixture, preparation, or 2491
substance that consists of or contains at least one thousand 2492
grams of hashish; at least one hundred grams of cocaine; at 2493
least one thousand unit doses or one hundred grams of heroin; at 2494
least five thousand unit doses of L.S.D. or five hundred grams 2495
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2496
distillate form; at least fifty grams of a controlled substance 2497
analog; at least one thousand unit doses or one hundred grams of 2498
a fentanyl-related compound; or at least one hundred times the 2499
amount of any other schedule I or II controlled substance other 2500
than marihuana that is necessary to commit a felony of the third 2501
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2502
of the Revised Code that is based on the possession of, sale of, 2503
or offer to sell the controlled substance. 2504

(X) "Mandatory prison term" means any of the following: 2505

(1) Subject to division (X)(2) of this section, the term 2506
in prison that must be imposed for the offenses or circumstances 2507
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~ (22) of 2508
section 2929.13 and division (B) of section 2929.14 of the 2509
Revised Code. Except as provided in sections 2925.02, 2925.03, 2510
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2511
maximum or another specific term is required under section 2512
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2513
described in this division may be any prison term authorized for 2514
the level of offense except that if the offense is a felony of 2515
the first or second degree committed on or after March 22, 2019, 2516
a mandatory prison term described in this division may be one of 2517
the terms prescribed in division (A)(1)(a) or (2)(a) of section 2518
2929.14 of the Revised Code, whichever is applicable, that is 2519
authorized as the minimum term for the offense. 2520

(2) The term of sixty or one hundred twenty days in prison 2521
that a sentencing court is required to impose for a third or 2522
fourth degree felony OVI offense pursuant to division (G) (2) of 2523
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2524
of the Revised Code or the term of one, two, three, four, or 2525
five years in prison that a sentencing court is required to 2526
impose pursuant to division (G) (2) of section 2929.13 of the 2527
Revised Code. 2528

(3) The term in prison imposed pursuant to division (A) of 2529
section 2971.03 of the Revised Code for the offenses and in the 2530
circumstances described in division (F) (11) of section 2929.13 2531
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2532
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2533
section 2971.03 of the Revised Code and that term as modified or 2534
terminated pursuant to section 2971.05 of the Revised Code. 2535

(Y) "Monitored time" means a period of time during which 2536
an offender continues to be under the control of the sentencing 2537
court or parole board, subject to no conditions other than 2538
leading a law-abiding life. 2539

(Z) "Offender" means a person who, in this state, is 2540
convicted of or pleads guilty to a felony or a misdemeanor. 2541

(AA) "Prison" means a residential facility used for the 2542
confinement of convicted felony offenders that is under the 2543
control of the department of rehabilitation and correction and 2544
includes a violation sanction center operated under authority of 2545
section 2967.141 of the Revised Code. 2546

(BB) (1) "Prison term" includes either of the following 2547
sanctions for an offender: 2548

(a) A stated prison term; 2549

(b) A term in a prison shortened by, or with the approval 2550
of, the sentencing court pursuant to section 2929.143, 2929.20, 2551
5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 2552
pursuant to section 2967.26 of the Revised Code. 2553

(2) With respect to a non-life felony indefinite prison 2554
term, references in any provision of law to a reduction of, or 2555
deduction from, the prison term mean a reduction in, or 2556
deduction from, the minimum term imposed as part of the 2557
indefinite term. 2558

~~(CC)~~ (CC) (1) "Repeat offender" means a person about whom 2559
both of the following apply: 2560

(a) The person is being sentenced for committing or for 2561
complicity in committing a violation of section 2923.13 of the 2562
Revised Code or a felony offense of violence, and the violation 2563
of the offense involved a firearm. 2564

(b) The person previously was convicted of or pleaded 2565
guilty to one or more offenses described in division (CC) (1) (a) 2566
of this section and the violation involved a firearm. 2567

(2) As used in division (CC) of this section, "involved a 2568
firearm" means either of the following: 2569

(a) The offender had a firearm on or about the offender's 2570
person while committing the offense and displayed the firearm, 2571
brandished the firearm, indicated that the offender possessed 2572
the firearm, or used the firearm to facilitate the offense. 2573

(b) The offender had a firearm under the offender's 2574
control while committing the offense and displayed the firearm, 2575
brandished the firearm, indicated that the offender possessed 2576
the firearm, or used the firearm to facilitate the offense. 2577

(DD) "Repeat violent offender" means a person about whom 2578
both of the following apply: 2579

(1) The person is being sentenced for committing or for 2580
complicity in committing any of the following: 2581

(a) Aggravated murder, murder, any felony of the first or 2582
second degree that is an offense of violence, or an attempt to 2583
commit any of these offenses if the attempt is a felony of the 2584
first or second degree; 2585

(b) An offense under an existing or former law of this 2586
state, another state, or the United States that is or was 2587
substantially equivalent to an offense described in division 2588
~~(CC) (1) (a)~~ (DD) (1) (a) of this section. 2589

(2) The person previously was convicted of or pleaded 2590
guilty to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) 2591
or (b) of this section. 2592

~~(DD)~~ (EE) "Sanction" means any penalty imposed upon an 2593
offender who is convicted of or pleads guilty to an offense, as 2594
punishment for the offense. "Sanction" includes any sanction 2595
imposed pursuant to any provision of sections 2929.14 to 2929.18 2596
or 2929.24 to 2929.28 of the Revised Code. 2597

~~(EE)~~ (FF) "Sentence" means the sanction or combination of 2598
sanctions imposed by the sentencing court on an offender who is 2599
convicted of or pleads guilty to an offense. 2600

~~(FF) (1)~~ (GG) (1) "Stated prison term" means the prison 2601
term, mandatory prison term, or combination of all prison terms 2602
and mandatory prison terms imposed by the sentencing court 2603
pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised 2604
Code or under section 2919.25 of the Revised Code. "Stated 2605
prison term" includes any credit received by the offender for 2606

time spent in jail awaiting trial, sentencing, or transfer to 2607
prison for the offense and any time spent under house arrest or 2608
house arrest with electronic monitoring imposed after earning 2609
credits pursuant to section 2967.193 or 2967.194 of the Revised 2610
Code. If an offender is serving a prison term as a risk 2611
reduction sentence under sections 2929.143 and 5120.036 of the 2612
Revised Code, "stated prison term" includes any period of time 2613
by which the prison term imposed upon the offender is shortened 2614
by the offender's successful completion of all assessment and 2615
treatment or programming pursuant to those sections. 2616

(2) As used in the definition of "stated prison term" set 2617
forth in division ~~(FF)(1)~~ (GG)(1) of this section, a prison term 2618
is a definite prison term imposed under section 2929.14 of the 2619
Revised Code or any other provision of law, is the minimum and 2620
maximum prison terms under a non-life felony indefinite prison 2621
term, or is a term of life imprisonment except to the extent 2622
that the use of that definition in a section of the Revised Code 2623
clearly is not intended to include a term of life imprisonment. 2624
With respect to an offender sentenced to a non-life felony 2625
indefinite prison term, references in section 2967.191, 2626
2967.193, or 2967.194 of the Revised Code or any other provision 2627
of law to a reduction of, or deduction from, the offender's 2628
stated prison term or to release of the offender before the 2629
expiration of the offender's stated prison term mean a reduction 2630
in, or deduction from, the minimum term imposed as part of the 2631
indefinite term or a release of the offender before the 2632
expiration of that minimum term, references in section 2929.19 2633
or 2967.28 of the Revised Code to a stated prison term with 2634
respect to a prison term imposed for a violation of a post- 2635
release control sanction mean the minimum term so imposed, and 2636
references in any provision of law to an offender's service of 2637

the offender's stated prison term or the expiration of the 2638
offender's stated prison term mean service or expiration of the 2639
minimum term so imposed plus any additional period of 2640
incarceration under the sentence that is required under section 2641
2967.271 of the Revised Code. 2642

~~(GG)~~ (HH) "Victim-offender mediation" means a 2643
reconciliation or mediation program that involves an offender 2644
and the victim of the offense committed by the offender and that 2645
includes a meeting in which the offender and the victim may 2646
discuss the offense, discuss restitution, and consider other 2647
sanctions for the offense. 2648

~~(HH)~~ (II) "Fourth degree felony OVI offense" means a 2649
violation of division (A) of section 4511.19 of the Revised Code 2650
that, under division (G) of that section, is a felony of the 2651
fourth degree. 2652

~~(II)~~ (JJ) "Mandatory term of local incarceration" means 2653
the term of sixty or one hundred twenty days in a jail, a 2654
community-based correctional facility, a halfway house, or an 2655
alternative residential facility that a sentencing court may 2656
impose upon a person who is convicted of or pleads guilty to a 2657
fourth degree felony OVI offense pursuant to division (G)(1) of 2658
section 2929.13 of the Revised Code and division (G)(1)(d) or 2659
(e) of section 4511.19 of the Revised Code. 2660

~~(JJ)~~ (KK) "Designated homicide, assault, or kidnapping 2661
offense," "violent sex offense," "sexual motivation 2662
specification," "sexually violent offense," "sexually violent 2663
predator," and "sexually violent predator specification" have 2664
the same meanings as in section 2971.01 of the Revised Code. 2665

~~(KK)~~ (LL) "Sexually oriented offense," "child-victim 2666

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

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

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

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

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

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

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

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

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

~~(TT)~~ (UU) "Electronic monitoring" means monitoring through

the use of an electronic monitoring device. 2695

~~(UU)~~ (VV) "Electronic monitoring device" means any of the 2696
following: 2697

(1) Any device that can be operated by electrical or 2698
battery power and that conforms with all of the following: 2699

(a) The device has a transmitter that can be attached to a 2700
person, that will transmit a specified signal to a receiver of 2701
the type described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this 2702
section if the transmitter is removed from the person, turned 2703
off, or altered in any manner without prior court approval in 2704
relation to electronic monitoring or without prior approval of 2705
the department of rehabilitation and correction in relation to 2706
the use of an electronic monitoring device for an inmate on 2707
transitional control or otherwise is tampered with, that can 2708
transmit continuously and periodically a signal to that receiver 2709
when the person is within a specified distance from the 2710
receiver, and that can transmit an appropriate signal to that 2711
receiver if the person to whom it is attached travels a 2712
specified distance from that receiver. 2713

(b) The device has a receiver that can receive 2714
continuously the signals transmitted by a transmitter of the 2715
type described in division ~~(UU) (1) (a)~~ (VV) (1) (a) of this 2716
section, can transmit continuously those signals by a wireless 2717
or landline telephone connection to a central monitoring 2718
computer of the type described in division ~~(UU) (1) (c)~~ (VV) (1) (c) 2719
of this section, and can transmit continuously an appropriate 2720
signal to that central monitoring computer if the device has 2721
been turned off or altered without prior court approval or 2722
otherwise tampered with. The device is designed specifically for 2723
use in electronic monitoring, is not a converted wireless phone 2724

or another tracking device that is clearly not designed for 2725
electronic monitoring, and provides a means of text-based or 2726
voice communication with the person. 2727

(c) The device has a central monitoring computer that can 2728
receive continuously the signals transmitted by a wireless or 2729
landline telephone connection by a receiver of the type 2730
described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this section and 2731
can monitor continuously the person to whom an electronic 2732
monitoring device of the type described in division ~~(UU) (1) (a)~~ 2733
(VV) (1) (a) of this section is attached. 2734

(2) Any device that is not a device of the type described 2735
in division ~~(UU) (1)~~ (VV) (1) of this section and that conforms 2736
with all of the following: 2737

(a) The device includes a transmitter and receiver that 2738
can monitor and determine the location of a subject person at 2739
any time, or at a designated point in time, through the use of a 2740
central monitoring computer or through other electronic means. 2741

(b) The device includes a transmitter and receiver that 2742
can determine at any time, or at a designated point in time, 2743
through the use of a central monitoring computer or other 2744
electronic means the fact that the transmitter is turned off or 2745
altered in any manner without prior approval of the court in 2746
relation to the electronic monitoring or without prior approval 2747
of the department of rehabilitation and correction in relation 2748
to the use of an electronic monitoring device for an inmate on 2749
transitional control or otherwise is tampered with. 2750

(3) Any type of technology that can adequately track or 2751
determine the location of a subject person at any time and that 2752
is approved by the director of rehabilitation and correction, 2753

including, but not limited to, any satellite technology, voice 2754
tracking system, or retinal scanning system that is so approved. 2755

~~(VV)~~ (WW) "Non-economic loss" means nonpecuniary harm 2756
suffered by a victim of an offense as a result of or related to 2757
the commission of the offense, including, but not limited to, 2758
pain and suffering; loss of society, consortium, companionship, 2759
care, assistance, attention, protection, advice, guidance, 2760
counsel, instruction, training, or education; mental anguish; 2761
and any other intangible loss. 2762

~~(WW)~~ (XX) "Prosecutor" has the same meaning as in section 2763
2935.01 of the Revised Code. 2764

~~(XX)~~ (YY) "Continuous alcohol monitoring" means the 2765
ability to automatically test and periodically transmit alcohol 2766
consumption levels and tamper attempts at least every hour, 2767
regardless of the location of the person who is being monitored. 2768

~~(YY)~~ (ZZ) A person is "adjudicated a sexually violent 2769
predator" if the person is convicted of or pleads guilty to a 2770
violent sex offense and also is convicted of or pleads guilty to 2771
a sexually violent predator specification that was included in 2772
the indictment, count in the indictment, or information charging 2773
that violent sex offense or if the person is convicted of or 2774
pleads guilty to a designated homicide, assault, or kidnapping 2775
offense and also is convicted of or pleads guilty to both a 2776
sexual motivation specification and a sexually violent predator 2777
specification that were included in the indictment, count in the 2778
indictment, or information charging that designated homicide, 2779
assault, or kidnapping offense. 2780

~~(ZZ)~~ (AAA) An offense is "committed in proximity to a 2781
school" if the offender commits the offense in a school safety 2782

zone or within five hundred feet of any school building or the 2783
boundaries of any school premises, regardless of whether the 2784
offender knows the offense is being committed in a school safety 2785
zone or within five hundred feet of any school building or the 2786
boundaries of any school premises. 2787

~~(AAA)~~ (BBB) "Human trafficking" means a scheme or plan to 2788
which all of the following apply: 2789

(1) Its object is one or both of the following: 2790

(a) To subject a victim or victims to involuntary 2791
servitude, as defined in section 2905.31 of the Revised Code or 2792
to compel a victim or victims to engage in sexual activity for 2793
hire, to engage in a performance that is obscene, sexually 2794
oriented, or nudity oriented, or to be a model or participant in 2795
the production of material that is obscene, sexually oriented, 2796
or nudity oriented; 2797

(b) To facilitate, encourage, or recruit a victim who is a 2798
minor or is a person with a developmental disability, or victims 2799
who are minors or are persons with developmental disabilities, 2800
for any purpose listed in divisions (A) (2) (a) to (c) of section 2801
2905.32 of the Revised Code. 2802

(2) It involves at least two felony offenses, whether or 2803
not there has been a prior conviction for any of the felony 2804
offenses, to which all of the following apply: 2805

(a) Each of the felony offenses is a violation of section 2806
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 2807
division (A) (1) or (2) of section 2907.323, or division (B) (1), 2808
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 2809
is a violation of a law of any state other than this state that 2810
is substantially similar to any of the sections or divisions of 2811

the Revised Code identified in this division. 2812

(b) At least one of the felony offenses was committed in 2813
this state. 2814

(c) The felony offenses are related to the same scheme or 2815
plan and are not isolated instances. 2816

~~(BBB)~~ (CCC) "Material," "nudity," "obscene," 2817
"performance," and "sexual activity" have the same meanings as 2818
in section 2907.01 of the Revised Code. 2819

~~(CCC)~~ (DDD) "Material that is obscene, sexually oriented, 2820
or nudity oriented" means any material that is obscene, that 2821
shows a person participating or engaging in sexual activity, 2822
masturbation, or bestiality, or that shows a person in a state 2823
of nudity. 2824

~~(DDD)~~ (EEE) "Performance that is obscene, sexually 2825
oriented, or nudity oriented" means any performance that is 2826
obscene, that shows a person participating or engaging in sexual 2827
activity, masturbation, or bestiality, or that shows a person in 2828
a state of nudity. 2829

~~(EEE)~~ (FFF) "Accelerant" means a fuel or oxidizing agent, 2830
such as an ignitable liquid, used to initiate a fire or increase 2831
the rate of growth or spread of a fire. 2832

~~(FFF)~~ (GGG) "Permanent disabling harm" means serious 2833
physical harm that results in permanent injury to the 2834
intellectual, physical, or sensory functions and that 2835
permanently and substantially impairs a person's ability to meet 2836
one or more of the ordinary demands of life, including the 2837
functions of caring for one's self, performing manual tasks, 2838
walking, seeing, hearing, speaking, breathing, learning, and 2839
working. 2840

~~(GGG)~~—(HHH) "Non-life felony indefinite prison term" means 2841
a prison term imposed under division (A) (1) (a) or (2) (a) of 2842
section 2929.14 and section 2929.144 of the Revised Code for a 2843
felony of the first or second degree committed on or after March 2844
22, 2019. 2845

Sec. 2929.13. (A) Except as provided in division (E), (F), 2846
or (G) of this section and unless a specific sanction is 2847
required to be imposed or is precluded from being imposed 2848
pursuant to law, a court that imposes a sentence upon an 2849
offender for a felony may impose any sanction or combination of 2850
sanctions on the offender that are provided in sections 2929.14 2851
to 2929.18 of the Revised Code. 2852

If the offender is eligible to be sentenced to community 2853
control sanctions, the court shall consider the appropriateness 2854
of imposing a financial sanction pursuant to section 2929.18 of 2855
the Revised Code or a sanction of community service pursuant to 2856
section 2929.17 of the Revised Code as the sole sanction for the 2857
offense. Except as otherwise provided in this division, if the 2858
court is required to impose a mandatory prison term for the 2859
offense for which sentence is being imposed, the court also 2860
shall impose any financial sanction pursuant to section 2929.18 2861
of the Revised Code that is required for the offense and may 2862
impose any other financial sanction pursuant to that section but 2863
may not impose any additional sanction or combination of 2864
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2865

If the offender is being sentenced for a fourth degree 2866
felony OVI offense or for a third degree felony OVI offense, in 2867
addition to the mandatory term of local incarceration or the 2868
mandatory prison term required for the offense by division (G) 2869
(1) or (2) of this section, the court shall impose upon the 2870

offender a mandatory fine in accordance with division (B)(3) of 2871
section 2929.18 of the Revised Code and may impose whichever of 2872
the following is applicable: 2873

(1) For a fourth degree felony OVI offense for which 2874
sentence is imposed under division (G)(1) of this section, an 2875
additional community control sanction or combination of 2876
community control sanctions under section 2929.16 or 2929.17 of 2877
the Revised Code. If the court imposes upon the offender a 2878
community control sanction and the offender violates any 2879
condition of the community control sanction, the court may take 2880
any action prescribed in division (B) of section 2929.15 of the 2881
Revised Code relative to the offender, including imposing a 2882
prison term on the offender pursuant to that division. 2883

(2) For a third or fourth degree felony OVI offense for 2884
which sentence is imposed under division (G)(2) of this section, 2885
an additional prison term as described in division (B)(4) of 2886
section 2929.14 of the Revised Code or a community control 2887
sanction as described in division (G)(2) of this section. 2888

(B)(1)(a) Except as provided in division (B)(1)(b) of this 2889
section, if an offender is convicted of or pleads guilty to a 2890
felony of the fourth or fifth degree that is not an offense of 2891
violence or that is a qualifying assault offense, the court 2892
shall sentence the offender to a community control sanction or 2893
combination of community control sanctions if all of the 2894
following apply: 2895

(i) The offender previously has not been convicted of or 2896
pleaded guilty to a felony offense. 2897

(ii) The most serious charge against the offender at the 2898
time of sentencing is a felony of the fourth or fifth degree. 2899

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

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

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

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

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

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

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

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

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

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

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

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

(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer.

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

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term

as a sanction for a felony of the third degree or a felony drug 2958
offense that is a violation of a provision of Chapter 2925. of 2959
the Revised Code and that is specified as being subject to this 2960
division for purposes of sentencing, the sentencing court shall 2961
comply with the purposes and principles of sentencing under 2962
section 2929.11 of the Revised Code and with section 2929.12 of 2963
the Revised Code. 2964

(D) (1) Except as provided in division (E) or (F) of this 2965
section, for a felony of the first or second degree, for a 2966
felony drug offense that is a violation of any provision of 2967
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2968
presumption in favor of a prison term is specified as being 2969
applicable, ~~and~~ for a violation of division (A) (4) or (B) of 2970
section 2907.05 of the Revised Code for which a presumption in 2971
favor of a prison term is specified as being applicable, and for 2972
a violation of section 2923.13 of the Revised Code for which a 2973
presumption in favor of a prison term is specified in division 2974
(B) (3) of that section as being applicable, it is presumed that 2975
a prison term is necessary in order to comply with the purposes 2976
and principles of sentencing under section 2929.11 of the 2977
Revised Code. Division (D) (2) of this section does not apply to 2978
a presumption established under this division for a violation of 2979
division (A) (4) of section 2907.05 of the Revised Code. 2980

(2) Notwithstanding the presumption established under 2981
division (D) (1) of this section for the offenses listed in that 2982
division other than a violation of division (A) (4) or (B) of 2983
section 2907.05 of the Revised Code, the sentencing court may 2984
impose a community control sanction or a combination of 2985
community control sanctions instead of a prison term on an 2986
offender for a felony of the first or second degree or for a 2987
felony drug offense that is a violation of any provision of 2988

Chapter 2925., 3719., or 4729. of the Revised Code for which a 2989
presumption in favor of a prison term is specified as being 2990
applicable if it makes both of the following findings: 2991

(a) A community control sanction or a combination of 2992
community control sanctions would adequately punish the offender 2993
and protect the public from future crime, because the applicable 2994
factors under section 2929.12 of the Revised Code indicating a 2995
lesser likelihood of recidivism outweigh the applicable factors 2996
under that section indicating a greater likelihood of 2997
recidivism. 2998

(b) A community control sanction or a combination of 2999
community control sanctions would not demean the seriousness of 3000
the offense, because one or more factors under section 2929.12 3001
of the Revised Code that indicate that the offender's conduct 3002
was less serious than conduct normally constituting the offense 3003
are applicable, and they outweigh the applicable factors under 3004
that section that indicate that the offender's conduct was more 3005
serious than conduct normally constituting the offense. 3006

(E) (1) Except as provided in division (F) of this section, 3007
for any drug offense that is a violation of any provision of 3008
Chapter 2925. of the Revised Code and that is a felony of the 3009
third, fourth, or fifth degree, the applicability of a 3010
presumption under division (D) of this section in favor of a 3011
prison term or of division (B) or (C) of this section in 3012
determining whether to impose a prison term for the offense 3013
shall be determined as specified in section 2925.02, 2925.03, 3014
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3015
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3016
regarding the violation. 3017

(2) If an offender who was convicted of or pleaded guilty 3018

to a felony violates the conditions of a community control 3019
sanction imposed for the offense solely by reason of producing 3020
positive results on a drug test, the court, as punishment for 3021
the violation of the sanction, shall not order that the offender 3022
be imprisoned unless the court determines on the record either 3023
of the following: 3024

(a) The offender had been ordered as a sanction for the 3025
felony to participate in a drug treatment program, in a drug 3026
education program, or in narcotics anonymous or a similar 3027
program, and the offender continued to use illegal drugs after a 3028
reasonable period of participation in the program. 3029

(b) The imprisonment of the offender for the violation is 3030
consistent with the purposes and principles of sentencing set 3031
forth in section 2929.11 of the Revised Code. 3032

(3) A court that sentences an offender for a drug abuse 3033
offense that is a felony of the third, fourth, or fifth degree 3034
may require that the offender be assessed by a properly 3035
credentialed professional within a specified period of time. The 3036
court shall require the professional to file a written 3037
assessment of the offender with the court. If the offender is 3038
eligible for a community control sanction and after considering 3039
the written assessment, the court may impose a community control 3040
sanction that includes addiction services and recovery supports 3041
included in a community-based continuum of care established 3042
under section 340.032 of the Revised Code. If the court imposes 3043
addiction services and recovery supports as a community control 3044
sanction, the court shall direct the level and type of addiction 3045
services and recovery supports after considering the assessment 3046
and recommendation of community addiction services providers. 3047

(F) Notwithstanding divisions (A) to (E) of this section, 3048

the court shall impose a prison term or terms under sections 3049
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3050
section 2971.03 of the Revised Code and except as specifically 3051
provided in section 2929.20, or section 2967.191 of the Revised 3052
Code or when parole is authorized for the offense under section 3053
2967.13 of the Revised Code shall not reduce the term or terms 3054
pursuant to section 2929.20, division (A) (2) or (3) of section 3055
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3056
Chapter 5120. of the Revised Code for any of the following 3057
offenses: 3058

(1) Aggravated murder when death is not imposed or murder; 3059

(2) Any rape, regardless of whether force was involved and 3060
regardless of the age of the victim, or an attempt to commit 3061
rape if, had the offender completed the rape that was attempted, 3062
the offender would have been guilty of a violation of division 3063
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3064
sentenced under section 2971.03 of the Revised Code; 3065

(3) Gross sexual imposition or sexual battery, if the 3066
victim is less than thirteen years of age and if any of the 3067
following applies: 3068

(a) Regarding gross sexual imposition, the offender 3069
previously was convicted of or pleaded guilty to rape, the 3070
former offense of felonious sexual penetration, gross sexual 3071
imposition, or sexual battery, and the victim of the previous 3072
offense was less than thirteen years of age; 3073

(b) Regarding gross sexual imposition, the offense was 3074
committed on or after August 3, 2006, and evidence other than 3075
the testimony of the victim was admitted in the case 3076
corroborating the violation. 3077

(c) Regarding sexual battery, either of the following 3078
applies: 3079

(i) The offense was committed prior to August 3, 2006, the 3080
offender previously was convicted of or pleaded guilty to rape, 3081
the former offense of felonious sexual penetration, or sexual 3082
battery, and the victim of the previous offense was less than 3083
thirteen years of age. 3084

(ii) The offense was committed on or after August 3, 2006. 3085

(4) A felony violation of section 2903.04, 2903.06, 3086
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3087
or 2923.132 of the Revised Code if the section requires the 3088
imposition of a prison term; 3089

(5) A first, second, or third degree felony drug offense 3090
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3091
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3092
or 4729.99 of the Revised Code, whichever is applicable 3093
regarding the violation, requires the imposition of a mandatory 3094
prison term; 3095

(6) Any offense that is a first or second degree felony 3096
and that is not set forth in division (F) (1), (2), (3), or (4) 3097
of this section, if the offender previously was convicted of or 3098
pleaded guilty to aggravated murder, murder, any first or second 3099
degree felony, or an offense under an existing or former law of 3100
this state, another state, or the United States that is or was 3101
substantially equivalent to one of those offenses; 3102

(7) Any offense that is a third degree felony and either 3103
is a violation of section 2903.04 of the Revised Code or an 3104
attempt to commit a felony of the second degree that is an 3105
offense of violence and involved an attempt to cause serious 3106

physical harm to a person or that resulted in serious physical 3107
harm to a person if the offender previously was convicted of or 3108
pleaded guilty to any of the following offenses: 3109

(a) Aggravated murder, murder, involuntary manslaughter, 3110
rape, felonious sexual penetration as it existed under section 3111
2907.12 of the Revised Code prior to September 3, 1996, a felony 3112
of the first or second degree that resulted in the death of a 3113
person or in physical harm to a person, or complicity in or an 3114
attempt to commit any of those offenses; 3115

(b) An offense under an existing or former law of this 3116
state, another state, or the United States that is or was 3117
substantially equivalent to an offense listed in division (F) (7) 3118
(a) of this section that resulted in the death of a person or in 3119
physical harm to a person. 3120

(8) Any offense, other than a violation of section 2923.12 3121
of the Revised Code, that is a felony, if the offender had a 3122
firearm on or about the offender's person or under the 3123
offender's control while committing the felony, with respect to 3124
a portion of the sentence imposed pursuant to division (B) (1) (a) 3125
of section 2929.14 of the Revised Code for having the firearm; 3126

(9) Any offense of violence that is a felony, if the 3127
offender wore or carried body armor while committing the felony 3128
offense of violence, with respect to the portion of the sentence 3129
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3130
Revised Code for wearing or carrying the body armor; 3131

(10) Corrupt activity in violation of section 2923.32 of 3132
the Revised Code when the most serious offense in the pattern of 3133
corrupt activity that is the basis of the offense is a felony of 3134
the first degree; 3135

(11) Any violent sex offense or designated homicide, 3136
assault, or kidnapping offense if, in relation to that offense, 3137
the offender is adjudicated a sexually violent predator; 3138

(12) A violation of division (A)(1) or (2) of section 3139
2921.36 of the Revised Code, or a violation of division (C) of 3140
that section involving an item listed in division (A)(1) or (2) 3141
of that section, if the offender is an officer or employee of 3142
the department of rehabilitation and correction; 3143

(13) A violation of division (A)(1) or (2) of section 3144
2903.06 of the Revised Code if the victim of the offense is a 3145
peace officer, as defined in section 2935.01 of the Revised 3146
Code, or an investigator of the bureau of criminal 3147
identification and investigation, as defined in section 2903.11 3148
of the Revised Code, with respect to the portion of the sentence 3149
imposed pursuant to division (B)(5) of section 2929.14 of the 3150
Revised Code; 3151

(14) A violation of division (A)(1) or (2) of section 3152
2903.06 of the Revised Code if the offender has been convicted 3153
of or pleaded guilty to three or more violations of division (A) 3154
of section 4511.19 of the Revised Code or an equivalent offense, 3155
as defined in section 2941.1415 of the Revised Code, or three or 3156
more violations of any combination of those offenses, with 3157
respect to the portion of the sentence imposed pursuant to 3158
division (B)(6) of section 2929.14 of the Revised Code; 3159

(15) Kidnapping, in the circumstances specified in section 3160
2971.03 of the Revised Code and when no other provision of 3161
division (F) of this section applies; 3162

(16) Kidnapping, abduction, compelling prostitution, 3163
promoting prostitution, engaging in a pattern of corrupt 3164

activity, a violation of division (A)(1) or (2) of section 3165
2907.323 of the Revised Code that involves a minor, or 3166
endangering children in violation of division (B)(1), (2), (3), 3167
(4), or (5) of section 2919.22 of the Revised Code, if the 3168
offender is convicted of or pleads guilty to a specification as 3169
described in section 2941.1422 of the Revised Code that was 3170
included in the indictment, count in the indictment, or 3171
information charging the offense; 3172

(17) A felony violation of division (A) or (B) of section 3173
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 3174
that section, and division (D)(6) of that section, require the 3175
imposition of a prison term; 3176

(18) A felony violation of section 2903.11, 2903.12, or 3177
2903.13 of the Revised Code, if the victim of the offense was a 3178
woman that the offender knew was pregnant at the time of the 3179
violation, with respect to a portion of the sentence imposed 3180
pursuant to division (B)(8) of section 2929.14 of the Revised 3181
Code; 3182

(19)(a) Any violent felony offense if the offender is a 3183
violent career criminal and had a firearm on or about the 3184
offender's person or under the offender's control during the 3185
commission of the violent felony offense and displayed or 3186
brandished the firearm, indicated that the offender possessed a 3187
firearm, or used the firearm to facilitate the offense, with 3188
respect to the portion of the sentence imposed under division 3189
(K) of section 2929.14 of the Revised Code. 3190

(b) As used in division (F)(19)(a) of this section, 3191
"violent career criminal" and "violent felony offense" have the 3192
same meanings as in section 2923.132 of the Revised Code. 3193

(20) Any violation of division (A) (1) of section 2903.11 3194
of the Revised Code if the offender used an accelerant in 3195
committing the violation and the serious physical harm to 3196
another or another's unborn caused by the violation resulted in 3197
a permanent, serious disfigurement or permanent, substantial 3198
incapacity or any violation of division (A) (2) of that section 3199
if the offender used an accelerant in committing the violation, 3200
the violation caused physical harm to another or another's 3201
unborn, and the physical harm resulted in a permanent, serious 3202
disfigurement or permanent, substantial incapacity, with respect 3203
to a portion of the sentence imposed pursuant to division (B) (9) 3204
of section 2929.14 of the Revised Code. The provisions of this 3205
division and of division (D) (2) of section 2903.11, divisions 3206
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 3207
the Revised Code shall be known as "Judy's Law." 3208

(21) Any violation of division (A) of section 2903.11 of 3209
the Revised Code if the victim of the offense suffered permanent 3210
disabling harm as a result of the offense and the victim was 3211
under ten years of age at the time of the offense, with respect 3212
to a portion of the sentence imposed pursuant to division (B) 3213
(10) of section 2929.14 of the Revised Code. 3214

(22) A felony violation of section 2925.03, 2925.05, or 3215
2925.11 of the Revised Code, if the drug involved in the 3216
violation is a fentanyl-related compound or a compound, mixture, 3217
preparation, or substance containing a fentanyl-related compound 3218
and the offender is convicted of or pleads guilty to a 3219
specification of the type described in division (B) of section 3220
2941.1410 of the Revised Code that was included in the 3221
indictment, count in the indictment, or information charging the 3222
offense, with respect to the portion of the sentence imposed 3223
under division (B) (11) of section 2929.14 of the Revised Code. 3224

(G) Notwithstanding divisions (A) to (E) of this section, 3225
if an offender is being sentenced for a fourth degree felony OVI 3226
offense or for a third degree felony OVI offense, the court 3227
shall impose upon the offender a mandatory term of local 3228
incarceration or a mandatory prison term in accordance with the 3229
following: 3230

(1) If the offender is being sentenced for a fourth degree 3231
felony OVI offense and if the offender has not been convicted of 3232
and has not pleaded guilty to a specification of the type 3233
described in section 2941.1413 of the Revised Code, the court 3234
may impose upon the offender a mandatory term of local 3235
incarceration of sixty days or one hundred twenty days as 3236
specified in division (G)(1)(d) of section 4511.19 of the 3237
Revised Code. The court shall not reduce the term pursuant to 3238
section 2929.20, division (A)(2) or (3) of section 2967.193 or 3239
2967.194, or any other provision of the Revised Code. The court 3240
that imposes a mandatory term of local incarceration under this 3241
division shall specify whether the term is to be served in a 3242
jail, a community-based correctional facility, a halfway house, 3243
or an alternative residential facility, and the offender shall 3244
serve the term in the type of facility specified by the court. A 3245
mandatory term of local incarceration imposed under division (G) 3246
(1) of this section is not subject to any other Revised Code 3247
provision that pertains to a prison term except as provided in 3248
division (A)(1) of this section. 3249

(2) If the offender is being sentenced for a third degree 3250
felony OVI offense, or if the offender is being sentenced for a 3251
fourth degree felony OVI offense and the court does not impose a 3252
mandatory term of local incarceration under division (G)(1) of 3253
this section, the court shall impose upon the offender a 3254
mandatory prison term of one, two, three, four, or five years if 3255

the offender also is convicted of or also pleads guilty to a 3256
specification of the type described in section 2941.1413 of the 3257
Revised Code or shall impose upon the offender a mandatory 3258
prison term of sixty days or one hundred twenty days as 3259
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3260
Revised Code if the offender has not been convicted of and has 3261
not pleaded guilty to a specification of that type. The court 3262
shall not reduce the term pursuant to section 2929.20, division 3263
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3264
provision of the Revised Code. The offender shall serve the 3265
one-, two-, three-, four-, or five-year mandatory prison term 3266
consecutively to and prior to the prison term imposed for the 3267
underlying offense and consecutively to any other mandatory 3268
prison term imposed in relation to the offense. In no case shall 3269
an offender who once has been sentenced to a mandatory term of 3270
local incarceration pursuant to division (G) (1) of this section 3271
for a fourth degree felony OVI offense be sentenced to another 3272
mandatory term of local incarceration under that division for 3273
any violation of division (A) of section 4511.19 of the Revised 3274
Code. In addition to the mandatory prison term described in 3275
division (G) (2) of this section, the court may sentence the 3276
offender to a community control sanction under section 2929.16 3277
or 2929.17 of the Revised Code, but the offender shall serve the 3278
prison term prior to serving the community control sanction. The 3279
department of rehabilitation and correction may place an 3280
offender sentenced to a mandatory prison term under this 3281
division in an intensive program prison established pursuant to 3282
section 5120.033 of the Revised Code if the department gave the 3283
sentencing judge prior notice of its intent to place the 3284
offender in an intensive program prison established under that 3285
section and if the judge did not notify the department that the 3286
judge disapproved the placement. Upon the establishment of the 3287

initial intensive program prison pursuant to section 5120.033 of 3288
the Revised Code that is privately operated and managed by a 3289
contractor pursuant to a contract entered into under section 3290
9.06 of the Revised Code, both of the following apply: 3291

(a) The department of rehabilitation and correction shall 3292
make a reasonable effort to ensure that a sufficient number of 3293
offenders sentenced to a mandatory prison term under this 3294
division are placed in the privately operated and managed prison 3295
so that the privately operated and managed prison has full 3296
occupancy. 3297

(b) Unless the privately operated and managed prison has 3298
full occupancy, the department of rehabilitation and correction 3299
shall not place any offender sentenced to a mandatory prison 3300
term under this division in any intensive program prison 3301
established pursuant to section 5120.033 of the Revised Code 3302
other than the privately operated and managed prison. 3303

(H) If an offender is being sentenced for a sexually 3304
oriented offense or child-victim oriented offense that is a 3305
felony committed on or after January 1, 1997, the judge shall 3306
require the offender to submit to a DNA specimen collection 3307
procedure pursuant to section 2901.07 of the Revised Code. 3308

(I) If an offender is being sentenced for a sexually 3309
oriented offense or a child-victim oriented offense committed on 3310
or after January 1, 1997, the judge shall include in the 3311
sentence a summary of the offender's duties imposed under 3312
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3313
Code and the duration of the duties. The judge shall inform the 3314
offender, at the time of sentencing, of those duties and of 3315
their duration. If required under division (A) (2) of section 3316
2950.03 of the Revised Code, the judge shall perform the duties 3317

specified in that section, or, if required under division (A) (6) 3318
of section 2950.03 of the Revised Code, the judge shall perform 3319
the duties specified in that division. 3320

(J) (1) Except as provided in division (J) (2) of this 3321
section, when considering sentencing factors under this section 3322
in relation to an offender who is convicted of or pleads guilty 3323
to an attempt to commit an offense in violation of section 3324
2923.02 of the Revised Code, the sentencing court shall consider 3325
the factors applicable to the felony category of the violation 3326
of section 2923.02 of the Revised Code instead of the factors 3327
applicable to the felony category of the offense attempted. 3328

(2) When considering sentencing factors under this section 3329
in relation to an offender who is convicted of or pleads guilty 3330
to an attempt to commit a drug abuse offense for which the 3331
penalty is determined by the amount or number of unit doses of 3332
the controlled substance involved in the drug abuse offense, the 3333
sentencing court shall consider the factors applicable to the 3334
felony category that the drug abuse offense attempted would be 3335
if that drug abuse offense had been committed and had involved 3336
an amount or number of unit doses of the controlled substance 3337
that is within the next lower range of controlled substance 3338
amounts than was involved in the attempt. 3339

(K) As used in this section: 3340

(1) "Community addiction services provider" has the same 3341
meaning as in section 5119.01 of the Revised Code. 3342

(2) "Drug abuse offense" has the same meaning as in 3343
section 2925.01 of the Revised Code. 3344

(3) "Minor drug possession offense" has the same meaning 3345
as in section 2925.11 of the Revised Code. 3346

(4) "Qualifying assault offense" means a violation of 3347
section 2903.13 of the Revised Code for which the penalty 3348
provision in division (C) (8) (b) or (C) (9) (b) of that section 3349
applies. 3350

(L) At the time of sentencing an offender for any sexually 3351
oriented offense, if the offender is a tier III sex 3352
offender/child-victim offender relative to that offense and the 3353
offender does not serve a prison term or jail term, the court 3354
may require that the offender be monitored by means of a global 3355
positioning device. If the court requires such monitoring, the 3356
cost of monitoring shall be borne by the offender. If the 3357
offender is indigent, the cost of compliance shall be paid by 3358
the crime victims reparations fund. 3359

Sec. 2929.14. (A) Except as provided in division (B) (1), 3360
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3361
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3362
in division (D) (6) of section 2919.25 of the Revised Code and 3363
except in relation to an offense for which a sentence of death 3364
or life imprisonment is to be imposed, if the court imposing a 3365
sentence upon an offender for a felony elects or is required to 3366
impose a prison term on the offender pursuant to this chapter, 3367
the court shall impose a prison term that shall be one of the 3368
following: 3369

(1) (a) For a felony of the first degree committed on or 3370
after March 22, 2019, the prison term shall be an indefinite 3371
prison term with a stated minimum term selected by the court of 3372
three, four, five, six, seven, eight, nine, ten, or eleven years 3373
and a maximum term that is determined pursuant to section 3374
2929.144 of the Revised Code, except that if the section that 3375
criminalizes the conduct constituting the felony specifies a 3376

different minimum term or penalty for the offense, the specific 3377
language of that section shall control in determining the 3378
minimum term or otherwise sentencing the offender but the 3379
minimum term or sentence imposed under that specific language 3380
shall be considered for purposes of the Revised Code as if it 3381
had been imposed under this division. 3382

(b) For a felony of the first degree committed prior to 3383
March 22, 2019, the prison term shall be a definite prison term 3384
of three, four, five, six, seven, eight, nine, ten, or eleven 3385
years. 3386

(2) (a) For a felony of the second degree committed on or 3387
after March 22, 2019, the prison term shall be an indefinite 3388
prison term with a stated minimum term selected by the court of 3389
two, three, four, five, six, seven, or eight years and a maximum 3390
term that is determined pursuant to section 2929.144 of the 3391
Revised Code, except that if the section that criminalizes the 3392
conduct constituting the felony specifies a different minimum 3393
term or penalty for the offense, the specific language of that 3394
section shall control in determining the minimum term or 3395
otherwise sentencing the offender but the minimum term or 3396
sentence imposed under that specific language shall be 3397
considered for purposes of the Revised Code as if it had been 3398
imposed under this division. 3399

(b) For a felony of the second degree committed prior to 3400
March 22, 2019, the prison term shall be a definite term of two, 3401
three, four, five, six, seven, or eight years. 3402

(3) (a) For a felony of the third degree that is a 3403
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3404
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3405
Code, that is a violation of division (A) of section 4511.19 of 3406

the Revised Code if the offender previously has been convicted 3407
of or pleaded guilty to a violation of division (A) of that 3408
section that was a felony, that is a violation of section 3409
2911.02 or 2911.12 of the Revised Code if the offender 3410
previously has been convicted of or pleaded guilty in two or 3411
more separate proceedings to two or more violations of section 3412
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 3413
that is a violation of division (B) of section 2921.331 of the 3414
Revised Code if division (C) (5) of that section applies, the 3415
prison term shall be a definite term of twelve, eighteen, 3416
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3417
four, or sixty months. 3418

(b) For a felony of the third degree that is not an 3419
offense for which division (A) (3) (a) of this section applies, 3420
the prison term shall be a definite term of nine, twelve, 3421
eighteen, twenty-four, thirty, or thirty-six months. 3422

(4) For a felony of the fourth degree, the prison term 3423
shall be a definite term of six, seven, eight, nine, ten, 3424
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3425
or eighteen months. 3426

(5) For a felony of the fifth degree, the prison term 3427
shall be a definite term of six, seven, eight, nine, ten, 3428
eleven, or twelve months. 3429

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3430
section, if an offender who is convicted of or pleads guilty to 3431
a felony also is convicted of or pleads guilty to a 3432
specification of the type described in section 2941.141, 3433
2941.144, ~~or~~ 2941.145, 2941.1428, or 2941.1429 of the Revised 3434
Code, the court shall impose on the offender one of the 3435
following prison terms: 3436

(i) A prison term of six years if the specification is of 3437
the type described in division (A) of section 2941.144 of the 3438
Revised Code that charges the offender with having a firearm 3439
that is an automatic firearm or that was equipped with a firearm 3440
muffler or suppressor on or about the offender's person or under 3441
the offender's control while committing the offense; 3442

(ii) A prison term of three years if the specification is 3443
of the type described in division (A) of section 2941.145 of the 3444
Revised Code that charges the offender with having a firearm on 3445
or about the offender's person or under the offender's control 3446
while committing the offense and displaying the firearm, 3447
brandishing the firearm, indicating that the offender possessed 3448
the firearm, or using it to facilitate the offense; 3449

(iii) A prison term of one year if the specification is of 3450
the type described in division (A) of section 2941.141 of the 3451
Revised Code that charges the offender with having a firearm on 3452
or about the offender's person or under the offender's control 3453
while committing the offense; 3454

(iv) A prison term of nine years if the specification is 3455
of the type described in division (D) of section 2941.144 of the 3456
Revised Code that charges the offender with having a firearm 3457
that is an automatic firearm or that was equipped with a firearm 3458
muffler or suppressor on or about the offender's person or under 3459
the offender's control while committing the offense and 3460
specifies that the offender previously has been convicted of or 3461
pleaded guilty to a specification of the type described in 3462
section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 3463
2941.1429 of the Revised Code; 3464

(v) A prison term of ~~fifty-four months~~ five years if the 3465
specification is of the type described in division (D) of 3466

section 2941.145 of the Revised Code that charges the offender 3467
with having a firearm on or about the offender's person or under 3468
the offender's control while committing the offense and 3469
displaying the firearm, brandishing the firearm, indicating that 3470
the offender possessed the firearm, or using the firearm to 3471
facilitate the offense and that the offender previously has been 3472
convicted of or pleaded guilty to a specification of the type 3473
described in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 3474
2941.1412, or 2941.1429 of the Revised Code; 3475

(vi) A prison term of eighteen months if the specification 3476
is of the type described in division (D) of section 2941.141 of 3477
the Revised Code that charges the offender with having a firearm 3478
on or about the offender's person or under the offender's 3479
control while committing the offense and that the offender 3480
previously has been convicted of or pleaded guilty to a 3481
specification of the type described in section 2941.141, 3482
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 3483
Revised Code; 3484

(vii) A prison term of five years if the specification is 3485
of the type described in division (A) of section 2941.1428 of 3486
the Revised Code that charges the offender with discharging a 3487
firearm while committing the offense; 3488

(viii) A prison term of ten years if the specification is 3489
of the type described in division (A) of section 2941.1429 of 3490
the Revised Code that charges the offender with having a firearm 3491
that is an automatic firearm or that was equipped with a firearm 3492
muffler or suppressor on or about the offender's person or under 3493
the offender's control while committing the offense and 3494
displayed the firearm, brandished the firearm, indicated that 3495
the offender possessed the firearm, or used it to facilitate the 3496

offense; 3497

(ix) A prison term of fifteen years if the specification 3498
is of the type described in division (D) of section 2941.1429 of 3499
the Revised Code that charges the offender with having a firearm 3500
that is an automatic firearm or that was equipped with a firearm 3501
muffler or suppressor on or about the offender's person or under 3502
the offender's control while committing the offense and 3503
displayed the firearm, brandished the firearm, indicated that 3504
the offender possessed the firearm, or used it to facilitate the 3505
offense and specifies that the offender previously has been 3506
convicted of or pleaded guilty to a specification of the type 3507
described in section 2941.141, 2941.144, 2941.145, 2941.146, 3508
2941.1412, or 2941.1429 of the Revised Code. 3509

(b) If a court imposes a prison term on an offender under 3510
division (B) (1) (a) of this section, the prison term shall not be 3511
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3512
section 2967.193 or 2967.194, or any other provision of Chapter 3513
2967. or Chapter 5120. of the Revised Code. Except as provided 3514
in division (B) (1) (g) of this section, a court shall not impose 3515
more than one prison term on an offender under division (B) (1) 3516
(a) of this section for felonies committed as part of the same 3517
act or transaction. 3518

(c) (i) Except as provided in division (B) (1) (e) of this 3519
section, if an offender who is convicted of or pleads guilty to 3520
a violation of section 2923.161 of the Revised Code or to a 3521
felony that includes, as an essential element, purposely or 3522
knowingly causing or attempting to cause the death of or 3523
physical harm to another, also is convicted of or pleads guilty 3524
to a specification of the type described in division (A) of 3525
section 2941.146 of the Revised Code that charges the offender 3526

with committing the offense by discharging a firearm from a 3527
motor vehicle other than a manufactured home, the court, after 3528
imposing a prison term on the offender for the violation of 3529
section 2923.161 of the Revised Code or for the other felony 3530
offense under division (A), (B) (2), or (B) (3) of this section, 3531
shall impose an additional prison term of ~~five~~seven years upon 3532
the offender that shall not be reduced pursuant to section 3533
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3534
or any other provision of Chapter 2967. or Chapter 5120. of the 3535
Revised Code. 3536

(ii) Except as provided in division (B) (1) (e) of this 3537
section, if an offender who is convicted of or pleads guilty to 3538
a violation of section 2923.161 of the Revised Code or to a 3539
felony that includes, as an essential element, purposely or 3540
knowingly causing or attempting to cause the death of or 3541
physical harm to another, also is convicted of or pleads guilty 3542
to a specification of the type described in division (C) of 3543
section 2941.146 of the Revised Code that charges the offender 3544
with committing the offense by discharging a firearm from a 3545
motor vehicle other than a manufactured home and that the 3546
offender previously has been convicted of or pleaded guilty to a 3547
specification of the type described in section 2941.141, 3548
2941.144, 2941.145, 2941.146, ~~or~~2941.1412, or 2941.1429 of the 3549
Revised Code, the court, after imposing a prison term on the 3550
offender for the violation of section 2923.161 of the Revised 3551
Code or for the other felony offense under division (A), (B) (2), 3552
or (3) of this section, shall impose an additional prison term 3553
of ninety months upon the offender that shall not be reduced 3554
pursuant to section 2929.20, division (A) (2) or (3) of section 3555
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3556
Chapter 5120. of the Revised Code. 3557

(iii) A court shall not impose more than one additional 3558
prison term on an offender under division (B) (1) (c) of this 3559
section for felonies committed as part of the same act or 3560
transaction. If a court imposes an additional prison term on an 3561
offender under division (B) (1) (c) of this section relative to an 3562
offense, the court also shall impose a prison term under 3563
division (B) (1) (a) of this section relative to the same offense, 3564
provided the criteria specified in that division for imposing an 3565
additional prison term are satisfied relative to the offender 3566
and the offense. 3567

(d) If an offender who is convicted of or pleads guilty to 3568
an offense of violence that is a felony also is convicted of or 3569
pleads guilty to a specification of the type described in 3570
section 2941.1411 of the Revised Code that charges the offender 3571
with wearing or carrying body armor while committing the felony 3572
offense of violence, the court shall impose on the offender an 3573
additional prison term of two years. The prison term so imposed 3574
shall not be reduced pursuant to section 2929.20, division (A) 3575
(2) or (3) of section 2967.193 or 2967.194, or any other 3576
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3577
A court shall not impose more than one prison term on an 3578
offender under division (B) (1) (d) of this section for felonies 3579
committed as part of the same act or transaction. If a court 3580
imposes an additional prison term under division (B) (1) (a) or 3581
(c) of this section, the court is not precluded from imposing an 3582
additional prison term under division (B) (1) (d) of this section. 3583

(e) The court shall not impose any of the prison terms 3584
described in division (B) (1) (a) of this section or any of the 3585
additional prison terms described in division (B) (1) (c) of this 3586
section upon an offender for a violation of section 2923.12 or 3587
2923.123 of the Revised Code. The court shall not impose any of 3588

the prison terms described in division (B) (1) (a) or (b) of this 3589
section upon an offender for a violation of section 2923.122 3590
that involves a deadly weapon that is a firearm other than a 3591
dangerous ordnance, section 2923.16, or section 2923.121 of the 3592
Revised Code. The court shall not impose any of the prison terms 3593
described in division (B) (1) (a) of this section or any of the 3594
additional prison terms described in division (B) (1) (c) of this 3595
section upon an offender for a violation of section 2923.13 of 3596
the Revised Code unless all of the following apply: 3597

(i) The offender previously has been convicted of 3598
aggravated murder, murder, or any felony of the first or second 3599
degree. 3600

(ii) Less than five years have passed since the offender 3601
was released from prison or post-release control, whichever is 3602
later, for the prior offense. 3603

(f) (i) If an offender is convicted of or pleads guilty to 3604
a felony that includes, as an essential element, causing or 3605
attempting to cause the death of or physical harm to another and 3606
also is convicted of or pleads guilty to a specification of the 3607
type described in division (A) of section 2941.1412 of the 3608
Revised Code that charges the offender with committing the 3609
offense by discharging a firearm at a peace officer as defined 3610
in section 2935.01 of the Revised Code or a corrections officer, 3611
as defined in section 2941.1412 of the Revised Code, the court, 3612
after imposing a prison term on the offender for the felony 3613
offense under division (A), (B) (2), or (B) (3) of this section, 3614
shall impose an additional prison term of seven years upon the 3615
offender that shall not be reduced pursuant to section 2929.20, 3616
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3617
other provision of Chapter 2967. or Chapter 5120. of the Revised 3618

Code. 3619

(ii) If an offender is convicted of or pleads guilty to a 3620
felony that includes, as an essential element, causing or 3621
attempting to cause the death of or physical harm to another and 3622
also is convicted of or pleads guilty to a specification of the 3623
type described in division (B) of section 2941.1412 of the 3624
Revised Code that charges the offender with committing the 3625
offense by discharging a firearm at a peace officer, as defined 3626
in section 2935.01 of the Revised Code, or a corrections 3627
officer, as defined in section 2941.1412 of the Revised Code, 3628
and that the offender previously has been convicted of or 3629
pleaded guilty to a specification of the type described in 3630
section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 3631
2941.1429 of the Revised Code, the court, after imposing a 3632
prison term on the offender for the felony offense under 3633
division (A), (B) (2), or (3) of this section, shall impose an 3634
additional prison term of one hundred twenty-six months upon the 3635
offender that shall not be reduced pursuant to section 2929.20, 3636
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3637
other provision of Chapter 2967. or 5120. of the Revised Code. 3638

(iii) If an offender is convicted of or pleads guilty to 3639
two or more felonies that include, as an essential element, 3640
causing or attempting to cause the death or physical harm to 3641
another and also is convicted of or pleads guilty to a 3642
specification of the type described under division (B) (1) (f) of 3643
this section in connection with two or more of the felonies of 3644
which the offender is convicted or to which the offender pleads 3645
guilty, the sentencing court shall impose on the offender the 3646
prison term specified under division (B) (1) (f) of this section 3647
for each of two of the specifications of which the offender is 3648
convicted or to which the offender pleads guilty and, in its 3649

discretion, also may impose on the offender the prison term 3650
specified under that division for any or all of the remaining 3651
specifications. If a court imposes an additional prison term on 3652
an offender under division (B) (1) (f) of this section relative to 3653
an offense, the court shall not impose a prison term under 3654
division (B) (1) (a) or (c) of this section relative to the same 3655
offense. 3656

(g) If an offender is convicted of or pleads guilty to two 3657
or more felonies, if one or more of those felonies are 3658
aggravated murder, murder, attempted aggravated murder, 3659
attempted murder, aggravated robbery, felonious assault, or 3660
rape, and if the offender is convicted of or pleads guilty to a 3661
specification of the type described under division (B) (1) (a) of 3662
this section in connection with two or more of the felonies, the 3663
sentencing court shall impose on the offender the prison term 3664
specified under division (B) (1) (a) of this section for each of 3665
the two most serious specifications of which the offender is 3666
convicted or to which the offender pleads guilty and, in its 3667
discretion, also may impose on the offender the prison term 3668
specified under that division for any or all of the remaining 3669
specifications. 3670

(2) (a) If division (B) (2) (b) of this section does not 3671
apply, the court may impose on an offender, in addition to the 3672
longest prison term authorized or required for the offense or, 3673
for offenses for which division (A) (1) (a) or (2) (a) of this 3674
section applies, in addition to the longest minimum prison term 3675
authorized or required for the offense, an additional definite 3676
prison term of one, two, three, four, five, six, seven, eight, 3677
nine, or ten years if all of the following criteria are met: 3678

(i) The offender is convicted of or pleads guilty to a 3679

specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a 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.

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

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

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors

under section 2929.12 of the Revised Code indicating that the 3710
offender's conduct is more serious than conduct normally 3711
constituting the offense are present, and they outweigh the 3712
applicable factors under that section indicating that the 3713
offender's conduct is less serious than conduct normally 3714
constituting the offense. 3715

(b) The court shall impose on an offender the longest 3716
prison term authorized or required for the offense or, for 3717
offenses for which division (A) (1) (a) or (2) (a) of this section 3718
applies, the longest minimum prison term authorized or required 3719
for the offense, and shall impose on the offender an additional 3720
definite prison term of one, two, three, four, five, six, seven, 3721
eight, nine, or ten years if all of the following criteria are 3722
met: 3723

(i) The offender is convicted of or pleads guilty to a 3724
specification of the type described in section 2941.149 of the 3725
Revised Code that the offender is a repeat violent offender. 3726

(ii) The offender within the preceding twenty years has 3727
been convicted of or pleaded guilty to three or more offenses 3728
described in division ~~(CC) (1)~~ (DD) (1) of section 2929.01 of the 3729
Revised Code, including all offenses described in that division 3730
of which the offender is convicted or to which the offender 3731
pleads guilty in the current prosecution and all offenses 3732
described in that division of which the offender previously has 3733
been convicted or to which the offender previously pleaded 3734
guilty, whether prosecuted together or separately. 3735

(iii) The offense or offenses of which the offender 3736
currently is convicted or to which the offender currently pleads 3737
guilty is aggravated murder and the court does not impose a 3738
sentence of death or life imprisonment without parole, murder, 3739

terrorism and the court does not impose a sentence of life 3740
imprisonment without parole, any felony of the first degree that 3741
is an offense of violence and the court does not impose a 3742
sentence of life imprisonment without parole, or any felony of 3743
the second degree that is an offense of violence and the trier 3744
of fact finds that the offense involved an attempt to cause or a 3745
threat to cause serious physical harm to a person or resulted in 3746
serious physical harm to a person. 3747

(c) For purposes of division (B) (2) (b) of this section, 3748
two or more offenses committed at the same time or as part of 3749
the same act or event shall be considered one offense, and that 3750
one offense shall be the offense with the greatest penalty. 3751

(d) A sentence imposed under division (B) (2) (a) or (b) of 3752
this section shall not be reduced pursuant to section 2929.20, 3753
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3754
other provision of Chapter 2967. or Chapter 5120. of the Revised 3755
Code. The offender shall serve an additional prison term imposed 3756
under division (B) (2) (a) or (b) of this section consecutively to 3757
and prior to the prison term imposed for the underlying offense. 3758

(e) When imposing a sentence pursuant to division (B) (2) 3759
(a) or (b) of this section, the court shall state its findings 3760
explaining the imposed sentence. 3761

(3) Except when an offender commits a violation of section 3762
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3763
for the violation is life imprisonment or commits a violation of 3764
section 2903.02 of the Revised Code, if the offender commits a 3765
violation of section 2925.03 or 2925.11 of the Revised Code and 3766
that section classifies the offender as a major drug offender, 3767
if the offender commits a violation of section 2925.05 of the 3768
Revised Code and division (E) (1) of that section classifies the 3769

offender as a major drug offender, if the offender commits a 3770
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3771
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3772
division (C) or (D) of section 3719.172, division (E) of section 3773
4729.51, or division (J) of section 4729.54 of the Revised Code 3774
that includes the sale, offer to sell, or possession of a 3775
schedule I or II controlled substance, with the exception of 3776
marihuana, and the court imposing sentence upon the offender 3777
finds that the offender is guilty of a specification of the type 3778
described in division (A) of section 2941.1410 of the Revised 3779
Code charging that the offender is a major drug offender, if the 3780
court imposing sentence upon an offender for a felony finds that 3781
the offender is guilty of corrupt activity with the most serious 3782
offense in the pattern of corrupt activity being a felony of the 3783
first degree, or if the offender is guilty of an attempted 3784
violation of section 2907.02 of the Revised Code and, had the 3785
offender completed the violation of section 2907.02 of the 3786
Revised Code that was attempted, the offender would have been 3787
subject to a sentence of life imprisonment or life imprisonment 3788
without parole for the violation of section 2907.02 of the 3789
Revised Code, the court shall impose upon the offender for the 3790
felony violation a mandatory prison term determined as described 3791
in this division that cannot be reduced pursuant to section 3792
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3793
or any other provision of Chapter 2967. or 5120. of the Revised 3794
Code. The mandatory prison term shall be the maximum definite 3795
prison term prescribed in division (A) (1) (b) of this section for 3796
a felony of the first degree, except that for offenses for which 3797
division (A) (1) (a) of this section applies, the mandatory prison 3798
term shall be the longest minimum prison term prescribed in that 3799
division for the offense. 3800

(4) If the offender is being sentenced for a third or 3801
fourth degree felony OVI offense under division (G) (2) of 3802
section 2929.13 of the Revised Code, the sentencing court shall 3803
impose upon the offender a mandatory prison term in accordance 3804
with that division. In addition to the mandatory prison term, if 3805
the offender is being sentenced for a fourth degree felony OVI 3806
offense, the court, notwithstanding division (A) (4) of this 3807
section, may sentence the offender to a definite prison term of 3808
not less than six months and not more than thirty months, and if 3809
the offender is being sentenced for a third degree felony OVI 3810
offense, the sentencing court may sentence the offender to an 3811
additional prison term of any duration specified in division (A) 3812
(3) of this section. In either case, the additional prison term 3813
imposed shall be reduced by the sixty or one hundred twenty days 3814
imposed upon the offender as the mandatory prison term. The 3815
total of the additional prison term imposed under division (B) 3816
(4) of this section plus the sixty or one hundred twenty days 3817
imposed as the mandatory prison term shall equal a definite term 3818
in the range of six months to thirty months for a fourth degree 3819
felony OVI offense and shall equal one of the authorized prison 3820
terms specified in division (A) (3) of this section for a third 3821
degree felony OVI offense. If the court imposes an additional 3822
prison term under division (B) (4) of this section, the offender 3823
shall serve the additional prison term after the offender has 3824
served the mandatory prison term required for the offense. In 3825
addition to the mandatory prison term or mandatory and 3826
additional prison term imposed as described in division (B) (4) 3827
of this section, the court also may sentence the offender to a 3828
community control sanction under section 2929.16 or 2929.17 of 3829
the Revised Code, but the offender shall serve all of the prison 3830
terms so imposed prior to serving the community control 3831
sanction. 3832

If the offender is being sentenced for a fourth degree 3833
felony OVI offense under division (G)(1) of section 2929.13 of 3834
the Revised Code and the court imposes a mandatory term of local 3835
incarceration, the court may impose a prison term as described 3836
in division (A)(1) of that section. 3837

(5) If an offender is convicted of or pleads guilty to a 3838
violation of division (A)(1) or (2) of section 2903.06 of the 3839
Revised Code and also is convicted of or pleads guilty to a 3840
specification of the type described in section 2941.1414 of the 3841
Revised Code that charges that the victim of the offense is a 3842
peace officer, as defined in section 2935.01 of the Revised 3843
Code, an investigator of the bureau of criminal identification 3844
and investigation, as defined in section 2903.11 of the Revised 3845
Code, or a firefighter or emergency medical worker, both as 3846
defined in section 2941.1414 of the Revised Code, the court 3847
shall impose on the offender a prison term of five years. If a 3848
court imposes a prison term on an offender under division (B)(5) 3849
of this section, the prison term shall not be reduced pursuant 3850
to section 2929.20, division (A)(2) or (3) of section 2967.193 3851
or 2967.194, or any other provision of Chapter 2967. or Chapter 3852
5120. of the Revised Code. A court shall not impose more than 3853
one prison term on an offender under division (B)(5) of this 3854
section for felonies committed as part of the same act. 3855

(6) If an offender is convicted of or pleads guilty to a 3856
violation of division (A)(1) or (2) of section 2903.06 of the 3857
Revised Code and also is convicted of or pleads guilty to a 3858
specification of the type described in section 2941.1415 of the 3859
Revised Code that charges that the offender previously has been 3860
convicted of or pleaded guilty to three or more violations of 3861
division (A) of section 4511.19 of the Revised Code or an 3862
equivalent offense, as defined in section 2941.1415 of the 3863

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

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

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

(ii) If the offense is a felony of the second or third
degree, a definite prison term of not less than three years and
not greater than the maximum prison term allowed for the offense
by division (A)(2)(b) or (3) of this section, except that if the

offense is a felony of the second degree committed on or after 3894
March 22, 2019, the court shall impose as the minimum prison 3895
term a mandatory term of not less than three years and not 3896
greater than eight years; 3897

(iii) If the offense is a felony of the fourth or fifth 3898
degree, a definite prison term that is the maximum prison term 3899
allowed for the offense by division (A) of section 2929.14 of 3900
the Revised Code. 3901

(b) The prison term imposed under division (B) (7) (a) of 3902
this section shall not be reduced pursuant to section 2929.20, 3903
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3904
other provision of Chapter 2967. of the Revised Code. A court 3905
shall not impose more than one prison term on an offender under 3906
division (B) (7) (a) of this section for felonies committed as 3907
part of the same act, scheme, or plan. 3908

(8) If an offender is convicted of or pleads guilty to a 3909
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3910
Revised Code and also is convicted of or pleads guilty to a 3911
specification of the type described in section 2941.1423 of the 3912
Revised Code that charges that the victim of the violation was a 3913
woman whom the offender knew was pregnant at the time of the 3914
violation, notwithstanding the range prescribed in division (A) 3915
of this section as the definite prison term or minimum prison 3916
term for felonies of the same degree as the violation, the court 3917
shall impose on the offender a mandatory prison term that is 3918
either a definite prison term of six months or one of the prison 3919
terms prescribed in division (A) of this section for felonies of 3920
the same degree as the violation, except that if the violation 3921
is a felony of the first or second degree committed on or after 3922
~~arch~~ March 22, 2019, the court shall impose as the minimum 3923

prison term under division (A) (1) (a) or (2) (a) of this section a 3924
mandatory term that is one of the terms prescribed in that 3925
division, whichever is applicable, for the offense. 3926

(9) (a) If an offender is convicted of or pleads guilty to 3927
a violation of division (A) (1) or (2) of section 2903.11 of the 3928
Revised Code and also is convicted of or pleads guilty to a 3929
specification of the type described in section 2941.1425 of the 3930
Revised Code, the court shall impose on the offender a mandatory 3931
prison term of six years if either of the following applies: 3932

(i) The violation is a violation of division (A) (1) of 3933
section 2903.11 of the Revised Code and the specification 3934
charges that the offender used an accelerant in committing the 3935
violation and the serious physical harm to another or to 3936
another's unborn caused by the violation resulted in a 3937
permanent, serious disfigurement or permanent, substantial 3938
incapacity; 3939

(ii) The violation is a violation of division (A) (2) of 3940
section 2903.11 of the Revised Code and the specification 3941
charges that the offender used an accelerant in committing the 3942
violation, that the violation caused physical harm to another or 3943
to another's unborn, and that the physical harm resulted in a 3944
permanent, serious disfigurement or permanent, substantial 3945
incapacity. 3946

(b) If a court imposes a prison term on an offender under 3947
division (B) (9) (a) of this section, the prison term shall not be 3948
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3949
section 2967.193 or 2967.194, or any other provision of Chapter 3950
2967. or Chapter 5120. of the Revised Code. A court shall not 3951
impose more than one prison term on an offender under division 3952
(B) (9) of this section for felonies committed as part of the 3953

same act. 3954

(c) The provisions of divisions (B) (9) and (C) (6) of this 3955
section and of division (D) (2) of section 2903.11, division (F) 3956
(20) of section 2929.13, and section 2941.1425 of the Revised 3957
Code shall be known as "Judy's Law." 3958

(10) If an offender is convicted of or pleads guilty to a 3959
violation of division (A) of section 2903.11 of the Revised Code 3960
and also is convicted of or pleads guilty to a specification of 3961
the type described in section 2941.1426 of the Revised Code that 3962
charges that the victim of the offense suffered permanent 3963
disabling harm as a result of the offense and that the victim 3964
was under ten years of age at the time of the offense, 3965
regardless of whether the offender knew the age of the victim, 3966
the court shall impose upon the offender an additional definite 3967
prison term of six years. A prison term imposed on an offender 3968
under division (B) (10) of this section shall not be reduced 3969
pursuant to section 2929.20, division (A) (2) or (3) of section 3970
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3971
Chapter 5120. of the Revised Code. If a court imposes an 3972
additional prison term on an offender under this division 3973
relative to a violation of division (A) of section 2903.11 of 3974
the Revised Code, the court shall not impose any other 3975
additional prison term on the offender relative to the same 3976
offense. 3977

(11) If an offender is convicted of or pleads guilty to a 3978
felony violation of section 2925.03 or 2925.05 of the Revised 3979
Code or a felony violation of section 2925.11 of the Revised 3980
Code for which division (C) (11) of that section applies in 3981
determining the sentence for the violation, if the drug involved 3982
in the violation is a fentanyl-related compound or a compound, 3983

mixture, preparation, or substance containing a fentanyl-related 3984
compound, and if the offender also is convicted of or pleads 3985
guilty to a specification of the type described in division (B) 3986
of section 2941.1410 of the Revised Code that charges that the 3987
offender is a major drug offender, in addition to any other 3988
penalty imposed for the violation, the court shall impose on the 3989
offender a mandatory prison term of three, four, five, six, 3990
seven, or eight years. If a court imposes a prison term on an 3991
offender under division (B)(11) of this section, the prison term 3992
shall not be reduced pursuant to section 2929.20, division (A) 3993
(2) or (3) of section 2967.193 or 2967.194, or any other 3994
provision of Chapter 2967. or 5120. of the Revised Code. A court 3995
shall not impose more than one prison term on an offender under 3996
division (B)(11) of this section for felonies committed as part 3997
of the same act. 3998

(12) If an offender who is convicted of or pleads guilty 3999
to a felony is also convicted of or pleads guilty to a 4000
specification of the type described in section 2941.1427 of the 4001
Revised Code that charges the offender with being a repeat 4002
offender, the court shall impose on the offender a mandatory 4003
prison term of three, four, or five years. 4004

(C)(1)(a) Subject to division (C)(1)(b) of this section, 4005
if a mandatory prison term is imposed upon an offender pursuant 4006
to division (B)(1)(a) of this section for having a firearm on or 4007
about the offender's person or under the offender's control 4008
while committing a felony, if a mandatory prison term is imposed 4009
upon an offender pursuant to division (B)(1)(c) of this section 4010
for committing a felony specified in that division by 4011
discharging a firearm from a motor vehicle, or if both types of 4012
mandatory prison terms are imposed, the offender shall serve any 4013
mandatory prison term imposed under either division 4014

consecutively to any other mandatory prison term imposed under 4015
either division or under division (B)(1)(d) of this section, 4016
consecutively to and prior to any prison term imposed for the 4017
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 4018
this section or any other section of the Revised Code, and 4019
consecutively to any other prison term or mandatory prison term 4020
previously or subsequently imposed upon the offender. 4021

(b) If a mandatory prison term is imposed upon an offender 4022
pursuant to division (B)(1)(d) of this section for wearing or 4023
carrying body armor while committing an offense of violence that 4024
is a felony, the offender shall serve the mandatory term so 4025
imposed consecutively to any other mandatory prison term imposed 4026
under that division or under division (B)(1)(a) or (c) of this 4027
section, consecutively to and prior to any prison term imposed 4028
for the underlying felony under division (A), (B)(2), or (B)(3) 4029
of this section or any other section of the Revised Code, and 4030
consecutively to any other prison term or mandatory prison term 4031
previously or subsequently imposed upon the offender. 4032

(c) If a mandatory prison term is imposed upon an offender 4033
pursuant to division (B)(1)(f) of this section, the offender 4034
shall serve the mandatory prison term so imposed consecutively 4035
to and prior to any prison term imposed for the underlying 4036
felony under division (A), (B)(2), or (B)(3) of this section or 4037
any other section of the Revised Code, and consecutively to any 4038
other prison term or mandatory prison term previously or 4039
subsequently imposed upon the offender. 4040

(d) If a mandatory prison term is imposed upon an offender 4041
pursuant to division (B)(7) or (8) of this section, the offender 4042
shall serve the mandatory prison term so imposed consecutively 4043
to any other mandatory prison term imposed under that division 4044

or under any other provision of law and consecutively to any 4045
other prison term or mandatory prison term previously or 4046
subsequently imposed upon the offender. 4047

(e) If a mandatory prison term is imposed upon an offender 4048
pursuant to division (B)(11) of this section, the offender shall 4049
serve the mandatory prison term consecutively to any other 4050
mandatory prison term imposed under that division, consecutively 4051
to and prior to any prison term imposed for the underlying 4052
felony, and consecutively to any other prison term or mandatory 4053
prison term previously or subsequently imposed upon the 4054
offender. 4055

(2) If an offender who is an inmate in a jail, prison, or 4056
other residential detention facility violates section 2917.02, 4057
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4058
(2) of section 2921.34 of the Revised Code, if an offender who 4059
is under detention at a detention facility commits a felony 4060
violation of section 2923.131 of the Revised Code, or if an 4061
offender who is an inmate in a jail, prison, or other 4062
residential detention facility or is under detention at a 4063
detention facility commits another felony while the offender is 4064
an escapee in violation of division (A)(1) or (2) of section 4065
2921.34 of the Revised Code, any prison term imposed upon the 4066
offender for one of those violations shall be served by the 4067
offender consecutively to the prison term or term of 4068
imprisonment the offender was serving when the offender 4069
committed that offense and to any other prison term previously 4070
or subsequently imposed upon the offender. 4071

(3) If a prison term is imposed for a violation of 4072
division (B) of section 2911.01 of the Revised Code, a violation 4073
of division (A) of section 2913.02 of the Revised Code in which 4074

the stolen property is a firearm or dangerous ordnance, or a 4075
felony violation of division (B) of section 2921.331 of the 4076
Revised Code, the offender shall serve that prison term 4077
consecutively to any other prison term or mandatory prison term 4078
previously or subsequently imposed upon the offender. 4079

(4) If multiple prison terms are imposed on an offender 4080
for convictions of multiple offenses, the court may require the 4081
offender to serve the prison terms consecutively if the court 4082
finds that the consecutive service is necessary to protect the 4083
public from future crime or to punish the offender and that 4084
consecutive sentences are not disproportionate to the 4085
seriousness of the offender's conduct and to the danger the 4086
offender poses to the public, and if the court also finds any of 4087
the following: 4088

(a) The offender committed one or more of the multiple 4089
offenses while the offender was awaiting trial or sentencing, 4090
was under a sanction imposed pursuant to section 2929.16, 4091
2929.17, or 2929.18 of the Revised Code, or was under post- 4092
release control for a prior offense. 4093

(b) At least two of the multiple offenses were committed 4094
as part of one or more courses of conduct, and the harm caused 4095
by two or more of the multiple offenses so committed was so 4096
great or unusual that no single prison term for any of the 4097
offenses committed as part of any of the courses of conduct 4098
adequately reflects the seriousness of the offender's conduct. 4099

(c) The offender's history of criminal conduct 4100
demonstrates that consecutive sentences are necessary to protect 4101
the public from future crime by the offender. 4102

(5) If a mandatory prison term is imposed upon an offender 4103

pursuant to division (B) (5) or (6) of this section, the offender 4104
shall serve the mandatory prison term consecutively to and prior 4105
to any prison term imposed for the underlying violation of 4106
division (A) (1) or (2) of section 2903.06 of the Revised Code 4107
pursuant to division (A) of this section or section 2929.142 of 4108
the Revised Code. If a mandatory prison term is imposed upon an 4109
offender pursuant to division (B) (5) of this section, and if a 4110
mandatory prison term also is imposed upon the offender pursuant 4111
to division (B) (6) of this section in relation to the same 4112
violation, the offender shall serve the mandatory prison term 4113
imposed pursuant to division (B) (5) of this section 4114
consecutively to and prior to the mandatory prison term imposed 4115
pursuant to division (B) (6) of this section and consecutively to 4116
and prior to any prison term imposed for the underlying 4117
violation of division (A) (1) or (2) of section 2903.06 of the 4118
Revised Code pursuant to division (A) of this section or section 4119
2929.142 of the Revised Code. 4120

(6) If a mandatory prison term is imposed on an offender 4121
pursuant to division (B) (9) of this section, the offender shall 4122
serve the mandatory prison term consecutively to and prior to 4123
any prison term imposed for the underlying violation of division 4124
(A) (1) or (2) of section 2903.11 of the Revised Code and 4125
consecutively to and prior to any other prison term or mandatory 4126
prison term previously or subsequently imposed on the offender. 4127

(7) If a mandatory prison term is imposed on an offender 4128
pursuant to division (B) (10) of this section, the offender shall 4129
serve that mandatory prison term consecutively to and prior to 4130
any prison term imposed for the underlying felonious assault. 4131
Except as otherwise provided in division (C) of this section, 4132
any other prison term or mandatory prison term previously or 4133
subsequently imposed upon the offender may be served 4134

concurrently with, or consecutively to, the prison term imposed 4135
pursuant to division (B) (10) of this section. 4136

(8) Any prison term imposed for a violation of section 4137
2903.04 of the Revised Code that is based on a violation of 4138
section 2925.03 or 2925.11 of the Revised Code or on a violation 4139
of section 2925.05 of the Revised Code that is not funding of 4140
marihuana trafficking shall run consecutively to any prison term 4141
imposed for the violation of section 2925.03 or 2925.11 of the 4142
Revised Code or for the violation of section 2925.05 of the 4143
Revised Code that is not funding of marihuana trafficking. 4144

(9) When consecutive prison terms are imposed pursuant to 4145
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 4146
division (H) (1) or (2) of this section, subject to division (C) 4147
(10) of this section, the term to be served is the aggregate of 4148
all of the terms so imposed. 4149

(10) When a court sentences an offender to a non-life 4150
felony indefinite prison term, any definite prison term or 4151
mandatory definite prison term previously or subsequently 4152
imposed on the offender in addition to that indefinite sentence 4153
that is required to be served consecutively to that indefinite 4154
sentence shall be served prior to the indefinite sentence. 4155

(11) If a court is sentencing an offender for a felony of 4156
the first or second degree, if division (A) (1) (a) or (2) (a) of 4157
this section applies with respect to the sentencing for the 4158
offense, and if the court is required under the Revised Code 4159
section that sets forth the offense or any other Revised Code 4160
provision to impose a mandatory prison term for the offense, the 4161
court shall impose the required mandatory prison term as the 4162
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4163
section, whichever is applicable. 4164

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

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

(E) The court shall impose sentence upon the offender in 4196
accordance with section 2971.03 of the Revised Code, and Chapter 4197
2971. of the Revised Code applies regarding the prison term or 4198
term of life imprisonment without parole imposed upon the 4199
offender and the service of that term of imprisonment if any of 4200
the following apply: 4201

(1) A person is convicted of or pleads guilty to a violent 4202
sex offense or a designated homicide, assault, or kidnapping 4203
offense, and, in relation to that offense, the offender is 4204
adjudicated a sexually violent predator. 4205

(2) A person is convicted of or pleads guilty to a 4206
violation of division (A) (1) (b) of section 2907.02 of the 4207
Revised Code committed on or after January 2, 2007, and either 4208
the court does not impose a sentence of life without parole when 4209
authorized pursuant to division (B) of section 2907.02 of the 4210
Revised Code, or division (B) of section 2907.02 of the Revised 4211
Code provides that the court shall not sentence the offender 4212
pursuant to section 2971.03 of the Revised Code. 4213

(3) A person is convicted of or pleads guilty to attempted 4214
rape committed on or after January 2, 2007, and a specification 4215
of the type described in section 2941.1418, 2941.1419, or 4216
2941.1420 of the Revised Code. 4217

(4) A person is convicted of or pleads guilty to a 4218
violation of section 2905.01 of the Revised Code committed on or 4219
after January 1, 2008, and that section requires the court to 4220
sentence the offender pursuant to section 2971.03 of the Revised 4221
Code. 4222

(5) A person is convicted of or pleads guilty to 4223
aggravated murder committed on or after January 1, 2008, and 4224

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4225
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4226
(a) (iv) of section 2929.03, or division (A) or (B) of section 4227
2929.06 of the Revised Code requires the court to sentence the 4228
offender pursuant to division (B) (3) of section 2971.03 of the 4229
Revised Code. 4230

(6) A person is convicted of or pleads guilty to murder 4231
committed on or after January 1, 2008, and division (B) (2) of 4232
section 2929.02 of the Revised Code requires the court to 4233
sentence the offender pursuant to section 2971.03 of the Revised 4234
Code. 4235

(F) If a person who has been convicted of or pleaded 4236
guilty to a felony is sentenced to a prison term or term of 4237
imprisonment under this section, sections 2929.02 to 2929.06 of 4238
the Revised Code, section 2929.142 of the Revised Code, section 4239
2971.03 of the Revised Code, or any other provision of law, 4240
section 5120.163 of the Revised Code applies regarding the 4241
person while the person is confined in a state correctional 4242
institution. 4243

(G) If an offender who is convicted of or pleads guilty to 4244
a felony that is an offense of violence also is convicted of or 4245
pleads guilty to a specification of the type described in 4246
section 2941.142 of the Revised Code that charges the offender 4247
with having committed the felony while participating in a 4248
criminal gang, the court shall impose upon the offender an 4249
additional prison term of one, two, or three years. 4250

(H) (1) If an offender who is convicted of or pleads guilty 4251
to aggravated murder, murder, or a felony of the first, second, 4252
or third degree that is an offense of violence also is convicted 4253
of or pleads guilty to a specification of the type described in 4254

section 2941.143 of the Revised Code that charges the offender 4255
with having committed the offense in a school safety zone or 4256
towards a person in a school safety zone, the court shall impose 4257
upon the offender an additional prison term of two years. The 4258
offender shall serve the additional two years consecutively to 4259
and prior to the prison term imposed for the underlying offense. 4260

(2) (a) If an offender is convicted of or pleads guilty to 4261
a felony violation of section 2907.22, 2907.24, 2907.241, or 4262
2907.25 of the Revised Code and to a specification of the type 4263
described in section 2941.1421 of the Revised Code and if the 4264
court imposes a prison term on the offender for the felony 4265
violation, the court may impose upon the offender an additional 4266
prison term as follows: 4267

(i) Subject to division (H) (2) (a) (ii) of this section, an 4268
additional prison term of one, two, three, four, five, or six 4269
months; 4270

(ii) If the offender previously has been convicted of or 4271
pleaded guilty to one or more felony or misdemeanor violations 4272
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4273
the Revised Code and also was convicted of or pleaded guilty to 4274
a specification of the type described in section 2941.1421 of 4275
the Revised Code regarding one or more of those violations, an 4276
additional prison term of one, two, three, four, five, six, 4277
seven, eight, nine, ten, eleven, or twelve months. 4278

(b) In lieu of imposing an additional prison term under 4279
division (H) (2) (a) of this section, the court may directly 4280
impose on the offender a sanction that requires the offender to 4281
wear a real-time processing, continual tracking electronic 4282
monitoring device during the period of time specified by the 4283
court. The period of time specified by the court shall equal the 4284

duration of an additional prison term that the court could have 4285
imposed upon the offender under division (H) (2) (a) of this 4286
section. A sanction imposed under this division shall commence 4287
on the date specified by the court, provided that the sanction 4288
shall not commence until after the offender has served the 4289
prison term imposed for the felony violation of section 2907.22, 4290
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4291
residential sanction imposed for the violation under section 4292
2929.16 of the Revised Code. A sanction imposed under this 4293
division shall be considered to be a community control sanction 4294
for purposes of section 2929.15 of the Revised Code, and all 4295
provisions of the Revised Code that pertain to community control 4296
sanctions shall apply to a sanction imposed under this division, 4297
except to the extent that they would by their nature be clearly 4298
inapplicable. The offender shall pay all costs associated with a 4299
sanction imposed under this division, including the cost of the 4300
use of the monitoring device. 4301

(I) At the time of sentencing, the court may recommend the 4302
offender for placement in a program of shock incarceration under 4303
section 5120.031 of the Revised Code or for placement in an 4304
intensive program prison under section 5120.032 of the Revised 4305
Code, disapprove placement of the offender in a program of shock 4306
incarceration or an intensive program prison of that nature, or 4307
make no recommendation on placement of the offender. In no case 4308
shall the department of rehabilitation and correction place the 4309
offender in a program or prison of that nature unless the 4310
department determines as specified in section 5120.031 or 4311
5120.032 of the Revised Code, whichever is applicable, that the 4312
offender is eligible for the placement. 4313

If the court disapproves placement of the offender in a 4314
program or prison of that nature, the department of 4315

rehabilitation and correction shall not place the offender in 4316
any program of shock incarceration or intensive program prison. 4317

If the court recommends placement of the offender in a 4318
program of shock incarceration or in an intensive program 4319
prison, and if the offender is subsequently placed in the 4320
recommended program or prison, the department shall notify the 4321
court of the placement and shall include with the notice a brief 4322
description of the placement. 4323

If the court recommends placement of the offender in a 4324
program of shock incarceration or in an intensive program prison 4325
and the department does not subsequently place the offender in 4326
the recommended program or prison, the department shall send a 4327
notice to the court indicating why the offender was not placed 4328
in the recommended program or prison. 4329

If the court does not make a recommendation under this 4330
division with respect to an offender and if the department 4331
determines as specified in section 5120.031 or 5120.032 of the 4332
Revised Code, whichever is applicable, that the offender is 4333
eligible for placement in a program or prison of that nature, 4334
the department shall screen the offender and determine if there 4335
is an available program of shock incarceration or an intensive 4336
program prison for which the offender is suited. If there is an 4337
available program of shock incarceration or an intensive program 4338
prison for which the offender is suited, the department shall 4339
notify the court of the proposed placement of the offender as 4340
specified in section 5120.031 or 5120.032 of the Revised Code 4341
and shall include with the notice a brief description of the 4342
placement. The court shall have ten days from receipt of the 4343
notice to disapprove the placement. 4344

(J) If a person is convicted of or pleads guilty to 4345

aggravated vehicular homicide in violation of division (A) (1) of 4346
section 2903.06 of the Revised Code and division (B) (2) (c) of 4347
that section applies, the person shall be sentenced pursuant to 4348
section 2929.142 of the Revised Code. 4349

(K) (1) The court shall impose an additional mandatory 4350
prison term of two, three, four, five, six, seven, eight, nine, 4351
ten, or eleven years on an offender who is convicted of or 4352
pleads guilty to a violent felony offense if the offender also 4353
is convicted of or pleads guilty to a specification of the type 4354
described in section 2941.1424 of the Revised Code that charges 4355
that the offender is a violent career criminal and had a firearm 4356
on or about the offender's person or under the offender's 4357
control while committing the presently charged violent felony 4358
offense and displayed or brandished the firearm, indicated that 4359
the offender possessed a firearm, or used the firearm to 4360
facilitate the offense. The offender shall serve the prison term 4361
imposed under this division consecutively to and prior to the 4362
prison term imposed for the underlying offense. The prison term 4363
shall not be reduced pursuant to section 2929.20, division (A) 4364
(2) or (3) of section 2967.193 or 2967.194, or any other 4365
provision of Chapter 2967. or 5120. of the Revised Code. A court 4366
may not impose more than one sentence under division (B) (2) (a) 4367
of this section and this division for acts committed as part of 4368
the same act or transaction. 4369

(2) As used in division (K) (1) of this section, "violent 4370
career criminal" and "violent felony offense" have the same 4371
meanings as in section 2923.132 of the Revised Code. 4372

(L) If an offender receives or received a sentence of life 4373
imprisonment without parole, a sentence of life imprisonment, a 4374
definite sentence, or a sentence to an indefinite prison term 4375

under this chapter for a felony offense that was committed when 4376
the offender was under eighteen years of age, the offender's 4377
parole eligibility shall be determined under section 2967.132 of 4378
the Revised Code. 4379

Sec. 2929.34. (A) A person who is convicted of or pleads 4380
guilty to aggravated murder, murder, or an offense punishable by 4381
life imprisonment and who is sentenced to a term of life 4382
imprisonment or a prison term pursuant to that conviction shall 4383
serve that term in an institution under the control of the 4384
department of rehabilitation and correction. 4385

(B) (1) A person who is convicted of or pleads guilty to a 4386
felony other than aggravated murder, murder, or an offense 4387
punishable by life imprisonment and who is sentenced to a term 4388
of imprisonment or a prison term pursuant to that conviction 4389
shall serve that term as follows: 4390

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 4391
this section, in an institution under the control of the 4392
department of rehabilitation and correction if the term is a 4393
prison term or as otherwise determined by the sentencing court 4394
pursuant to section 2929.16 of the Revised Code if the term is 4395
not a prison term; 4396

(b) In a facility of a type described in division (G) (1) 4397
of section 2929.13 of the Revised Code, if the offender is 4398
sentenced pursuant to that division. 4399

(2) If the term is a prison term, the person may be 4400
imprisoned in a jail that is not a minimum security jail 4401
pursuant to agreement under section 5120.161 of the Revised Code 4402
between the department of rehabilitation and correction and the 4403
local authority that operates the jail. 4404

(3) (a) As used in divisions (B) (3) (a) to (d) of this 4405
section, "voluntary county" means any county in which the board 4406
of county commissioners of the county and the administrative 4407
judge of the general division of the court of common pleas of 4408
the county enter into an agreement of the type described in 4409
division (B) (3) (b) of this section and in which the agreement 4410
has not been terminated as described in that division. 4411

(b) (i) In any voluntary county, the board of county 4412
commissioners of the county and the administrative judge of the 4413
general division of the court of common pleas of the county may 4414
agree to having the county participate in the targeted community 4415
alternatives to prison (T-CAP) program for prisoners who serve a 4416
term in a facility pursuant to division (B) (3) (c) of this 4417
section by submitting a memorandum of understanding, either as a 4418
single county or jointly with other counties, to the department 4419
of rehabilitation and correction for approval, pursuant to 4420
section 5149.38 of the Revised Code. A board of county 4421
commissioners and an administrative judge of a court of common 4422
pleas that enter into an agreement of the type described in this 4423
division may terminate the agreement, but a termination under 4424
this division shall take effect only at the end of the state 4425
fiscal biennium in which the termination decision is made. 4426

(ii) The department of rehabilitation and correction shall 4427
establish deadlines for a voluntary county to indicate the 4428
voluntary county's participation in the targeted community 4429
alternatives to prison (T-CAP) program before each state fiscal 4430
biennium. 4431

(iii) In reviewing a submitted memorandum of understanding 4432
for approval, the department of rehabilitation and correction 4433
shall prioritize a voluntary county that has previously been a 4434

voluntary county. The department of rehabilitation and 4435
correction may review a memorandum of understanding for a new 4436
voluntary county if the general assembly has appropriated 4437
sufficient funds for that purpose. 4438

(c) Except as provided in division (B) (3) (d) of this 4439
section, in any voluntary county, either division (B) (3) (c) (i) 4440
or divisions (B) (3) (c) (i) and (ii) of this section shall apply: 4441

(i) On and after July 1, 2018, no person sentenced by the 4442
court of common pleas of a voluntary county to a prison term for 4443
a felony of the fifth degree shall serve the term in an 4444
institution under the control of the department of 4445
rehabilitation and correction. The person shall instead serve 4446
the sentence as a term of confinement in a facility of a type 4447
described in division (C) or (D) of this section. 4448

(ii) On and after September 1, 2022, no person sentenced 4449
by the court of common pleas of a voluntary county to a prison 4450
term for a felony of the fourth degree shall serve the term in 4451
an institution under the control of the department of 4452
rehabilitation and correction. The person shall instead serve 4453
the sentence as a term of confinement in a facility of a type 4454
described in division (C) or (D) of this section. 4455

Nothing in this division relieves the state of its 4456
obligation to pay for the cost of confinement of the person in a 4457
community-based correctional facility under division (D) of this 4458
section. 4459

(d) Division (B) (3) (c) of this section does not apply to 4460
any person to whom any of the following apply: 4461

(i) The felony of the fourth or fifth degree was an 4462
offense of violence, as defined in section 2901.01 of the 4463

Revised Code, a sex offense under Chapter 2907. of the Revised 4464
Code, a violation of section 2925.03 of the Revised Code, or any 4465
offense for which a mandatory prison term is required. 4466

(ii) The person previously has been convicted of or 4467
pleaded guilty to any felony offense of violence, as defined in 4468
section 2901.01 of the Revised Code, unless the felony of the 4469
fifth degree for which the person is being sentenced is a 4470
violation of division (I) (1) of section 2903.43 of the Revised 4471
Code. 4472

(iii) The person previously has been convicted of or 4473
pleaded guilty to any felony sex offense under Chapter 2907. of 4474
the Revised Code. 4475

(iv) The person's sentence is required to be served 4476
concurrently to any other sentence imposed upon the person for a 4477
felony that is required to be served in an institution under the 4478
control of the department of rehabilitation and correction. 4479

(v) The felony of the fourth degree was a violation of 4480
division (A) (1), (3), (4), or (5) of section 2923.13 of the 4481
Revised Code. 4482

(C) A person who is convicted of or pleads guilty to one 4483
or more misdemeanors and who is sentenced to a jail term or term 4484
of imprisonment pursuant to the conviction or convictions shall 4485
serve that term in a county, multicounty, municipal, municipal- 4486
county, or multicounty-municipal jail or workhouse; in a 4487
community alternative sentencing center or district community 4488
alternative sentencing center when authorized by section 307.932 4489
of the Revised Code; or, if the misdemeanor or misdemeanors are 4490
not offenses of violence, in a minimum security jail. 4491

(D) Nothing in this section prohibits the commitment, 4492

referral, or sentencing of a person who is convicted of or 4493
pleads guilty to a felony to a community-based correctional 4494
facility. 4495

Sec. 2930.171. (A) In determining whether to grant an 4496
application to seal or expunge a juvenile record pursuant to 4497
section 2151.356 or 2151.358 of the Revised Code, the court 4498
shall notify the prosecutor regarding the hearing of the matter 4499
not less than thirty days before the hearing. In determining 4500
whether to grant an application to seal or expunge a record of 4501
conviction or bail forfeiture pursuant to section 2953.32, 4502
2953.321, 2953.322, 2953.323, or 2953.39 of the Revised Code, 4503
the court shall notify the prosecutor not less than sixty days 4504
before the hearing, unless a shorter notice period is agreed to 4505
by the prosecutor and the court. The prosecutor shall provide 4506
timely notice to a victim of the criminal offense or delinquent 4507
act for which the offender or juvenile was incarcerated or 4508
committed and the victim's representative, if applicable, if the 4509
victim or victim's representative has requested notice and 4510
maintains current contact information with the prosecutor. The 4511
court shall permit a victim, the victim's representative, and 4512
the victim's attorney, if applicable, to make a statement, in 4513
addition to any other statement made under this chapter, 4514
concerning the effects of the criminal offense or delinquent act 4515
on the victim, the circumstances surrounding the criminal 4516
offense or delinquent act, the manner in which the criminal 4517
offense or delinquent act was perpetrated, and the victim's, 4518
victim's representative's, or victim's attorney's, if 4519
applicable, opinion whether the record should be sealed or 4520
expunged. The victim, victim's representative, or victim's 4521
attorney, if applicable, may be heard in writing, orally, or 4522
both at the victim's, victim's representative's, or victim's 4523

attorney's, if applicable, discretion. The court shall give the 4524
offender or juvenile an opportunity to review a copy of any 4525
written impact statement made by the victim, victim's 4526
representative, and victim's attorney, if applicable, under this 4527
division. The court shall give to either the adult parole 4528
authority or the department of youth services, whichever is 4529
applicable, a copy of any written impact statement made by the 4530
victim, victim's representative, and victim's attorney, if 4531
applicable, under this division. 4532

(B) In deciding whether to seal or expunge a record under 4533
any section listed in division (A) of this section, the court 4534
shall consider a statement made by the victim, victim's 4535
representative, and victim's attorney, if applicable, under 4536
division (A) of this section or section 2930.14 or 2947.051 of 4537
the Revised Code. 4538

(C) Upon making a determination whether to grant an 4539
application to seal or expunge a record of conviction or bail 4540
forfeiture pursuant to section 2953.32, 2953.321, 2953.322, 4541
2953.323, or 2953.39 of the Revised Code or an application to 4542
seal or expunge a juvenile record pursuant to section 2151.356 4543
or 2151.358 of the Revised Code, the court promptly shall notify 4544
the prosecutor of the determination. The prosecutor shall 4545
promptly notify the victim and the victim's representative, if 4546
applicable, after receiving the notice from the court. 4547

Sec. 2941.141. (A) Imposition of a one-year mandatory 4548
prison term upon an offender under division (B) (1) (a) (iii) of 4549
section 2929.14 of the Revised Code is precluded unless the 4550
indictment, count in the indictment, or information charging the 4551
offense specifies that the offender had a firearm on or about 4552
the offender's person or under the offender's control while 4553

committing the offense. The specification shall be stated at the 4554
end of the body of the indictment, count, or information, and 4555
shall be in substantially the following form: 4556

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4557
Grand Jurors (or insert the person's or the prosecuting 4558
attorney's name when appropriate) further find and specify that 4559
(set forth that the offender had a firearm on or about the 4560
offender's person or under the offender's control while 4561
committing the offense.)" 4562

(B) Imposition of a one-year mandatory prison term upon an 4563
offender under division (B) (1) (a) (iii) of section 2929.14 of the 4564
Revised Code is precluded if a court imposes an eighteen-month, 4565
three-year, ~~fifty-four-month~~ five-year, six-year, nine-year, 4566
ten-year, or ~~nine-year~~ fifteen-year mandatory prison term on the 4567
offender under division (B) (1) (a) (i), (ii), (iv), (v), ~~or~~ (vi), 4568
(vii), (viii), or (ix) of that section relative to the same 4569
felony. 4570

(C) The specification described in division (A) of this 4571
section may be used in a delinquent child proceeding in the 4572
manner and for the purpose described in section 2152.17 of the 4573
Revised Code. 4574

(D) Imposition of an eighteen-month mandatory prison term 4575
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4576
of the Revised Code is precluded unless the indictment, count in 4577
the indictment, or information charging the offense specifies 4578
that the offender had a firearm on or about the offender's 4579
person or under the offender's control while committing the 4580
offense and that the offender previously had been convicted of 4581
or pleaded guilty to a firearm specification of the type 4582
described in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 4583

2941.1412, or 2941.1429 of the Revised Code. The specification 4584
shall be stated at the end of the body of the indictment, count, 4585
or information, and shall be in substantially the following 4586
form: 4587

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4588
Grand Jurors (or insert the person's or prosecuting attorney's 4589
name when appropriate) further find and specify that (set forth 4590
that the offender had a firearm on or about the offender's 4591
person or under the offender's control while committing the 4592
offense and that the offender previously has been convicted of 4593
or pleaded guilty to a firearm specification of the type 4594
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4595
2941.1412 of the Revised Code.)" 4596

(E) Imposition of an eighteen-month mandatory prison term 4597
upon an offender under division (B)(1)(a)(vi) of section 2929.14 4598
of the Revised Code is precluded if the court imposes a one- 4599
year, three-year, ~~fifty-four-month~~ five-year, six-year, nine- 4600
year, ten-year, or nine-year fifteen-year mandatory prison term 4601
on the offender under division (B)(1)(a)(i), (ii), (iii), (iv), 4602
~~or~~ (v), (vii), (viii), or (ix) of that section relative to the 4603
same felony. 4604

(F) As used in this section, "firearm" has the same 4605
meaning as in section 2923.11 of the Revised Code. 4606

Sec. 2941.144. (A) Imposition of a six-year mandatory 4607
prison term upon an offender under division (B)(1)(a)(i) of 4608
section 2929.14 of the Revised Code is precluded unless the 4609
indictment, count in the indictment, or information charging the 4610
offense specifies that the offender had a firearm that is an 4611
automatic firearm or that was equipped with a firearm muffler or 4612
suppressor on or about the offender's person or under the 4613

offender's control while committing the offense. The 4614
specification shall be stated at the end of the body of the 4615
indictment, count, or information and shall be stated in 4616
substantially the following form: 4617

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4618
Grand Jurors (or insert the person's or the prosecuting 4619
attorney's name when appropriate) further find and specify that 4620
(set forth that the offender had a firearm that is an automatic 4621
firearm or that was equipped with a firearm muffler or 4622
suppressor on or about the offender's person or under the 4623
offender's control while committing the offense)." 4624

(B) Imposition of a six-year mandatory prison term upon an 4625
offender under division (B) (1) (a) (i) of section 2929.14 of the 4626
Revised Code is precluded if a court imposes a one-year, 4627
eighteen-month, three-year, ~~fifty-four-month~~ five-year, ~~or nine-~~ 4628
year, ten-year, or fifteen-year mandatory prison term on the 4629
offender under division (B) (1) (a) (ii), (iii), (iv), (v), ~~or~~ 4630
(vi), (vii), (viii), or (ix) of that section relative to the 4631
same felony. 4632

(C) The specification described in division (A) of this 4633
section may be used in a delinquent child proceeding in the 4634
manner and for the purpose described in section 2152.17 of the 4635
Revised Code. 4636

(D) Imposition of a nine-year mandatory prison term upon 4637
an offender under division (B) (1) (a) (iv) of section 2929.14 of 4638
the Revised Code is precluded unless the indictment, count in 4639
the indictment, or information charging the offense specifies 4640
that the offender had a firearm that is an automatic firearm or 4641
that was equipped with a firearm muffler or suppressor on or 4642
about the offender's person or under the offender's control 4643

while committing the offense and that the offender previously 4644
has been convicted of or pleaded guilty to a firearm 4645
specification of the type described in section 2941.141, 4646
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 4647
Revised Code. The specification shall be stated at the end of 4648
the body of the indictment, count, or information, and shall be 4649
in substantially the following form: 4650

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4651
Grand Jurors (or insert the person's or the prosecuting 4652
attorney's name when appropriate) further find and specify that 4653
(set forth that the offender had a firearm that is an automatic 4654
firearm or that was equipped with a firearm muffler or 4655
suppressor on or about the offender's person or under the 4656
offender's control while committing the offense and that the 4657
offender previously has been convicted of or pleaded guilty to a 4658
firearm specification of the type described in section 2941.141, 4659
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 4660
Revised Code.)" 4661

(E) Imposition of a nine-year mandatory prison term upon 4662
an offender under division (B) (1) (a) (iv) of section 2929.14 of 4663
the Revised Code is precluded if the court imposes a one-year, 4664
eighteen-month, three-year, ~~fifty-four-month~~ five-year, ~~or~~ six- 4665
year, ten-year, or fifteen-year mandatory prison term on the 4666
offender under division (B) (1) (a) (i), (ii), (iii), (v), ~~or~~ (vi), 4667
(vii), (viii), or (ix) of that section relative to the same 4668
felony. 4669

(F) As used in this section, "firearm" and "automatic 4670
firearm" have the same meanings as in section 2923.11 of the 4671
Revised Code. 4672

Sec. 2941.145. (A) Imposition of a three-year mandatory 4673

prison term upon an offender under division (B) (1) (a) (ii) of 4674
section 2929.14 of the Revised Code is precluded unless the 4675
indictment, count in the indictment, or information charging the 4676
offense specifies that the offender had a firearm on or about 4677
the offender's person or under the offender's control while 4678
committing the offense and displayed the firearm, brandished the 4679
firearm, indicated that the offender possessed the firearm, or 4680
used it to facilitate the offense. The specification shall be 4681
stated at the end of the body of the indictment, count, or 4682
information, and shall be stated in substantially the following 4683
form: 4684

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4685
Grand Jurors (or insert the person's or the prosecuting 4686
attorney's name when appropriate) further find and specify that 4687
(set forth that the offender had a firearm on or about the 4688
offender's person or under the offender's control while 4689
committing the offense and displayed the firearm, brandished the 4690
firearm, indicated that the offender possessed the firearm, or 4691
used it to facilitate the offense)." 4692

(B) Imposition of a three-year mandatory prison term upon 4693
an offender under division (B) (1) (a) (ii) of section 2929.14 of 4694
the Revised Code is precluded if a court imposes a one-year, 4695
eighteen-month, ~~six-year, fifty-four-month~~ five-year, six-year, 4696
nine-year, ten-year, or nine-year-fifteen-year mandatory prison 4697
term on the offender under division (B) (1) (a) (i), (iii), (iv), 4698
(v), ~~or~~ (vi), (vii), (viii), or (ix) of that section relative to 4699
the same felony. 4700

(C) The specification described in division (A) of this 4701
section may be used in a delinquent child proceeding in the 4702
manner and for the purpose described in section 2152.17 of the 4703

Revised Code.

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(D) Imposition of a five-year mandatory prison term ~~of~~
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v)
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 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 a firearm, or
used the firearm 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, or 2941.1429 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:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or the prosecuting
attorney's name when appropriate) further find and specify that
(set forth that the offender had a firearm 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 a firearm, or
used the firearm 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, or 2941.1429 of the
Revised Code.)"

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(E) Imposition of a five-year mandatory prison term ~~of~~
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v)

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of section 2929.14 of the Revised Code is precluded if the court
imposes a one-year, eighteen-month, three-year, five-year, six-
year, nine-year, ten-year, or ~~nine-year-fifteen-year~~ mandatory
prison term on the offender under division (B) (1) (a) (i), (ii),
(iii), (iv), ~~or (vi)~~, (vii), (viii), or (ix) of that section
relative to the same felony.

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

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

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's
name when appropriate) further find and specify that (set forth
that the offender committed the violation of section 2923.161 of
the Revised Code or the felony that includes, as an essential
element, purposely or knowingly causing or attempting to cause
the death of or physical harm to another and that was committed

by discharging a firearm from a motor vehicle other than a 4764
manufactured home)." 4765

(B) The specification described in division (A) of this 4766
section may be used in a delinquent child proceeding in the 4767
manner and for the purpose described in section 2152.17 of the 4768
Revised Code. 4769

(C) Imposition of a ninety-month mandatory prison term 4770
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 4771
Code for committing a violation of section 2923.161 of the 4772
Revised Code or for committing a felony that includes, as an 4773
essential element, purposely or knowingly causing or attempting 4774
to cause the death of or physical harm to another and that was 4775
committed by discharging a firearm from a motor vehicle other 4776
than a manufactured home is precluded unless the indictment, 4777
count in the indictment, or information charging the offender 4778
specifies that the offender committed the offense by discharging 4779
a firearm from a motor vehicle other than a manufactured home 4780
and that the offender previously has been convicted of or 4781
pleaded guilty to a firearm specification of the type described 4782
in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, 4783
or 2941.1429 of the Revised Code. The specification shall be 4784
stated at the end of the body of the indictment, count, or 4785
information, and shall be stated in substantially the following 4786
form: 4787

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4788
Grand Jurors (or insert the person's or prosecuting attorney's 4789
name where appropriate) further find and specify that (set forth 4790
that the offender committed the violation of section 2923.161 of 4791
the Revised Code or the felony that includes, as an essential 4792
element, purposely or knowingly causing or attempting to cause 4793

the death of or physical harm to another and that was committed 4794
by discharging a firearm from a motor vehicle other than a 4795
manufactured home and that the offender previously has been 4796
convicted of or pleaded guilty to a firearm specification of the 4797
type described in section 2941.141, 2941.144, 2941.145, 4798
2941.146, ~~or~~ 2941.1412, or 2941.1429 of the Revised Code)." 4799

(D) As used in this section: 4800

(1) "Firearm" has the same meaning as in section 2923.11 4801
of the Revised Code; 4802

(2) "Motor vehicle" and "manufactured home" have the same 4803
meanings as in section 4501.01 of the Revised Code. 4804

Sec. 2941.1427. (A) Imposition of a three, four, or five- 4805
year mandatory prison term upon an offender pursuant to division 4806
(B) (12) of section 2929.14 of the Revised Code, pursuant to 4807
determination by a court that an offender is a repeat offender, 4808
is precluded unless the indictment, count in the indictment, or 4809
information charging the offender specifies that the offender is 4810
a repeat offender. The specification shall be stated at the end 4811
of the body of the indictment, count, or information, and shall 4812
be stated in substantially the following form: 4813

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4814
Grand Jurors (or insert the person's or prosecuting attorney's 4815
name when appropriate) further find and specify that (set forth 4816
that the offender is a repeat offender)." 4817

(B) The court shall determine the issue of whether an 4818
offender is a repeat offender. 4819

(C) At the arraignment of the defendant or as soon 4820
thereafter as is practicable, the prosecuting attorney may give 4821
notice to the defendant of the prosecuting attorney's intention 4822

to use a certified copy of the entry of judgment of a prior 4823
conviction as proof of that prior conviction. The defendant must 4824
then give notice to the prosecuting attorney of the defendant's 4825
intention to object to the use of the entry of judgment. If the 4826
defendant pursuant to Criminal Rule 12 does not give notice of 4827
that intention to the prosecuting attorney before trial, the 4828
defendant waives the objection to the use of an entry of 4829
judgment as proof of the defendant's prior conviction, as shown 4830
on the entry of judgment. 4831

(D) Imposition of a three, four, or five-year mandatory 4832
prison term upon an offender pursuant to division (B) (12) of 4833
section 2929.14 of the Revised Code is precluded if the court 4834
imposes a one, two, three, four, five, six, seven, eight, nine, 4835
ten, or eleven-year mandatory prison term on the offender under 4836
section 2941.149, 2941.1410, or 2941.1424 of the Revised Code 4837
relative to that same felony. 4838

(E) As used in this section, "repeat offender" has the 4839
same meaning as in section 2929.01 of the Revised Code. 4840

Sec. 2941.1428. (A) Imposition of a five-year mandatory 4841
prison term upon an offender under division (B) (1) (a) (vii) of 4842
section 2929.14 of the Revised Code is precluded unless the 4843
indictment, count in the indictment, or information charging the 4844
offense specifies that the offender discharged a firearm while 4845
committing the offense. The specification shall be stated at the 4846
end of the body of the indictment, count, or information, and 4847
shall be stated in substantially the following form: 4848

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4849
Grand Jurors (or insert the person's or the prosecuting 4850
attorney's name when appropriate) further find and specify that 4851
(set forth that the offender discharged a firearm while 4852

committing the offense.)"

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

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

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

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Sec. 2941.1429. (A) Imposition of a ten-year mandatory
prison term upon an offender under division (B) (1) (a) (viii) 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. The
specification shall be stated at the end of the body of the
indictment, count, or information and shall be stated in
substantially the following form:

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

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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)."

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

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

(D) Imposition of a fifteen-year mandatory prison term
upon an offender under division (B) (1) (a) (ix) 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, 2941.1412, or 2941.1429 of the 4912
Revised Code. The specification shall be stated at the end of 4913
the body of the indictment, count, or information, and shall be 4914
in substantially the following form: 4915

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4916
Grand Jurors (or insert the person's or the prosecuting 4917
attorney's name when appropriate) further find and specify that 4918
(set forth that the offender had a firearm that is an automatic 4919
firearm or that was equipped with a firearm muffler or 4920
suppressor on or about the offender's person or under the 4921
offender's control while committing the offense and displayed 4922
the firearm, brandished the firearm, indicated that the offender 4923
possessed the firearm, or used it to facilitate the offense and 4924
that the offender previously has been convicted of or pleaded 4925
guilty to a firearm specification of the type described in 4926
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 4927
2941.1429 of the Revised Code)." 4928

(E) Imposition of a fifteen-year mandatory prison term 4929
upon an offender under division (B) (1) (a) (ix) of section 2929.14 4930
of the Revised Code is precluded if the court imposes a one- 4931
year, eighteen-month, three-year, five-year, six-year, nine- 4932
year, or ten-year mandatory prison term on the offender under 4933
division (B) (1) (a) (i), (ii), (iii), (iv), (v), (vi), (vii), or 4934
(xiii) of that section relative to the same felony. 4935

(F) As used in this section, "firearm" and "automatic 4936
firearm" have the same meanings as in section 2923.11 of the 4937
Revised Code. 4938

Sec. 2951.041. (A) (1) If an offender is charged with a 4939
criminal offense, including but not limited to a violation of 4940
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 4941

of the Revised Code, and the court has reason to believe that 4942
drug or alcohol usage by the offender was a factor leading to 4943
the criminal offense with which the offender is charged or that, 4944
at the time of committing that offense, the offender had a 4945
mental illness, was a person with an intellectual disability, or 4946
was a victim of a violation of section 2905.32 or 2907.21 of the 4947
Revised Code and that the mental illness, status as a person 4948
with an intellectual disability, or fact that the offender was a 4949
victim of a violation of section 2905.32 or 2907.21 of the 4950
Revised Code was a factor leading to the offender's criminal 4951
behavior, the court may accept, prior to the entry of a guilty 4952
plea, the offender's request for intervention in lieu of 4953
conviction. The request shall include a statement from the 4954
offender as to whether the offender is alleging that drug or 4955
alcohol usage by the offender was a factor leading to the 4956
criminal offense with which the offender is charged or is 4957
alleging that, at the time of committing that offense, the 4958
offender had a mental illness, was a person with an intellectual 4959
disability, or was a victim of a violation of section 2905.32 or 4960
2907.21 of the Revised Code and that the mental illness, status 4961
as a person with an intellectual disability, or fact that the 4962
offender was a victim of a violation of section 2905.32 or 4963
2907.21 of the Revised Code was a factor leading to the criminal 4964
offense with which the offender is charged. The request also 4965
shall include a waiver of the defendant's right to a speedy 4966
trial, the preliminary hearing, the time period within which the 4967
grand jury may consider an indictment against the offender, and 4968
arraignment, unless the hearing, indictment, or arraignment has 4969
already occurred. Unless an offender alleges that drug or 4970
alcohol usage by the offender was a factor leading to the 4971
criminal offense with which the offender is charged, the court 4972
may reject an offender's request without a hearing. If the court 4973

elects to consider an offender's request or the offender alleges 4974
that drug or alcohol usage by the offender was a factor leading 4975
to the criminal offense with which the offender is charged, the 4976
court shall conduct a hearing to determine whether the offender 4977
is eligible under this section for intervention in lieu of 4978
conviction and shall stay all criminal proceedings pending the 4979
outcome of the hearing. If the court schedules a hearing, the 4980
court shall order an assessment of the offender for the purpose 4981
of determining the offender's program eligibility for 4982
intervention in lieu of conviction and recommending an 4983
appropriate intervention plan. 4984

If the offender alleges that drug or alcohol usage by the 4985
offender was a factor leading to the criminal offense with which 4986
the offender is charged, the court may order that the offender 4987
be assessed by a community addiction services provider or a 4988
properly credentialed professional for the purpose of 4989
determining the offender's program eligibility for intervention 4990
in lieu of conviction and recommending an appropriate 4991
intervention plan. The community addiction services provider or 4992
the properly credentialed professional shall provide a written 4993
assessment of the offender to the court. 4994

(2) The victim notification provisions of division (E) of 4995
section 2930.06 of the Revised Code apply in relation to any 4996
hearing held under division (A) (1) of this section. 4997

(B) An offender is eligible for intervention in lieu of 4998
conviction if the court finds all of the following: 4999

(1) The offender previously has not been convicted of or 5000
pleaded guilty to any felony offense of violence. 5001

(2) The offense is not a felony of the first, second, or 5002

third degree, is not an offense of violence, is not a felony sex 5003
offense, is not a violation of division (A) (1) or (2) of section 5004
2903.06 of the Revised Code, is not a violation of division (A) 5005
(1) of section 2903.08 of the Revised Code, is not a violation 5006
of division (A) of section 4511.19 of the Revised Code or a 5007
municipal ordinance that is substantially similar to that 5008
division, and is not an offense for which a sentencing court is 5009
required to impose a mandatory prison term. 5010

(3) The offender is not charged with a violation of 5011
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 5012
charged with a violation of section 2925.03 of the Revised Code 5013
that is a felony of the first, second, third, or fourth degree, 5014
and is not charged with a violation of section 2925.11 of the 5015
Revised Code that is a felony of the first or second degree. 5016

(4) If an offender alleges that drug or alcohol usage by 5017
the offender was a factor leading to the criminal offense with 5018
which the offender is charged, the court has ordered that the 5019
offender be assessed by a community addiction services provider 5020
or a properly credentialed professional for the purpose of 5021
determining the offender's program eligibility for intervention 5022
in lieu of conviction and recommending an appropriate 5023
intervention plan, the offender has been assessed by a community 5024
addiction services provider of that nature or a properly 5025
credentialed professional in accordance with the court's order, 5026
and the community addiction services provider or properly 5027
credentialed professional has filed the written assessment of 5028
the offender with the court. 5029

(5) If an offender alleges that, at the time of committing 5030
the criminal offense with which the offender is charged, the 5031
offender had a mental illness, was a person with an intellectual 5032

disability, or was a victim of a violation of section 2905.32 or 5033
2907.21 of the Revised Code and that the mental illness, status 5034
as a person with an intellectual disability, or fact that the 5035
offender was a victim of a violation of section 2905.32 or 5036
2907.21 of the Revised Code was a factor leading to that 5037
offense, the offender has been assessed by a psychiatrist, 5038
psychologist, independent social worker, licensed professional 5039
clinical counselor, or independent marriage and family therapist 5040
for the purpose of determining the offender's program 5041
eligibility for intervention in lieu of conviction and 5042
recommending an appropriate intervention plan. 5043

(6) The offender's drug usage, alcohol usage, mental 5044
illness, or intellectual disability, or the fact that the 5045
offender was a victim of a violation of section 2905.32 or 5046
2907.21 of the Revised Code, whichever is applicable, was a 5047
factor leading to the criminal offense with which the offender 5048
is charged, intervention in lieu of conviction would not demean 5049
the seriousness of the offense, and intervention would 5050
substantially reduce the likelihood of any future criminal 5051
activity. 5052

(7) The alleged victim of the offense was not sixty-five 5053
years of age or older, permanently and totally disabled, under 5054
thirteen years of age, or a peace officer engaged in the 5055
officer's official duties at the time of the alleged offense. 5056

(8) If the offender is charged with a violation of section 5057
2925.24 of the Revised Code, the alleged violation did not 5058
result in physical harm to any person. 5059

(9) The offender is willing to comply with all terms and 5060
conditions imposed by the court pursuant to division (D) of this 5061
section. 5062

(10) The offender is not charged with an offense that 5063
would result in the offender being disqualified under Chapter 5064
4506. of the Revised Code from operating a commercial motor 5065
vehicle or would subject the offender to any other sanction 5066
under that chapter. 5067

(C) At the conclusion of a hearing held pursuant to 5068
division (A) of this section, the court shall determine whether 5069
the offender will be granted intervention in lieu of conviction. 5070
In making this determination, the court shall presume that 5071
intervention in lieu of conviction is appropriate. If the court 5072
finds under this division and division (B) of this section that 5073
the offender is eligible for intervention in lieu of conviction, 5074
the court shall grant the offender's request unless the court 5075
finds specific reasons to believe that the candidate's 5076
participation in intervention in lieu of conviction would be 5077
inappropriate. 5078

If the court denies an eligible offender's request for 5079
intervention in lieu of conviction, the court shall state the 5080
reasons for the denial, with particularity, in a written entry. 5081

If the court grants the offender's request, the court 5082
shall accept the offender's plea of guilty and waiver of the 5083
defendant's right to a speedy trial, the preliminary hearing, 5084
the time period within which the grand jury may consider an 5085
indictment against the offender, and arraignment, unless the 5086
hearing, indictment, or arraignment has already occurred. In 5087
addition, the court then may stay all criminal proceedings and 5088
order the offender to comply with all terms and conditions 5089
imposed by the court pursuant to division (D) of this section. 5090
If the court finds that the offender is not eligible or does not 5091
grant the offender's request, the criminal proceedings against 5092

the offender shall proceed as if the offender's request for 5093
intervention in lieu of conviction had not been made. 5094

(D) If the court grants an offender's request for 5095
intervention in lieu of conviction, all of the following apply: 5096

(1) The court shall place the offender under the general 5097
control and supervision of one of the following, as if the 5098
offender was subject to a community control sanction imposed 5099
under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 5100

(a) The county probation department, the adult parole 5101
authority, or another appropriate local probation or court 5102
services agency, if one exists; 5103

(b) If the court grants the request for intervention in 5104
lieu of conviction during the period commencing on April 4, 5105
2023, and ending on October 15, 2025, a community-based 5106
correctional facility. 5107

(2) The court shall establish an intervention plan for the 5108
offender. 5109

(3) The terms and conditions of the intervention plan 5110
required under division (D)(2) of this section shall require the 5111
offender, for at least one year, but not more than five years, 5112
from the date on which the court grants the order of 5113
intervention in lieu of conviction, to abstain from the use of 5114
illegal drugs and alcohol, to participate in treatment and 5115
recovery support services, and to submit to regular random 5116
testing for drug and alcohol use and may include any other 5117
treatment terms and conditions, or terms and conditions similar 5118
to community control sanctions, which may include community 5119
service or restitution, that are ordered by the court. 5120

(E) If the court grants an offender's request for 5121

intervention in lieu of conviction and the court finds that the 5122
offender has successfully completed the intervention plan for 5123
the offender, including the requirement that the offender 5124
abstain from using illegal drugs and alcohol for a period of at 5125
least one year, but not more than five years, from the date on 5126
which the court granted the order of intervention in lieu of 5127
conviction, the requirement that the offender participate in 5128
treatment and recovery support services, and all other terms and 5129
conditions ordered by the court, the court shall dismiss the 5130
proceedings against the offender. Successful completion of the 5131
intervention plan and period of abstinence under this section 5132
shall be without adjudication of guilt and is not a criminal 5133
conviction for purposes of any disqualification or disability 5134
imposed by law and upon conviction of a crime, and the court may 5135
order the sealing or expungement of records related to the 5136
offense in question, as a dismissal of the charges, in the 5137
manner provided in sections 2953.31, 2953.321, 2953.323, 5138
2953.33, 2953.37, and 2953.521 of the Revised Code and divisions 5139
(H), (K), and (L) of section 2953.34 of the Revised Code. 5140

(F) If the court grants an offender's request for 5141
intervention in lieu of conviction and the offender fails to 5142
comply with any term or condition imposed as part of the 5143
intervention plan for the offender, the supervising authority 5144
for the offender promptly shall advise the court of this 5145
failure, and the court shall hold a hearing to determine whether 5146
the offender failed to comply with any term or condition imposed 5147
as part of the plan. If the court determines that the offender 5148
has failed to comply with any of those terms and conditions, it 5149
may continue the offender on intervention in lieu of conviction, 5150
continue the offender on intervention in lieu of conviction with 5151
additional terms, conditions, and sanctions, or enter a finding 5152

of guilty and impose an appropriate sanction under Chapter 2929. 5153
of the Revised Code. If the court sentences the offender to a 5154
prison term, the court, after consulting with the department of 5155
rehabilitation and correction regarding the availability of 5156
services, may order continued court-supervised activity and 5157
treatment of the offender during the prison term and, upon 5158
consideration of reports received from the department concerning 5159
the offender's progress in the program of activity and 5160
treatment, may consider judicial release under section 2929.20 5161
of the Revised Code. 5162

(G) As used in this section: 5163

(1) "Community addiction services provider" has the same 5164
meaning as in section 5119.01 of the Revised Code. 5165

(2) "Community control sanction" has the same meaning as 5166
in section 2929.01 of the Revised Code. 5167

(3) "Intervention in lieu of conviction" means any court- 5168
supervised activity that complies with this section. 5169

(4) "Intellectual disability" has the same meaning as in 5170
section 5123.01 of the Revised Code. 5171

(5) "Peace officer" has the same meaning as in section 5172
2935.01 of the Revised Code. 5173

(6) "Mental illness" and "psychiatrist" have the same 5174
meanings as in section 5122.01 of the Revised Code. 5175

(7) "Psychologist" has the same meaning as in section 5176
4732.01 of the Revised Code. 5177

(8) "Felony sex offense" means a violation of a section 5178
contained in Chapter 2907. of the Revised Code that is a felony. 5179

Sec. 2953.25. (A) As used in this section: 5180

(1) "Collateral sanction" means a penalty, disability, or 5181
disadvantage that is related to employment or occupational 5182
licensing, however denominated, as a result of the individual's 5183
conviction of or plea of guilty to an offense and that applies 5184
by operation of law in this state whether or not the penalty, 5185
disability, or disadvantage is included in the sentence or 5186
judgment imposed. 5187

"Collateral sanction" does not include imprisonment, 5188
probation, parole, supervised release, forfeiture, restitution, 5189
fine, assessment, or costs of prosecution. 5190

(2) "Decision-maker" includes, but is not limited to, the 5191
state acting through a department, agency, board, commission, or 5192
instrumentality established by the law of this state for the 5193
exercise of any function of government, a political subdivision, 5194
an educational institution, or a government contractor or 5195
subcontractor made subject to this section by contract, law, or 5196
ordinance. 5197

(3) "Department-funded program" means a residential or 5198
nonresidential program that is not a term in a state 5199
correctional institution, that is funded in whole or part by the 5200
department of rehabilitation and correction, and that is imposed 5201
as a sanction for an offense, as part of a sanction that is 5202
imposed for an offense, or as a term or condition of any 5203
sanction that is imposed for an offense. 5204

(4) "Designee" means the person designated by the deputy 5205
director of the division of parole and community services to 5206
perform the duties designated in division (B) of this section. 5207

(5) "Division of parole and community services" means the 5208

division of parole and community services of the department of 5209
rehabilitation and correction. 5210

(6) "Offense" means any felony or misdemeanor under the 5211
laws of this state. 5212

(7) "Political subdivision" has the same meaning as in 5213
section 2969.21 of the Revised Code. 5214

(8) "Discretionary civil impact," "licensing agency," and 5215
"mandatory civil impact" have the same meanings as in section 5216
2961.21 of the Revised Code. 5217

(B) (1) An individual who is subject to one or more 5218
collateral sanctions as a result of being convicted of or 5219
pleading guilty to an offense and who either has served a term 5220
in a state correctional institution for any offense or has spent 5221
time in a department-funded program for any offense may file a 5222
petition with the designee of the deputy director of the 5223
division of parole and community services for a certificate of 5224
qualification for employment. 5225

(2) An individual who is subject to one or more collateral 5226
sanctions as a result of being convicted of or pleading guilty 5227
to an offense and who is not in a category described in division 5228
(B) (1) of this section may file for a certificate of 5229
qualification for employment by doing either of the following: 5230

(a) In the case of an individual who resides in this 5231
state, filing a petition with the court of common pleas of the 5232
county in which the person resides or with the designee of the 5233
deputy director of the division of parole and community 5234
services; 5235

(b) In the case of an individual who resides outside of 5236
this state, filing a petition with the court of common pleas of 5237

any county in which any conviction or plea of guilty from which 5238
the individual seeks relief was entered or with the designee of 5239
the deputy director of the division of parole and community 5240
services. 5241

(3) A petition under division (B) (1) or (2) of this 5242
section shall be made on a copy of the form prescribed by the 5243
division of parole and community services under division (J) of 5244
this section, shall contain all of the information described in 5245
division (F) of this section, and, except as provided in 5246
division (B) (6) of this section, shall be accompanied by an 5247
application fee of fifty dollars and may be accompanied by a 5248
local court fee of not more than fifty dollars. 5249

(4) (a) Except as provided in division (B) (4) (b) of this 5250
section, an individual may file a petition under division (B) (1) 5251
or (2) of this section at any time after the expiration of 5252
whichever of the following is applicable: 5253

(i) If the offense that resulted in the collateral 5254
sanction from which the individual seeks relief is a felony, at 5255
any time after the expiration of one year from the date of 5256
release of the individual from any period of incarceration in a 5257
state or local correctional facility that was imposed for that 5258
offense and all periods of supervision imposed after release 5259
from the period of incarceration or, if the individual was not 5260
incarcerated for that offense, at any time after the expiration 5261
of one year from the date of the individual's final release from 5262
all other sanctions imposed for that offense. 5263

(ii) If the offense that resulted in the collateral 5264
sanction from which the individual seeks relief is a 5265
misdemeanor, at any time after the expiration of six months from 5266
the date of release of the individual from any period of 5267

incarceration in a local correctional facility that was imposed 5268
for that offense and all periods of supervision imposed after 5269
release from the period of incarceration or, if the individual 5270
was not incarcerated for that offense, at any time after the 5271
expiration of six months from the date of the final release of 5272
the individual from all sanctions imposed for that offense 5273
including any period of supervision. 5274

(b) The department of rehabilitation and correction may 5275
establish criteria by rule adopted under Chapter 119. of the 5276
Revised Code that, if satisfied by an individual, would allow 5277
the individual to file a petition before the expiration of six 5278
months or one year from the date of final release, whichever is 5279
applicable under division (B) (4) (a) of this section. 5280

(5) (a) A designee that receives a petition for a 5281
certificate of qualification for employment from an individual 5282
under division (B) (1) or (2) of this section shall review the 5283
petition to determine whether it is complete. If the petition is 5284
complete, the designee shall forward the petition, the 5285
application fee, and any other information the designee 5286
possesses that relates to the petition, to the court of common 5287
pleas of the county in which the individual resides if the 5288
individual submitting the petition resides in this state or, if 5289
the individual resides outside of this state, to the court of 5290
common pleas of the county in which the conviction or plea of 5291
guilty from which the individual seeks relief was entered. 5292

(b) A court of common pleas that receives a petition for a 5293
certificate of qualification for employment from an individual 5294
under division (B) (2) of this section, or that is forwarded a 5295
petition for such a certificate under division (B) (5) (a) of this 5296
section, shall attempt to determine all other courts in this 5297

state in which the individual was convicted of or pleaded guilty 5298
to an offense other than the offense from which the individual 5299
is seeking relief. The court that receives or is forwarded the 5300
petition shall notify all other courts in this state that it 5301
determines under this division were courts in which the 5302
individual was convicted of or pleaded guilty to an offense 5303
other than the offense from which the individual is seeking 5304
relief that the individual has filed the petition and that the 5305
court may send comments regarding the possible issuance of the 5306
certificate. 5307

A court of common pleas that receives a petition for a 5308
certificate of qualification for employment under division (B) 5309
(2) of this section shall notify the county's prosecuting 5310
attorney that the individual has filed the petition. 5311

A court of common pleas that receives a petition for a 5312
certificate of qualification for employment under division (B) 5313
(2) of this section, or that is forwarded a petition for 5314
qualification under division (B) (5) (a) of this section may 5315
direct the clerk of court to process and record all notices 5316
required in or under this section. Except as provided in 5317
division (B) (6) of this section, the court shall pay thirty 5318
dollars of the application fee into the state treasury and 5319
twenty dollars of the application fee into the county general 5320
revenue fund. 5321

(6) Upon receiving a petition for a certificate of 5322
qualification for employment filed by an individual under 5323
division (B) (1) or (2) of this section, a court of common pleas 5324
or the designee of the deputy director of the division of parole 5325
and community services who receives the petition may waive all 5326
or part of the application fee of fifty dollars described in 5327

division (B) (3) of this section, for an applicant who presents a 5328
poverty affidavit showing that the applicant is indigent. If an 5329
applicant pays an application fee, the first twenty dollars or 5330
two-fifths of the fee, whichever is greater, that is collected 5331
shall be paid into the county general revenue fund. If an 5332
applicant pays an application fee, the amount collected in 5333
excess of the amount to be paid into the county general revenue 5334
fund shall be paid into the state treasury. 5335

(C) (1) Upon receiving a petition for a certificate of 5336
qualification for employment filed by an individual under 5337
division (B) (2) of this section or being forwarded a petition 5338
for such a certificate under division (B) (5) (a) of this section, 5339
the court shall review the individual's petition, the 5340
individual's criminal history, except for information contained 5341
in any record that has been sealed under section 2953.32 or 5342
2953.321 of the Revised Code, all filings submitted by the 5343
prosecutor or by the victim in accordance with rules adopted by 5344
the division of parole and community services, the applicant's 5345
military service record, if applicable, and whether the 5346
applicant has an emotional, mental, or physical condition that 5347
is traceable to the applicant's military service in the armed 5348
forces of the United States and that was a contributing factor 5349
in the commission of the offense or offenses, and all other 5350
relevant evidence. The court may order any report, 5351
investigation, or disclosure by the individual that the court 5352
believes is necessary for the court to reach a decision on 5353
whether to approve the individual's petition for a certificate 5354
of qualification for employment, except that the court shall not 5355
require an individual to disclose information about any record 5356
sealed under section 2953.32 or 2953.321 of the Revised Code. 5357

(2) Upon receiving a petition for a certificate of 5358

qualification for employment filed by an individual under 5359
division (B) (2) of this section or being forwarded a petition 5360
for such a certificate under division (B) (5) (a) of this section, 5361
except as otherwise provided in this division, the court shall 5362
decide whether to issue the certificate within sixty days after 5363
the court receives or is forwarded the completed petition and 5364
all information requested for the court to make that decision. 5365
Upon request of the individual who filed the petition, the court 5366
may extend the sixty-day period specified in this division. 5367

(3) Except as provided in division (C) (5) of this section 5368
and subject to division (C) (7) of this section, a court that 5369
receives an individual's petition for a certificate of 5370
qualification for employment under division (B) (2) of this 5371
section or that is forwarded a petition for such a certificate 5372
under division (B) (5) (a) of this section may issue a certificate 5373
of qualification for employment, at the court's discretion, if 5374
the court finds that the individual has established all of the 5375
following by a preponderance of the evidence: 5376

(a) Granting the petition will materially assist the 5377
individual in obtaining employment or occupational licensing. 5378

(b) The individual has a substantial need for the relief 5379
requested in order to live a law-abiding life. 5380

(c) Granting the petition would not pose an unreasonable 5381
risk to the safety of the public or any individual. 5382

(4) The submission of an incomplete petition by an 5383
individual shall not be grounds for the designee or court to 5384
deny the petition. 5385

(5) Subject to division (C) (6) of this section, an 5386
individual is rebuttably presumed to be eligible for a 5387

certificate of qualification for employment if the court that 5388
receives the individual's petition under division (B) (2) of this 5389
section or that is forwarded a petition under division (B) (5) (a) 5390
of this section finds all of the following: 5391

(a) The application was filed after the expiration of the 5392
applicable waiting period prescribed in division (B) (4) of this 5393
section; 5394

(b) If the offense that resulted in the collateral 5395
sanction from which the individual seeks relief is a felony, at 5396
least three years have elapsed since the date of release of the 5397
individual from any period of incarceration in a state or local 5398
correctional facility that was imposed for that offense and all 5399
periods of supervision imposed after release from the period of 5400
incarceration or, if the individual was not incarcerated for 5401
that offense, at least three years have elapsed since the date 5402
of the individual's final release from all other sanctions 5403
imposed for that offense; 5404

(c) If the offense that resulted in the collateral 5405
sanction from which the individual seeks relief is a 5406
misdemeanor, at least one year has elapsed since the date of 5407
release of the individual from any period of incarceration in a 5408
local correctional facility that was imposed for that offense 5409
and all periods of supervision imposed after release from the 5410
period of incarceration or, if the individual was not 5411
incarcerated for that offense, at least one year has elapsed 5412
since the date of the final release of the individual from all 5413
sanctions imposed for that offense including any period of 5414
supervision. 5415

(6) An application that meets all of the requirements for 5416
the presumption under division (C) (5) of this section shall be 5417

denied only if the court that receives the petition finds that 5418
the evidence reviewed under division (C)(1) of this section 5419
rebutts the presumption of eligibility for issuance by 5420
establishing, by clear and convincing evidence, that the 5421
applicant has not been rehabilitated. 5422

(7) A certificate of qualification for employment shall 5423
not create relief from any of the following collateral 5424
sanctions: 5425

(a) Requirements imposed by Chapter 2950. of the Revised 5426
Code and rules adopted under sections 2950.13 and 2950.132 of 5427
the Revised Code; 5428

(b) A driver's license, commercial driver's license, or 5429
probationary license suspension, cancellation, or revocation 5430
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 5431
the Revised Code if the relief sought is available pursuant to 5432
section 4510.021 or division (B) of section 4510.13 of the 5433
Revised Code; 5434

(c) Restrictions on employment as a prosecutor or law 5435
enforcement officer; 5436

(d) The denial, ineligibility, or automatic suspension of 5437
a license that is imposed upon an individual applying for or 5438
holding a license as a health care professional under Title 5439
XLVII of the Revised Code if the individual is convicted of, 5440
pleads guilty to, is subject to a judicial finding of 5441
eligibility for intervention in lieu of conviction in this state 5442
under section 2951.041 of the Revised Code, or is subject to 5443
treatment or intervention in lieu of conviction for a violation 5444
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 5445
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 5446

2919.124 of the Revised Code; 5447

(e) The immediate suspension of a license, certificate, or 5448
evidence of registration that is imposed upon an individual 5449
holding a license as a health care professional under Title 5450
XLVII of the Revised Code pursuant to division (C) of section 5451
3719.121 of the Revised Code; 5452

(f) The denial or ineligibility for employment in a pain 5453
clinic under division (B) (4) of section 4729.552 of the Revised 5454
Code; 5455

(g) The mandatory suspension of a license that is imposed 5456
on an individual applying for or holding a license as a health 5457
care professional under Title XLVII of the Revised Code pursuant 5458
to section 3123.43 of the Revised Code. 5459

(8) If a court that receives an individual's petition for 5460
a certificate of qualification for employment under division (B) 5461
(2) of this section or that is forwarded a petition for such a 5462
certificate under division (B) (5) (a) of this section denies the 5463
petition, the court shall provide written notice to the 5464
individual of the court's denial. The court may place conditions 5465
on the individual regarding the individual's filing of any 5466
subsequent petition for a certificate of qualification for 5467
employment. The written notice must notify the individual of any 5468
conditions placed on the individual's filing of a subsequent 5469
petition for a certificate of qualification for employment. 5470

If a court of common pleas that receives an individual's 5471
petition for a certificate of qualification for employment under 5472
division (B) (2) of this section or that is forwarded a petition 5473
for such a certificate under division (B) (5) (a) of this section 5474
denies the petition, the individual may appeal the decision to 5475

the court of appeals only if the individual alleges that the 5476
denial was an abuse of discretion on the part of the court of 5477
common pleas. 5478

(D) (1) A certificate of qualification for employment 5479
issued to an individual lifts the automatic bar of a collateral 5480
sanction, and a decision-maker shall consider on a case-by-case 5481
basis whether to grant or deny the issuance or restoration of an 5482
occupational license or an employment opportunity, 5483
notwithstanding the individual's possession of the certificate, 5484
without, however, reconsidering or rejecting any finding made by 5485
a designee or court under division (C) (3) of this section. 5486

(2) The certificate constitutes a rebuttable presumption 5487
that the person's criminal convictions are insufficient evidence 5488
that the person is unfit for the license, employment 5489
opportunity, or certification in question. Notwithstanding the 5490
presumption established under this division, the agency may deny 5491
the license or certification for the person if it determines 5492
that the person is unfit for issuance of the license. 5493

(3) If an employer that has hired a person who has been 5494
issued a certificate of qualification for employment applies to 5495
a licensing agency for a license or certification and the person 5496
has a conviction or guilty plea that otherwise would bar the 5497
person's employment with the employer or licensure for the 5498
employer because of a mandatory civil impact, the agency shall 5499
give the person individualized consideration, notwithstanding 5500
the mandatory civil impact, the mandatory civil impact shall be 5501
considered for all purposes to be a discretionary civil impact, 5502
and the certificate constitutes a rebuttable presumption that 5503
the person's criminal convictions are insufficient evidence that 5504
the person is unfit for the employment, or that the employer is 5505

unfit for the license or certification, in question. 5506

(E) A certificate of qualification for employment does not 5507
grant the individual to whom the certificate was issued relief 5508
from the mandatory civil impacts identified in division (A) (1) 5509
of section 2961.01 or division (B) of section 2961.02 of the 5510
Revised Code. 5511

(F) A petition for a certificate of qualification for 5512
employment filed by an individual under division (B) (1) or (2) 5513
of this section shall include all of the following: 5514

(1) The individual's name, date of birth, and social 5515
security number; 5516

(2) All aliases of the individual and all social security 5517
numbers associated with those aliases; 5518

(3) The individual's residence address, including the 5519
city, county, and state of residence and zip code; 5520

(4) The length of time that the individual has resided in 5521
the individual's current state of residence, expressed in years 5522
and months of residence; 5523

(5) A general statement as to why the individual has filed 5524
the petition and how the certificate of qualification for 5525
employment would assist the individual; 5526

(6) A summary of the individual's criminal history, except 5527
for information contained in any record that has been sealed or 5528
expunged under section 2953.32, 2953.321, 2953.322, 2953.323, or 5529
2953.39 of the Revised Code, with respect to each offense that 5530
is a disqualification from employment or licensing in an 5531
occupation or profession, including the years of each conviction 5532
or plea of guilty for each of those offenses; 5533

(7) A summary of the individual's employment history, 5534
specifying the name of, and dates of employment with, each 5535
employer; 5536

(8) Verifiable references and endorsements; 5537

(9) The name of one or more immediate family members of 5538
the individual, or other persons with whom the individual has a 5539
close relationship, who support the individual's reentry plan; 5540

(10) A summary of the reason the individual believes the 5541
certificate of qualification for employment should be granted; 5542

(11) Any other information required by rule by the 5543
department of rehabilitation and correction. 5544

(G) (1) In a judicial or administrative proceeding alleging 5545
negligence or other fault, a certificate of qualification for 5546
employment issued to an individual under this section may be 5547
introduced as evidence of a person's due care in hiring, 5548
retaining, licensing, leasing to, admitting to a school or 5549
program, or otherwise transacting business or engaging in 5550
activity with the individual to whom the certificate of 5551
qualification for employment was issued if the person knew of 5552
the certificate at the time of the alleged negligence or other 5553
fault. 5554

(2) In any proceeding on a claim against an employer for 5555
negligent hiring, a certificate of qualification for employment 5556
issued to an individual under this section shall provide 5557
immunity for the employer as to the claim if the employer knew 5558
of the certificate at the time of the alleged negligence. 5559

(3) If an employer hires an individual who has been issued 5560
a certificate of qualification for employment under this 5561
section, if the individual, after being hired, subsequently 5562

demonstrates dangerousness or is convicted of or pleads guilty 5563
to a felony, and if the employer retains the individual as an 5564
employee after the demonstration of dangerousness or the 5565
conviction or guilty plea, the employer may be held liable in a 5566
civil action that is based on or relates to the retention of the 5567
individual as an employee only if it is proved by a 5568
preponderance of the evidence that the person having hiring and 5569
firing responsibility for the employer had actual knowledge that 5570
the employee was dangerous or had been convicted of or pleaded 5571
guilty to the felony and was willful in retaining the individual 5572
as an employee after the demonstration of dangerousness or the 5573
conviction or guilty plea of which the person has actual 5574
knowledge. 5575

(H) A certificate of qualification for employment issued 5576
under this section shall be revoked if the individual to whom 5577
the certificate of qualification for employment was issued is 5578
convicted of or pleads guilty to a felony offense committed 5579
subsequent to the issuance of the certificate of qualification 5580
for employment. The department of rehabilitation and correction 5581
shall periodically review the certificates listed in the 5582
database described in division (K) of this section to identify 5583
those that are subject to revocation under this division. Upon 5584
identifying a certificate of qualification for employment that 5585
is subject to revocation, the department shall note in the 5586
database that the certificate has been revoked, the reason for 5587
revocation, and the effective date of revocation, which shall be 5588
the date of the conviction or plea of guilty subsequent to the 5589
issuance of the certificate. 5590

(I) A designee's forwarding, or failure to forward, a 5591
petition for a certificate of qualification for employment to a 5592
court or a court's issuance, or failure to issue, a petition for 5593

a certificate of qualification for employment to an individual 5594
under division (B) of this section does not give rise to a claim 5595
for damages against the department of rehabilitation and 5596
correction or court. 5597

(J) The division of parole and community services shall 5598
adopt rules in accordance with Chapter 119. of the Revised Code 5599
for the implementation and administration of this section and 5600
shall prescribe the form for the petition to be used under 5601
division (B)(1) or (2) of this section. The form for the 5602
petition shall include places for all of the information 5603
specified in division (F) of this section. 5604

(K) The department of rehabilitation and correction shall 5605
maintain a database that identifies granted certificates and 5606
revoked certificates and tracks the number of certificates 5607
granted and revoked, the industries, occupations, and 5608
professions with respect to which the certificates have been 5609
most applicable, and the types of employers that have accepted 5610
the certificates. The department shall annually create a report 5611
that summarizes the information maintained in the database and 5612
shall make the report available to the public on its internet 5613
web site. 5614

Sec. 2953.26. (A) As used in this section: 5615

(1) "Collateral sanction for housing" means a penalty, 5616
disability, or disadvantage that is related to housing as a 5617
result of the individual's conviction of or plea of guilty to an 5618
offense and that applies by operation of law in this state 5619
whether or not the penalty, disability, or disadvantage is 5620
included in the sentence or judgment imposed. 5621

"Collateral sanction for housing" does not include 5622

imprisonment, probation, parole, supervised release, forfeiture, 5623
restitution, fine, assessment, or costs of prosecution. 5624

(2) "Decision-maker" means a housing provider in this 5625
state of residential premises as defined in section 1923.01 of 5626
the Revised Code, including a landlord as defined in section 5627
1923.01 of the Revised Code and a metropolitan housing authority 5628
established in Chapter 3735. of the Revised Code. 5629

(3) "Division of parole and community services" means the 5630
division of parole and community services of the department of 5631
rehabilitation and correction. 5632

(4) "Offense" means any felony or misdemeanor under the 5633
laws of this state. 5634

(5) "Tort action" means a civil action for injury, death, 5635
or loss to person or property. 5636

(B) (1) An individual who is subject to one or more 5637
collateral sanctions for housing as a result of being convicted 5638
of or pleading guilty to an offense and who has not already 5639
received a certificate of qualification for housing under 5640
section 2961.25 of the Revised Code may file for a certificate 5641
of qualification for housing by doing either of the following: 5642

(a) In the case of an individual who resides in this 5643
state, filing a petition with the court of common pleas of the 5644
county in which the person resides; 5645

(b) In the case of an individual who resides outside of 5646
this state, filing a petition with the court of common pleas of 5647
any county in which any conviction or plea of guilty from which 5648
the individual seeks relief was entered. 5649

(2) A petition under division (B) (1) of this section shall 5650

be made on a copy of the form prescribed by the division of 5651
parole and community services under division (I) of this 5652
section, shall contain all of the information described in 5653
division (E) of this section, and, except as provided in 5654
division (B) (5) of this section, shall be accompanied by an 5655
application fee of fifty dollars. 5656

(3) An individual may file a petition under division (B) 5657
(1) of this section at any time after the expiration of 5658
whichever of the following is applicable: 5659

(a) If the offense that resulted in the collateral 5660
sanction for housing from which the individual seeks relief is a 5661
felony, at any time after the expiration of one year from the 5662
date of release of the individual from any period of 5663
incarceration in a state or local correctional facility that was 5664
imposed for that offense or, if the individual was not 5665
incarcerated for that offense, at any time after the expiration 5666
of one year from the date of the individual's final release from 5667
all other sanctions imposed for that offense; 5668

(b) If the offense that resulted in the collateral 5669
sanction for housing from which the individual seeks relief is a 5670
misdemeanor, at any time after the expiration of six months from 5671
the date of release of the individual from any period of 5672
incarceration in a local correctional facility that was imposed 5673
for that offense and all periods of supervision imposed after 5674
release from the period of incarceration or, if the individual 5675
was not incarcerated for that offense, at any time after the 5676
expiration of six months from the date of the final release of 5677
the individual from all sanctions imposed for that offense 5678
including any period of supervision. 5679

(4) A court of common pleas that receives a petition for a 5680

certificate of qualification for housing from an individual 5681
shall attempt to determine all other courts in this state in 5682
which the individual was convicted of or pleaded guilty to an 5683
offense other than the offense from which the individual is 5684
seeking relief. The court shall notify all other courts in this 5685
state that it determines under this division were courts in 5686
which the individual was convicted of or pleaded guilty to an 5687
offense other than the offense from which the individual is 5688
seeking relief that the individual has filed the petition and 5689
that the court may send comments regarding the possible issuance 5690
of the certificate, and shall notify the county's prosecuting 5691
attorney that the individual has filed the petition. 5692

A court of common pleas that receives a petition for a 5693
certificate of qualification for housing may direct the clerk of 5694
court to process and record all notices required in or under 5695
this section. Except as provided in division (B)(5) of this 5696
section, the court shall pay thirty dollars of the application 5697
fee into the state treasury and twenty dollars of the 5698
application fee into the county general revenue fund. 5699

(5) Upon receiving a petition for a certificate of 5700
qualification for housing, a court of common pleas may waive all 5701
or part of the fifty-dollar-filing fee for an applicant who is 5702
indigent. If an application fee is partially waived, the first 5703
twenty dollars of the fee that is collected shall be paid into 5704
the county general revenue fund. Any partial fee collected in 5705
excess of twenty dollars shall be paid into the state treasury. 5706

(C)(1) Upon receiving a petition for a certificate of 5707
qualification for housing, the court shall review the 5708
individual's petition, the individual's criminal history, except 5709
for information contained in any record that has been sealed 5710

under section 2953.32 or 2953.321 of the Revised Code, all 5711
filings submitted by the prosecutor or by the victim in 5712
accordance with rules adopted by the division of parole and 5713
community services, the applicant's military service record, if 5714
applicable, and whether the applicant has an emotional, mental, 5715
or physical condition that is traceable to the applicant's 5716
military service in the armed forces of the United States and 5717
that was a contributing factor in the commission of the offense 5718
or offenses, and all other relevant evidence. The court may 5719
order any report, investigation, or disclosure by the individual 5720
that the court believes is necessary for the court to reach a 5721
decision on whether to approve the individual's petition for a 5722
certificate of qualification for housing, except that the court 5723
shall not require an individual to disclose information about 5724
any record sealed under section 2953.32 or 2953.321 of the 5725
Revised Code. 5726

(2) Upon receiving a petition for a certificate of 5727
qualification for housing, except as otherwise provided in this 5728
division, the court shall decide whether to issue the 5729
certificate within sixty days after the court receives the 5730
completed petition and all information requested for the court 5731
to make that decision. Upon request of the individual who filed 5732
the petition, the court may extend the sixty-day period 5733
specified in this division. 5734

(3) Except as provided in division (C) (5) of this section 5735
and subject to division (D) (3) of this section, a court that 5736
receives an individual's petition for a certificate of 5737
qualification for housing may issue a certificate of 5738
qualification for housing, at the court's discretion, if the 5739
court finds that the individual has established all of the 5740
following by a preponderance of the evidence: 5741

(a) Granting the petition will materially assist the 5742
individual in obtaining housing. 5743

(b) The individual has a substantial need for the relief 5744
requested in order to live a law-abiding life. 5745

(c) Granting the petition would not pose an unreasonable 5746
risk to the safety of the public or any individual. 5747

(4) The submission of an incomplete petition by an 5748
individual shall not be grounds for the court to deny the 5749
petition. 5750

(5) Subject to division (C) (6) of this section, an 5751
individual is rebuttably presumed to be eligible for a 5752
certificate of qualification for housing if the court that 5753
receives the individual's petition finds all of the following: 5754

(a) The application was filed after the expiration of the 5755
applicable waiting period prescribed in division (B) (3) of this 5756
section. 5757

(b) If the offense that resulted in the collateral 5758
sanction for housing from which the individual seeks relief is a 5759
felony, at least three years have elapsed since the date of 5760
release of the individual from any period of incarceration in a 5761
state or local correctional facility that was imposed for that 5762
offense and all periods of supervision imposed after release 5763
from the period of incarceration or, if the individual was not 5764
incarcerated for that offense, at least three years have elapsed 5765
since the date of the individual's final release from all other 5766
sanctions imposed for that offense; 5767

(c) If the offense that resulted in the collateral 5768
sanction for housing from which the individual seeks relief is a 5769
misdemeanor, at least one year has elapsed since the date of 5770

release of the individual from any period of incarceration in a 5771
local correctional facility that was imposed for that offense 5772
and all periods of supervision imposed after release from the 5773
period of incarceration or, if the individual was not 5774
incarcerated for that offense, at least one year has elapsed 5775
since the date of the final release of the individual from all 5776
sanctions imposed for that offense including any period of 5777
supervision. 5778

(6) An application that meets all of the requirements for 5779
the presumption under division (C) (5) of this section shall be 5780
denied only if the court that receives the petition finds that 5781
the evidence reviewed under division (C) (1) of this section 5782
rebutts the presumption of eligibility for issuance by 5783
establishing, by a preponderance of the evidence, that the 5784
applicant has not been rehabilitated. 5785

(7) If a court that receives an individual's petition for 5786
a certificate of qualification for housing denies the petition, 5787
the court shall provide written notice to the individual of the 5788
court's denial. The court may place conditions on the individual 5789
regarding the individual's filing of any subsequent petition for 5790
a certificate of qualification for housing. The written notice 5791
must notify the individual of any conditions placed on the 5792
individual's filing of a subsequent petition for a certificate 5793
of qualification for housing. 5794

If a court of common pleas that receives an individual's 5795
petition for a certificate of qualification for housing denies 5796
the petition, the individual may appeal the decision to the 5797
court of appeals only if the individual alleges that the denial 5798
was an abuse of discretion on the part of the court of common 5799
pleas. 5800

(D) (1) A certificate of qualification for housing issued 5801
to an individual under this section or section 2961.25 of the 5802
Revised Code lifts the automatic bar of a collateral sanction 5803
for housing and a decision-maker shall consider on a case-by- 5804
case basis whether to provide or deny housing, notwithstanding 5805
the individual's possession of the certificate, without, 5806
however, reconsidering or rejecting any finding made by a court 5807
under division (C) (3) of this section. 5808

(2) The certificate constitutes a rebuttable presumption 5809
that the person's criminal convictions are insufficient evidence 5810
that the person is unfit for the housing in question. 5811
Notwithstanding the presumption established under this division, 5812
the decision-maker may deny the housing to the person if it 5813
determines that the person is unfit for the housing. 5814

(3) A certificate of qualification for housing issued to 5815
an individual under this section or section 2961.25 of the 5816
Revised Code does not create relief from requirements imposed by 5817
Chapter 2950. of the Revised Code and rules adopted under 5818
sections 2950.13 and 2950.132 of the Revised Code. 5819

(E) A petition for a certificate of qualification for 5820
housing filed by an individual under division (B) (1) of this 5821
section shall include all of the following: 5822

(1) The individual's name, date of birth, and social 5823
security number; 5824

(2) All aliases of the individual and all social security 5825
numbers associated with those aliases; 5826

(3) The individual's current residential address, 5827
including the length of time that the individual has resided in 5828
the current residence, expressed in years and months, and the 5829

city, county, state, and zip code of the residence; 5830

(4) A history of the individual's residential address or 5831
addresses for the past ten years, including the length of time 5832
that the individual has resided at the address, expressed in 5833
years and months of residence, and the city, county, state, and 5834
zip code of residence; 5835

(5) A general statement as to why the individual has filed 5836
the petition and how the certificate of qualification for 5837
housing would assist the individual; 5838

(6) A summary of the individual's criminal history, except 5839
for information contained in any record that has been sealed 5840
under section 2953.32 or 2953.321 of the Revised Code, with 5841
respect to each offense that is a disqualification from housing, 5842
including the years of each conviction or plea of guilty for 5843
each of those offenses; 5844

(7) A summary of the individual's employment history, 5845
specifying the name of, and dates of employment with, each 5846
employer; 5847

(8) Verifiable references and endorsements; 5848

(9) The name of one or more immediate family members of 5849
the individual, or other persons with whom the individual has a 5850
close relationship, who support the individual's reentry plan; 5851

(10) A summary of the reason the individual believes the 5852
certificate of qualification for housing should be granted; 5853

(11) Any other information required by rule by the 5854
department of rehabilitation and correction. 5855

(F) (1) In a tort action, a certificate of qualification 5856
for housing issued to an individual under this section or 5857

section 2961.25 of the Revised Code may be introduced as 5858
evidence of a decision-maker's due care in leasing to the 5859
individual to whom the certificate of qualification for housing 5860
was issued if the decision-maker knew of the certificate at the 5861
time of the alleged negligence or other fault. 5862

(2) In a tort action against a decision-maker for 5863
negligent leasing, a certificate of qualification for housing 5864
issued to an individual under this section or section 2961.25 of 5865
the Revised Code provides immunity for the decision-maker as to 5866
the claim if the decision-maker knew of the certificate at the 5867
time of the alleged negligence. 5868

(3) If a decision-maker leases to an individual who has 5869
been issued a certificate of qualification for housing under 5870
this section or section 2961.25 of the Revised Code, if the 5871
individual, after being leased to, subsequently demonstrates 5872
dangerousness or is convicted of or pleads guilty to a felony or 5873
a misdemeanor offense of violence, and if the decision-maker 5874
retains the individual as a lessee after the demonstration of 5875
dangerousness or the conviction or guilty plea, the decision- 5876
maker may be held liable in a tort action that is based on or 5877
relates to the retention of the individual as a lessee only if 5878
it is proved by a preponderance of the evidence that both of the 5879
following apply: 5880

(a) The decision-maker had actual knowledge that the 5881
lessee was dangerous or had been convicted of or pleaded guilty 5882
to the felony or the misdemeanor offense of violence. 5883

(b) The decision-maker was willful in retaining the 5884
individual as a lessee after the demonstration of dangerousness 5885
or the conviction or guilty plea of which the decision-maker has 5886
actual knowledge. 5887

(G) A certificate of qualification for housing issued 5888
under this section or section 2961.25 of the Revised Code shall 5889
be revoked if the individual to whom the certificate of 5890
qualification for housing was issued is convicted of or pleads 5891
guilty to a felony or a misdemeanor offense of violence 5892
committed subsequent to the issuance of the certificate of 5893
qualification for housing. 5894

(H) A court's issuance, or failure to issue, under this 5895
section, or the department of rehabilitation and correction's or 5896
adult parole authority's issuance, or failure to issue, under 5897
section 2961.25 of the Revised Code, a certificate of 5898
qualification for housing to an individual does not give rise to 5899
a claim for damages against the department of rehabilitation and 5900
correction or court. 5901

(I) The division of parole and community services shall 5902
adopt rules in accordance with Chapter 119. of the Revised Code 5903
for the implementation and administration of this section and 5904
shall prescribe the form for the petition to be used under 5905
division (B)(1) of this section. The form for the petition shall 5906
include places for all of the information specified in division 5907
(E) of this section. 5908

(J) Nothing in this section shall be construed to create 5909
or provide a private right of action. 5910

Sec. 2953.31. ~~(A)~~ As used in sections 2953.31 to 2953.521 5911
of the Revised Code: 5912

~~(1)~~ (A) "Prosecutor" means the county prosecuting 5913
attorney, city director of law, village solicitor, or similar 5914
chief legal officer, who has the authority to prosecute a 5915
criminal case in the court in which the case is filed. 5916

~~(2)~~ (B) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

~~(3)~~ (C) "Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and shall not be considered to be official records when they are in the possession of that officer or agency; all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case; and all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

"Official records" does not include any of the following:

~~(a)~~ (1) Records or reports maintained pursuant to section 5947
2151.421 of the Revised Code by a public children services 5948
agency or the department of job and family services; 5949

~~(b)~~ (2) Any report of an investigation maintained by the 5950
inspector general pursuant to section 121.42 of the Revised 5951
Code, to the extent that the report contains information that 5952
pertains to an individual who was convicted of or pleaded guilty 5953
to an offense discovered in or related to the investigation and 5954
whose conviction or guilty plea was not overturned on appeal; 5955

~~(c)~~ (3) Records, reports, or audits maintained by the 5956
auditor of state pursuant to Chapter 117. of the Revised Code. 5957

~~(4)~~ (D) "Official proceeding" has the same meaning as in 5958
section 2921.01 of the Revised Code. 5959

~~(5)~~ (E) "Community control sanction" has the same meaning 5960
as in section 2929.01 of the Revised Code. 5961

~~(6)~~ (F) "Post-release control" and "post-release control 5962
sanction" have the same meanings as in section 2967.01 of the 5963
Revised Code. 5964

~~(7)~~ (G) "DNA database," "DNA record," and "law enforcement 5965
agency" have the same meanings as in section 109.573 of the 5966
Revised Code. 5967

~~(8)~~ (H) "Fingerprints filed for record" means any 5968
fingerprints obtained by the superintendent of the bureau of 5969
criminal identification and investigation pursuant to sections 5970
109.57 and 109.571 of the Revised Code. 5971

~~(9)~~ (I) "Investigatory work product" means any records or 5972
reports of a law enforcement officer or agency that are excepted 5973
from the definition of "official records" and that pertain to a 5974

conviction or bail forfeiture, the records of which have been 5975
ordered sealed or expunged pursuant to division ~~(D) (2)~~ (C) (2) of 5976
section 2953.32, division (D) of section 2953.321, division (C) 5977
(2) of section 2953.322, division (D) of section 2953.323, or 5978
division (F) (1) of section 2953.39 of the Revised Code, or that 5979
pertain to a conviction or delinquent child adjudication, the 5980
records of which have been ordered expunged pursuant to division 5981
(E) of section 2151.358, division (C) (2) of section 2953.35, or 5982
division (F) of section 2953.36 of the Revised Code. 5983

~~(10)~~ (J) "Law enforcement or justice system matter" means 5984
an arrest, complaint, indictment, trial, hearing, adjudication, 5985
conviction, or correctional supervision. 5986

~~(11)~~ (K) "Record of conviction" means the record related to 5987
a conviction of or plea of guilty to an offense. 5988

~~(12)~~ (L) "Victim of human trafficking" means a person who 5989
is or was a victim of a violation of section 2905.32 of the 5990
Revised Code, regardless of whether anyone has been convicted of 5991
a violation of that section or of any other section for 5992
victimizing the person. 5993

~~(13)~~ (M) "No bill" means a report by the foreperson or 5994
deputy foreperson of a grand jury that an indictment is not 5995
found by the grand jury against a person who has been held to 5996
answer before the grand jury for the commission of an offense. 5997

~~(14)~~ (N) "Court" means the court in which a case is pending 5998
at the time a finding of not guilty in the case or a dismissal 5999
of the complaint, indictment, or information in the case is 6000
entered on the minutes or journal of the court, or the court to 6001
which the foreperson or deputy foreperson of a grand jury 6002
reports, pursuant to section 2939.23 of the Revised Code, that 6003

the grand jury has returned a no bill.

~~(B) (1) As used in section 2953.32 of the Revised Code,~~
~~"expunge" (O) "Expunge" means the expungement process described~~
~~in section 2953.32 of the Revised Code, including the authority~~
~~described in division (D) (5) of that section.~~

~~(2) As used in sections 2953.33 to 2953.521 of the Revised~~
~~Code, "expunge" means both of the following:~~

~~(a) The expungement process described in sections 2953.35,~~
~~2953.36, 2953.39, and 2953.521 of the Revised Code;~~

~~(b) To to destroy, delete, and erase a record as~~
~~appropriate for the record's physical or electronic form or~~
~~characteristic so that the record is permanently irretrievable.~~

Sec. 2953.311. (A) Sections 2953.32 to 2953.323 and
section 2953.34 of the Revised Code do not apply to any of the
following:

(1) Convictions under Chapter 4506., 4507., 4510., 4511.,
or 4549. of the Revised Code, or a conviction for a violation of
a municipal ordinance that is substantially similar to any
section contained in any of those chapters;

(2) Convictions of a felony offense of violence that is
not a sexually oriented offense;

(3) Convictions of a sexually oriented offense when the
offender is subject to the requirements of Chapter 2950. of the
Revised Code or Chapter 2950. of the Revised Code as it existed
prior to January 1, 2008;

(4) Convictions of an offense in circumstances in which
the victim of the offense was less than thirteen years of age,
except for convictions under section 2919.21 of the Revised

Code; 6032

(5) Convictions for a violation of section 2921.41 of the 6033
Revised Code; 6034

(6) Convictions of a felony of the first or second degree; 6035

(7) Convictions for a violation of section 2919.25 of the 6036
Revised Code that is a misdemeanor of the first or second degree 6037
or convictions for a violation of a municipal ordinance that is 6038
substantially similar to that section; 6039

(8) Convictions of a felony of the third degree if the 6040
offender has more than one other conviction of any felony or, if 6041
the person has exactly two convictions of a felony of the third 6042
degree, has more convictions in total than those two third 6043
degree felony convictions and two misdemeanor convictions. 6044

(B) Sections 2953.32 to 2953.323 and section 2953.34 of 6045
the Revised Code apply to the following for purposes of sealing, 6046
but not for purposes of expungement of the record of the case: 6047

(1) Convictions for a violation of section 2919.25 of the 6048
Revised Code that is a misdemeanor of the third or fourth degree 6049
or convictions for a violation of a municipal ordinance that is 6050
substantially similar to that section; 6051

(2) Convictions for a violation of section 2919.27 of the 6052
Revised Code or convictions for a violation of a municipal 6053
ordinance that is substantially similar to that section; 6054

(3) For purposes of division (A) (8) of this section, both 6055
of the following apply: 6056

(a) When two or more convictions result from or are 6057
connected with the same act or result from offenses committed at 6058
the same time, they shall be counted as one conviction. 6059

(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C) (1) (i) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

Sec. 2953.32. (A) (1) ~~Sections 2953.32 to 2953.34 of the Revised Code do not apply to any of the following:~~

~~(a) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;~~

~~(b) Convictions of a felony offense of violence that is not a sexually oriented offense;~~

~~(c) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;~~

~~(d) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;~~

~~(e) Convictions for a violation of section 2921.41 of the Revised Code;~~

~~(f) Convictions of a felony of the first or second degree;~~

~~(g) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the first or second degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;~~

~~(h) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.~~

~~(2) Sections 2953.32 to 2953.34 of the Revised Code apply to the following for purposes of sealing, but not for purposes of expungement of the record of the case:~~

~~(a) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the third or fourth degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;~~

~~(b) Convictions for a violation of section 2919.27 of the Revised Code or convictions for a violation of a municipal ordinance that is substantially similar to that section.~~

~~(3) For purposes of division (A) (1) (h) of this section, both of the following apply:~~

~~(a) When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction.~~

~~(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses~~

~~committed at the same time, they shall be counted as one~~ 6118
~~conviction, provided that a court may decide as provided in~~ 6119
~~division (D) (1) (i) of this section that it is not in the public~~ 6120
~~interest for the two or three convictions to be counted as one~~ 6121
~~conviction.~~ 6122

~~(B) (1)~~ Except as provided in section 2953.61 of the 6123
Revised Code or as otherwise provided in division ~~(B) (1) (a) (iii)~~ 6124
(A) (1) (c) of this section, an eligible offender may apply to the 6125
sentencing court if convicted in this state, or to a court of 6126
common pleas if convicted in another state or in a federal 6127
court, for the sealing ~~or expungement~~ of the record of the case 6128
that pertains to the conviction, except for convictions listed 6129
in ~~division (A) (1) of this section~~ 2953.311 of the Revised Code. 6130
~~Application may be made at whichever of the following times is~~ 6131
~~applicable regarding the offense:~~ 6132

~~(a)~~ An application for sealing under this section may be 6133
made at whichever of the following times is applicable regarding 6134
the offense: 6135

~~(i)~~ (a) Except as otherwise provided in division ~~(B) (1) (a)~~ 6136
~~(iv)~~ (A) (1) (d) of this section, at the expiration of three years 6137
after the offender's final discharge if convicted of one or two 6138
felonies of the third degree, so long as none of the offenses is 6139
a violation of section 2921.43 of the Revised Code; 6140

~~(ii)~~ (b) Except as otherwise provided in division ~~(B) (1) (a)~~ 6141
~~(iv)~~ (A) (1) (d) of this section, at the expiration of one year 6142
after the offender's final discharge if convicted of one or more 6143
felonies of the fourth or fifth degree or one or more 6144
misdemeanors, so long as none of the offenses is a violation of 6145
section 2921.43 of the Revised Code or a felony offense of 6146
violence; 6147

~~(iii)~~ (c) At the expiration of seven years after the
offender's final discharge if the record includes one or more
convictions of soliciting improper compensation in violation of
section 2921.43 of the Revised Code;

~~(iv)~~ (d) If the offender was subject to the requirements of
Chapter 2950. of the Revised Code or Chapter 2950. of the
Revised Code as it existed prior to January 1, 2008, at the
expiration of five years after the requirements have ended under
section 2950.07 of the Revised Code or section 2950.07 of the
Revised Code as it existed prior to January 1, 2008, or are
terminated under section 2950.15 or 2950.151 of the Revised
Code;

~~(v)~~ (e) At the expiration of six months after the
offender's final discharge if convicted of a minor misdemeanor.

~~(b) An application for expungement under this section may
be made at whichever of the following times is applicable
regarding the offense:—~~

~~(i) Except as otherwise provided in division (B) (1) (b) (ii)
of this section, if the offense is a misdemeanor, at the
expiration of one year after the offender's final discharge;—~~

~~(ii) If the offense is a minor misdemeanor, at the
expiration of six months after the offender's final discharge;—~~

~~(iii) If the offense is a felony, at the expiration of ten
years after the time specified in division (B) (1) (a) of this
section at which the person may file an application for sealing
with respect to that felony offense.—~~

(2) Any person who has been arrested for any misdemeanor
offense and who has effected a bail forfeiture for the offense
charged may apply to the court in which the misdemeanor criminal

case was pending when bail was forfeited for the sealing ~~or~~ 6177
~~expungement~~ of the record of the case that pertains to the 6178
charge. Except as provided in section 2953.61 of the Revised 6179
Code, ~~the application may be filed at whichever of the following~~ 6180
~~times is applicable regarding the offense:—~~ 6181

~~(a) An~~ an application for sealing under this section may 6182
be made at any time after the date on which the bail forfeiture 6183
was entered upon the minutes of the court or the journal, 6184
whichever entry occurs first. 6185

~~(b) An application for expungement under this section may~~ 6186
~~be made at whichever of the following times is applicable—~~ 6187
~~regarding the offense:—~~ 6188

~~(i) Except as provided in division (B) (2) (b) (ii) of this~~ 6189
~~section, at any time after the expiration of one year from the~~ 6190
~~date on which the bail forfeiture was entered upon the minutes~~ 6191
~~of the court or the journal, whichever entry occurs first;—~~ 6192

~~(ii) If the offense is a minor misdemeanor, at any time~~ 6193
~~after the expiration of six months from the date on which the~~ 6194
~~bail forfeiture was entered upon the minutes of the court or the~~ 6195
~~journal, whichever entry occurs first.—~~ 6196

~~(C)~~ (B) Upon the filing of an application under this 6197
section, the court shall set a date for a hearing and shall 6198
notify the prosecutor for the case of the hearing on the 6199
application not less than sixty days prior to the hearing. 6200
Pursuant to the Ohio Constitution, the prosecutor shall provide 6201
timely notice of the application and the date and time of the 6202
hearing to a victim and victim's representative, if applicable, 6203
if the victim or victim's representative requested notice of the 6204
proceedings in the underlying case. The court shall hold the 6205

hearing not less than forty-five days and not more than ninety 6206
days from the date of the filing of the application. The 6207
prosecutor may object to the granting of the application by 6208
filing a written objection with the court not later than thirty 6209
days prior to the date set for the hearing. The prosecutor shall 6210
specify in the objection the reasons for believing a denial of 6211
the application is justified. The victim, victim's 6212
representative, and victim's attorney, if applicable, may be 6213
present and heard orally, in writing, or both at any hearing 6214
under this section. The court shall direct its regular probation 6215
officer, a state probation officer, or the department of 6216
probation of the county in which the applicant resides to make 6217
inquiries and written reports as the court requires concerning 6218
the applicant. The probation officer or county department of 6219
probation that the court directs to make inquiries and written 6220
reports as the court requires concerning the applicant shall 6221
determine whether or not the applicant was fingerprinted at the 6222
time of arrest or under section 109.60 of the Revised Code. If 6223
the applicant was so fingerprinted, the probation officer or 6224
county department of probation shall include with the written 6225
report a record of the applicant's fingerprints. If the 6226
applicant was convicted of or pleaded guilty to a violation of 6227
division (A) (2) or (B) of section 2919.21 of the Revised Code, 6228
the probation officer or county department of probation that the 6229
court directed to make inquiries concerning the applicant shall 6230
contact the child support enforcement agency enforcing the 6231
applicant's obligations under the child support order to inquire 6232
about the offender's compliance with the child support order. 6233

~~(D) (1)~~ (C) (1) At the hearing held under division ~~(C) (B)~~ of 6234
this section, the court shall do each of the following: 6235

(a) Determine whether the applicant is pursuing sealing ~~or~~ 6236

~~expunging~~ a conviction of an offense that is prohibited under 6237
~~division (A) of this section 2953.311 of the Revised Code or~~ 6238
whether the forfeiture of bail was agreed to by the applicant 6239
and the prosecutor in the case, and determine whether the 6240
application was made at the time specified in division ~~(B)(1)(a)~~ 6241
~~or (b)~~ (A)(1) or ~~division (B)(2)(a) or (b)(2)~~ of this section 6242
that is applicable with respect to the application and the 6243
subject offense; 6244

(b) Determine whether criminal proceedings are pending 6245
against the applicant; 6246

(c) Determine whether the applicant has been rehabilitated 6247
to the satisfaction of the court; 6248

(d) If the prosecutor has filed an objection in accordance 6249
with division ~~(C)~~ (B) of this section, consider the reasons 6250
against granting the application specified by the prosecutor in 6251
the objection; 6252

(e) If the victim objected, pursuant to the Ohio 6253
Constitution, consider the reasons against granting the 6254
application specified by the victim in the objection; 6255

(f) Weigh the interests of the applicant in having the 6256
records pertaining to the applicant's conviction or bail 6257
forfeiture sealed ~~or expunged~~ against the legitimate needs, if 6258
any, of the government to maintain those records; 6259

(g) Consider the oral or written statement of any victim, 6260
victim's representative, and victim's attorney, if applicable; 6261

(h) If the applicant was an eligible offender of the type 6262
described in division (A)(3) of section 2953.36 of the Revised 6263
Code as it existed prior to April 4, 2023, determine whether the 6264
offender has been rehabilitated to a satisfactory degree. In 6265

making the determination, the court may consider all of the 6266
following: 6267

- (i) The age of the offender; 6268
- (ii) The facts and circumstances of the offense; 6269
- (iii) The cessation or continuation of criminal behavior; 6270
- (iv) The education and employment of the offender; 6271
- (v) Any other circumstances that may relate to the 6272
offender's rehabilitation. 6273

(i) If the court is required to determine whether an 6274
applicant for sealing ~~or expungement~~ has two or three 6275
convictions that result from the same indictment, information, 6276
or complaint, from the same plea of guilty, or from the same 6277
official proceeding, and result from related criminal acts that 6278
were committed within a three-month period but do not result 6279
from the same act or from offenses committed at the same time, 6280
in making its determination, the court initially shall determine 6281
whether it is not in the public interest for the two or three 6282
convictions to be counted as one conviction. If the court 6283
determines that it is not in the public interest for the two or 6284
three convictions to be counted as one conviction, the court 6285
shall determine whether, when counting the convictions 6286
individually, the applicant is pursuing sealing ~~or expunging~~ a 6287
conviction that is prohibited under ~~division (A) of this section~~ 6288
2953.311 of the Revised Code. 6289

(2) If the court determines, after complying with division 6290
~~(D) (1)~~ (C) (1) of this section, that the offender is not pursuing 6291
sealing ~~or expunging~~ a conviction of an offense that is 6292
prohibited under ~~division (A) of this section~~ 2953.311 of the 6293
Revised Code or that the forfeiture of bail was agreed to by the 6294

applicant and the prosecutor in the case, that the application 6295
was made at the time specified in division ~~(B) (1) (a) or (b)~~ (A) 6296
(1) or division ~~(B) (2) (a) or (b)~~ (A) (2) of this section that is 6297
applicable with respect to the application and the subject 6298
offense, that no criminal proceeding is pending against the 6299
applicant, that the interests of the applicant in having the 6300
records pertaining to the applicant's conviction or bail 6301
forfeiture sealed ~~or expunged~~ are not outweighed by any 6302
legitimate governmental needs to maintain those records, and 6303
that the rehabilitation of the applicant has been attained to 6304
the satisfaction of the court, both of the following apply: 6305

(a) The court, except as provided in division ~~(D) (4) or~~ 6306
~~(5)~~ (C) (4) of this section or division (D), (F), or (G) of 6307
section 2953.34 of the Revised Code, shall order all official 6308
records of the case that pertain to the conviction or bail 6309
forfeiture sealed ~~if the application was for sealing or expunged~~ 6310
~~if the application was for expungement~~ and, except as provided 6311
in division (C) of section 2953.34 of the Revised Code, all 6312
index references to the case that pertain to the conviction or 6313
bail forfeiture deleted and, in the case of bail forfeitures, 6314
shall dismiss the charges in the case. 6315

(b) The proceedings in the case that pertain to the 6316
conviction or bail forfeiture shall be considered not to have 6317
occurred and the conviction or bail forfeiture of the person who 6318
is the subject of the proceedings shall be sealed ~~if the~~ 6319
~~application was for sealing or expunged if the application was~~ 6320
~~for expungement~~, except that upon conviction of a subsequent 6321
offense, a sealed record of prior conviction or bail forfeiture 6322
may be considered by the court in determining the sentence or 6323
other appropriate disposition, including the relief provided for 6324
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 6325

(3) An applicant may request the sealing ~~or expungement~~ of 6326
the records of more than one case in a single application under 6327
this section. Upon the filing of an application under this 6328
section, the applicant, unless the applicant presents a poverty 6329
affidavit showing that the applicant is indigent, shall pay an 6330
application fee of fifty dollars and may pay a local court fee 6331
of not more than fifty dollars, regardless of the number of 6332
records the application requests to have sealed ~~or expunged~~. If 6333
the applicant pays a fee, the court shall pay three-fifths of 6334
the fee collected into the state treasury, with half of that 6335
amount credited to the attorney general reimbursement fund 6336
created by section 109.11 of the Revised Code. If the applicant 6337
pays a fee, the court shall pay two-fifths of the fee collected 6338
into the county general revenue fund if the sealed ~~or expunged~~ 6339
conviction or bail forfeiture was pursuant to a state statute, 6340
or into the general revenue fund of the municipal corporation 6341
involved if the sealed ~~or expunged~~ conviction or bail forfeiture 6342
was pursuant to a municipal ordinance. 6343

(4) If the court orders the official records pertaining to 6344
the case sealed ~~or expunged~~, the court shall do one of the 6345
following: 6346

(a) If the applicant was fingerprinted at the time of 6347
arrest or under section 109.60 of the Revised Code and the 6348
record of the applicant's fingerprints was provided to the court 6349
under division ~~(C)~~(B) of this section, forward a copy of the 6350
sealing ~~or expungement~~ order and the record of the applicant's 6351
fingerprints to the bureau of criminal identification and 6352
investigation. 6353

(b) If the applicant was not fingerprinted at the time of 6354
arrest or under section 109.60 of the Revised Code, or the 6355

record of the applicant's fingerprints was not provided to the 6356
court under division ~~(C)~~ (B) of this section, but fingerprinting 6357
was required for the offense, order the applicant to appear 6358
before a sheriff to have the applicant's fingerprints taken 6359
according to the fingerprint system of identification on the 6360
forms furnished by the superintendent of the bureau of criminal 6361
identification and investigation. The sheriff shall forward the 6362
applicant's fingerprints to the court. The court shall forward 6363
the applicant's fingerprints and a copy of the sealing ~~or~~ 6364
~~expungement~~ order to the bureau of criminal identification and 6365
investigation. 6366

(c) Failure of the court to order fingerprints at the time 6367
of sealing ~~or expungement~~ does not constitute a reversible 6368
error. 6369

~~(5) Notwithstanding any other provision of the Revised~~ 6370
~~Code to the contrary, when the bureau of criminal identification~~ 6371
~~and investigation receives notice from a court that the record~~ 6372
~~of a conviction or bail forfeiture has been expunged under this~~ 6373
~~section, the bureau of criminal identification and investigation~~ 6374
~~shall maintain a record of the expunged conviction record for~~ 6375
~~the limited purpose of determining an individual's qualification~~ 6376
~~or disqualification for employment in law enforcement. The~~ 6377
~~bureau of criminal identification and investigation shall not be~~ 6378
~~compelled by the court to destroy, delete, or erase those~~ 6379
~~records so that the records are permanently irretrievable. These~~ 6380
~~records may only be disclosed or provided to law enforcement for~~ 6381
~~the limited purpose of determining an individual's qualification~~ 6382
~~or disqualification for employment in law enforcement.~~ 6383

~~When any other entity other than the bureau of criminal~~ 6384
~~identification and investigation receives notice from a court~~ 6385

~~that the record of a conviction or bail forfeiture has been~~ 6386
~~expunged under this section, the entity shall destroy, delete,~~ 6387
~~and erase the record as appropriate for the record's physical or~~ 6388
~~electronic form or characteristic so that the record is~~ 6389
~~permanently irretrievable.~~ 6390

Sec. 2953.321. (A) (1) At the expiration of five years 6391
after the time specified in division (A) (1) of section 2953.32 6392
of the Revised Code at which the person may file an application 6393
for sealing a record of conviction or at the expiration of five 6394
years after a person's complaint, indictment, or information has 6395
been dismissed, an eligible record of conviction or dismissed 6396
complaint, indictment, or information may be sealed. A record of 6397
conviction is eligible to be sealed unless the conviction is 6398
listed in section 2953.311 of the Revised Code or the conviction 6399
was committed prior to the effective date of this section, and a 6400
dismissed complaint, indictment, or information is eligible for 6401
sealing unless the complaint, indictment, or information was 6402
dismissed prior to the effective date of this section. 6403

(2) At the expiration of the time frames described in 6404
division (A) (1) of this section, all of the following shall 6405
occur: 6406

(a) The sentencing court shall order its regular probation 6407
officer, a state probation officer, or the department of 6408
probation of the county to determine whether a record of 6409
conviction or dismissed complaint, indictment, or information is 6410
eligible for sealing. If the court's regular probation officer, 6411
a state probation officer, or the department of probation of the 6412
county determines that a person's record of conviction or 6413
dismissed complaint, indictment, or information is eligible for 6414
sealing, then the person's record of conviction or dismissed 6415

complaint, indictment, or information is presumed to be eligible 6416
for sealing. 6417

(b) Subject to division (A) (2) (c) of this section, 6418
starting on July 1, 2026, if the court's regular probation 6419
officer, a state probation officer, or the department of 6420
probation of the county determines that a record of conviction 6421
or dismissed complaint, indictment, or information is eligible 6422
for sealing, not more than two weeks after the determination is 6423
made the sentencing court shall send a one-page letter to the 6424
prosecutor, the subject of the proceedings, and the victim or 6425
the victim's representative, if applicable, if the victim or 6426
victim's representative requested notice of the proceedings in 6427
the underlying case. The letter shall state that the subject of 6428
the proceeding's record of conviction or dismissed complaint, 6429
indictment, or information is presumed to be eligible for 6430
sealing. When the sentencing court sends the letter to the 6431
subject of the proceedings, the sentencing court shall also send 6432
the following accompanying documents to the subject of the 6433
proceedings: 6434

(i) A one-page application on a form prescribed in 6435
division (F) of this section for sealing a record of conviction 6436
or dismissed complaint, indictment, or information; 6437

(ii) A one-page poverty affidavit, and a notice that an 6438
applicant shall pay an application fee of fifty dollars and may 6439
pay a local court fee of not more than fifty dollars, unless the 6440
applicant presents the poverty affidavit showing the applicant 6441
is indigent pursuant to division (E) of this section. 6442

(c) The letter and the accompanying documents described in 6443
division (A) (2) (b) of this section shall not be sent by the 6444
sentencing court if either of the following apply: 6445

(i) After the applicant was convicted of the subject 6446
offense or after the complaint, indictment, or information was 6447
dismissed, the applicant has been convicted of any other felony. 6448

(ii) At any time, the applicant has been convicted of any 6449
felony described in section 2953.311 of the Revised Code. 6450

(3) Regardless of whether a person received the letter and 6451
accompanying documents described in division (A) (2) of this 6452
section and except as provided in section 2953.61 of the Revised 6453
Code, at the expiration of the time frames described in division 6454
(A) (1) of this section, a person may apply to the sentencing 6455
court if convicted in this state, or to a court of common pleas 6456
if convicted in another state or in a federal court, for the 6457
sealing of an eligible record of conviction or dismissed 6458
complaint, indictment, or information. 6459

(B) (1) Upon the filing of an application and fee, if 6460
applicable, under this section the court shall set a date and 6461
time for a hearing and shall notify the prosecutor for the case 6462
and the subject of the proceedings of the hearing on the 6463
application for the sealing of the record of conviction or the 6464
dismissed complaint, indictment, or information not less than 6465
sixty days before the hearing. Pursuant to the Ohio 6466
Constitution, the prosecutor shall provide timely notice of the 6467
application for the sealing of the record of conviction or the 6468
dismissed complaint, indictment, or information and the date and 6469
time of the hearing to a victim and victim's representative, if 6470
applicable, if the victim or victim's representative requested 6471
notice of the proceedings in the underlying case, not less than 6472
sixty days before the hearing. 6473

(2) The court shall hold the hearing not less than forty- 6474
five days and not more than ninety days after the date of the 6475

filing of the application.

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(3) The prosecutor or victim or victim's representative,
if applicable, may object to the granting of the order to seal
the record of conviction or dismissed complaint, indictment, or
information by filing a written objection with the court not
later than thirty days prior to the hearing. The prosecutor or
victim or victim's representative, if applicable, shall specify
in the objection the reasons for believing a denial of the
sealing of the applicant's record of conviction or dismissed
complaint, indictment, or information is justified.

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(C) At the hearing held under division (B) of this
section, the court shall do each of the following:

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(1) Determine whether either of following applies:

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(a) The applicant's record of conviction is eligible for
sealing under division (A) (1) of this section and whether the
application was made at the time specified in division (A) (1) of
this section that is applicable with respect to the application
of the subject offense;

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(b) The applicant's dismissed complaint, indictment, or
information is eligible for sealing under division (A) (1) of
this section, whether the application was made at the time
specified in division (A) (1) of this section that is applicable
with respect to the application of the subject offense, and
whether the applicant's case was dismissed with prejudice or
without prejudice and, if it was dismissed without prejudice,
determine whether the relevant statute of limitations has
expired.

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(2) Determine whether criminal charges are pending against
the applicant;

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(3) If the prosecutor has filed an objection in accordance 6505
with division (B) (3) of this section, consider the reasons 6506
against granting the sealing order specified by the prosecutor 6507
in the objection; 6508

(4) If the victim or victim's representative has filed an 6509
objection in accordance with division (B) (3) of this section, 6510
consider the reasons against granting the sealing order 6511
specified by the victim or victim's representative in the 6512
objection; 6513

(5) Weigh the interests of the applicant in having the 6514
record of conviction or dismissed complaint, indictment, or 6515
information sealed against the legitimate needs, if any, of the 6516
government to maintain those records. 6517

(D) If the court, after complying with division (C) of 6518
this section, finds that the applicant is pursuing sealing a 6519
record of conviction or dismissed complaint, indictment, or 6520
information that is eligible for sealing under division (A) (1) 6521
of this section; that the application was made at the time 6522
specified in division (A) (1) of this section; that no criminal 6523
proceeding is pending against the applicant; that the interests 6524
of the applicant in having the record of conviction or dismissed 6525
complaint, indictment, or information sealed are not 6526
substantially outweighed by any legitimate governmental needs to 6527
maintain those records; and if the sealing relates to a 6528
dismissed complaint, indictment, or information, that the 6529
complaint, indictment, or information in the case was dismissed 6530
with prejudice or that the complaint, indictment, or information 6531
in the case was dismissed without prejudice and that the 6532
relevant statute of limitations has expired, both of the 6533
following apply: 6534

(1) The court, except as provided in division (D), (F), or 6535
(G) of section 2953.34 of the Revised Code, shall order all 6536
official records of the case that pertain to the record of 6537
conviction or dismissed complaint, indictment, or information 6538
sealed, except as provided in division (C) of section 2953.34 of 6539
the Revised Code, and all index references to the case that 6540
pertain to the record of conviction deleted. 6541

(2) The proceedings in the case that pertain to the record 6542
of conviction or dismissed complaint, indictment, or information 6543
shall be considered not to have occurred, and the record of 6544
conviction or dismissed complaint, indictment, or information of 6545
the person who is the subject of the proceedings shall be 6546
sealed, except that upon conviction of a subsequent offense, a 6547
sealed record of prior conviction may be considered by the court 6548
in determining the sentence or other appropriate disposition, 6549
including the relief provided for in sections 2953.31, 2953.32, 6550
and 2953.34 of the Revised Code. 6551

(E) Upon the filing of an application under this section, 6552
the applicant, unless the applicant presents a poverty affidavit 6553
showing that the applicant is indigent, shall pay an application 6554
fee of fifty dollars and may pay a local court fee of not more 6555
than fifty dollars. If the applicant pays a fee, the court shall 6556
pay three-fifths of the fee collected into the state treasury, 6557
with half of that amount credited to the attorney general 6558
reimbursement fund created by section 109.11 of the Revised 6559
Code. If the applicant pays a fee, the court shall pay two- 6560
fifths of the fee collected into the county general revenue fund 6561
if the sealed conviction or dismissed complaint, indictment, or 6562
information was pursuant to a state statute, or into the general 6563
revenue fund of the municipal corporation involved if the sealed 6564
conviction or dismissed complaint, indictment, or information 6565

was pursuant to a municipal ordinance.

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(F) The state criminal sentencing commission shall
prescribe and make available an application form that is to be
used under this section by a person who applies to seal a record
of conviction or a dismissed complaint, indictment, or
information. The application form shall be one page and shall be
designed to enable applicants to provide the information that is
required to seal a record of conviction or a dismissed
complaint, indictment, or information.

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Sec. 2953.322. (A) (1) Except as provided in section
2953.61 of the Revised Code, an offender may apply to the
sentencing court if convicted in this state, or to a court of
common pleas if convicted in another state or in a federal
court, for the expungement of the record of the case that
pertains to the conviction, except for convictions listed in
section 2953.311 of the Revised Code. An application for
expungement under this section may be made at the expiration of
seven years after the offender's final discharge.

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(2) Any person who has been arrested for any misdemeanor
offense and who has effected a bail forfeiture for the offense
charged may apply to the court in which the misdemeanor criminal
case was pending when bail was forfeited for the expungement of
the record of the case that pertains to the charge. Except as
provided in section 2953.61 of the Revised Code, an application
for expungement under this section may be made at the expiration
of seven years after the offender's final discharge.

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(B) Upon the filing of an application under this section,
the court shall set a date for a hearing and shall notify the
prosecutor for the case of the hearing on the application not
less than sixty days prior to the hearing. Pursuant to the Ohio

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Constitution, the prosecutor shall provide timely notice of the
application and the date and time of the hearing to a victim and
victim's representative, if applicable, if the victim or
victim's representative requested notice of the proceedings in
the underlying case. The court shall hold the hearing not less
than forty-five days and not more than ninety days after the
date of the filing of the application. The prosecutor may object
to the granting of the application by filing a written objection
with the court not later than thirty days prior to the date set
for the hearing. The prosecutor shall specify in the objection
the reasons for believing a denial of the application is
justified. The victim, victim's representative, and victim's
attorney, if applicable, may be present and heard orally, in
writing, or both at any hearing under this section. The court
shall direct its regular probation officer, a state probation
officer, or the department of probation of the county in which
the applicant resides to make inquiries and written reports as
the court requires concerning the applicant. The probation
officer or county department of probation that the court directs
to make inquiries and written reports as the court requires
concerning the applicant shall determine whether or not the
applicant was fingerprinted at the time of arrest or under
section 109.60 of the Revised Code. If the applicant was so
fingerprinted, the probation officer or county department of
probation shall include with the written report a record of the
applicant's fingerprints. If the applicant was convicted of or
pleaded guilty to a violation of division (A) (2) or (B) of
section 2919.21 of the Revised Code, the probation officer or
county department of probation that the court directed to make
inquiries concerning the applicant shall contact the child
support enforcement agency enforcing the applicant's obligations
under the child support order to inquire about the offender's

compliance with the child support order. 6628

(C) (1) At the hearing held under division (B) of this 6629
section, the court shall do each of the following: 6630

(a) Determine whether the applicant is pursuing expunging 6631
a conviction of an offense that is prohibited under section 6632
2953.311 of the Revised Code or whether the forfeiture of bail 6633
was agreed to by the applicant and the prosecutor in the case, 6634
and determine whether the application was made at the time 6635
specified in division (A) (1) or (2) of this section that is 6636
applicable with respect to the application and the subject 6637
offense; 6638

(b) Determine whether criminal proceedings are pending 6639
against the applicant; 6640

(c) Determine whether the applicant has been rehabilitated 6641
to the satisfaction of the court; 6642

(d) If the prosecutor has filed an objection in accordance 6643
with division (B) of this section, consider the reasons against 6644
granting the application specified by the prosecutor in the 6645
objection; 6646

(e) If the victim objected, pursuant to the Ohio 6647
Constitution, consider the reasons against granting the 6648
application specified by the victim in the objection; 6649

(f) Weigh the interests of the applicant in having the 6650
records pertaining to the applicant's conviction or bail 6651
forfeiture expunged against the legitimate needs, if any, of the 6652
government to maintain those records; 6653

(g) Consider the oral or written statement of any victim, 6654
victim's representative, and victim's attorney, if applicable; 6655

(h) If the applicant was an eligible offender of the type 6656
described in division (A) (3) of section 2953.36 of the Revised 6657
Code as it existed prior to April 4, 2023, determine whether the 6658
offender has been rehabilitated to a satisfactory degree. In 6659
making the determination, the court may consider all of the 6660
following: 6661

(i) The age of the offender; 6662
(ii) The facts and circumstances of the offense; 6663
(iii) The cessation or continuation of criminal behavior; 6664
(iv) The education and employment of the offender; 6665
(v) Any other circumstances that may relate to the 6666
offender's rehabilitation. 6667

(i) If the court is required to determine whether an 6668
applicant for expungement has two or three convictions that 6669
result from the same indictment, information, or complaint, from 6670
the same plea of guilty, or from the same official proceeding, 6671
and result from related criminal acts that were committed within 6672
a three-month period but do not result from the same act or from 6673
offenses committed at the same time, in making its 6674
determination, the court initially shall determine whether it is 6675
not in the public interest for the two or three convictions to 6676
be counted as one conviction. If the court determines that it is 6677
not in the public interest for the two or three convictions to 6678
be counted as one conviction, the court shall determine whether, 6679
when counting the convictions individually, the applicant is 6680
pursuing expunging a conviction that is prohibited under section 6681
2953.311 of the Revised Code. 6682

(2) If the court determines, after complying with division 6683
(C) (1) of this section, that the offender is not pursuing 6684

expunging a conviction of an offense that is prohibited under 6685
section 2953.311 of the Revised Code or that the forfeiture of 6686
bail was agreed to by the applicant and the prosecutor in the 6687
case, that the application was made at the time specified in 6688
division (A) (1) or (2) of this section that is applicable with 6689
respect to the application and the subject offense, that no 6690
criminal proceeding is pending against the applicant, that the 6691
interests of the applicant in having the records pertaining to 6692
the applicant's conviction or bail forfeiture expunged are not 6693
outweighed by any legitimate governmental needs to maintain 6694
those records, and that the rehabilitation of the applicant has 6695
been attained to the satisfaction of the court, both of the 6696
following apply: 6697

(a) The court, except as provided in division (C) (4) of 6698
this section or division (D), (F), or (G) of section 2953.34 of 6699
the Revised Code, shall order all official records of the case 6700
that pertain to the conviction or bail forfeiture expunged and, 6701
except as provided in division (C) of section 2953.34 of the 6702
Revised Code, all index references to the case that pertain to 6703
the conviction or bail forfeiture deleted and, in the case of 6704
bail forfeitures, shall dismiss the charges in the case. 6705

(b) The proceedings in the case that pertain to the 6706
conviction or bail forfeiture shall be considered not to have 6707
occurred, and the conviction or bail forfeiture of the person 6708
who is the subject of the proceedings shall be expunged. 6709

(3) An applicant may request the expungement of the 6710
records of more than one case in a single application under this 6711
section. Upon the filing of an application under this section, 6712
the applicant, unless the applicant presents a poverty affidavit 6713
showing that the applicant is indigent, shall pay an application 6714

fee of fifty dollars and may pay a local court fee of not more 6715
than fifty dollars, regardless of the number of records the 6716
application requests to have expunged. If the applicant pays a 6717
fee, the court shall pay three-fifths of the fee collected into 6718
the state treasury, with half of that amount credited to the 6719
attorney general reimbursement fund created by section 109.11 of 6720
the Revised Code. If the applicant pays a fee, the court shall 6721
pay two-fifths of the fee collected into the county general 6722
revenue fund if the expunged conviction or bail forfeiture was 6723
pursuant to a state statute, or into the general revenue fund of 6724
the municipal corporation involved if the expunged conviction or 6725
bail forfeiture was pursuant to a municipal ordinance. 6726

(4) If the court orders the official records pertaining to 6727
the case expunged, the court shall do one of the following: 6728

(a) If the applicant was fingerprinted at the time of 6729
arrest or under section 109.60 of the Revised Code and the 6730
record of the applicant's fingerprints was provided to the court 6731
under division (B) of this section, forward a copy of the 6732
expungement order and the record of the applicant's fingerprints 6733
to the bureau of criminal identification and investigation; 6734

(b) If the applicant was not fingerprinted at the time of 6735
arrest or under section 109.60 of the Revised Code, or the 6736
record of the applicant's fingerprints was not provided to the 6737
court under division (B) of this section, but fingerprinting was 6738
required for the offense, order the applicant to appear before a 6739
sheriff to have the applicant's fingerprints taken according to 6740
the fingerprint system of identification on the forms furnished 6741
by the superintendent of the bureau of criminal identification 6742
and investigation. The sheriff shall forward the applicant's 6743
fingerprints to the court. The court shall forward the 6744

applicant's fingerprints and a copy of the expungement order to 6745
the bureau of criminal identification and investigation. 6746

(c) Failure of the court to order fingerprints at the time 6747
of expungement does not constitute a reversible error. 6748

Sec. 2953.323. (A) (1) At the expiration of ten years after 6749
the time specified in division (A) (1) of section 2953.322 of the 6750
Revised Code at which a person may file an application for 6751
expunging a record of conviction or at the expiration of ten 6752
years after a person's complaint, indictment, or information has 6753
been dismissed, an eligible record of conviction or dismissed 6754
complaint, indictment, or information may be expunged. A record 6755
of conviction is eligible to be expunged unless the conviction 6756
is listed in section 2953.311 of the Revised Code or the 6757
conviction was committed prior to the effective date of this 6758
section and a dismissed complaint, indictment, or information is 6759
eligible for expungement unless the offense is listed in 6760
division (C) (1) of section 2953.33 of the Revised Code or the 6761
complaint, indictment, or information was dismissed prior to the 6762
effective date of this section. 6763

(2) At the expiration of the time frames described in 6764
division (A) (1) of this section, all of the following shall 6765
occur: 6766

(a) The sentencing court shall order its regular probation 6767
officer, a state probation officer, or the department of 6768
probation of the county to determine whether a record of 6769
conviction or dismissed complaint, indictment, or information is 6770
eligible for expungement. If the court's regular probation 6771
officer, a state probation officer, or the department of 6772
probation of the county determines that a person's record of 6773
conviction or dismissed complaint, indictment, or information is 6774

eligible for expungement, then the person's record of conviction 6775
or dismissed complaint, indictment, or information is presumed 6776
to be eligible for expungement. 6777

(b) Subject to division (A) (2) (c) of this section, 6778
starting on July 1, 2026, if the court's regular probation 6779
officer, a state probation officer, or the department of 6780
probation of the county determines that a record of conviction 6781
or dismissed complaint, indictment, or information is eligible 6782
for expungement, not more than two weeks after the determination 6783
is made the sentencing court shall send a one-page letter to the 6784
prosecutor, the subject of the proceedings, and the victim or 6785
the victim's representative, if applicable, if the victim or 6786
victim's representative requested notice of the proceedings in 6787
the underlying case. The letter shall state that the subject of 6788
the proceeding's record of conviction or dismissed complaint, 6789
indictment, or information is presumed to be eligible for 6790
expungement pursuant to division (A) (2) (a) of this section. When 6791
the sentencing court sends the letter to the subject of the 6792
proceedings, the sentencing court shall also send the following 6793
accompanying documents to the subject of the proceedings: 6794

(i) A one-page application on a form prescribed in 6795
division (F) of this section for expunging a record of 6796
conviction or dismissed complaint, indictment, or information; 6797

(ii) A one-page poverty affidavit, and a notice that an 6798
applicant shall pay an application fee of fifty dollars and may 6799
pay a local court fee of not more than fifty dollars, unless the 6800
applicant presents the poverty affidavit showing the applicant 6801
is indigent pursuant to division (E) of this section. 6802

(c) The letter and the accompanying documents described in 6803
division (A) (2) (b) of this section shall not be sent by the 6804

sentencing court if either of the following apply: 6805

(i) After the applicant was convicted of the subject 6806
offense or after the complaint, indictment, or information was 6807
dismissed, the applicant has been convicted of any other felony. 6808

(ii) At any time, the applicant has been convicted of any 6809
felony described in section 2953.311 of the Revised Code. 6810

(3) Regardless of whether a person received the letter and 6811
accompanying documents described in division (A) (2) of this 6812
section, and except as provided in section 2953.61 of the 6813
Revised Code, at the expiration of the time frames described in 6814
division (A) (1) of this section, a person may apply to the 6815
sentencing court if convicted in this state, or to a court of 6816
common pleas if convicted in another state or in a federal 6817
court, for the expungement of an eligible record of conviction 6818
or dismissed complaint, indictment, or information. 6819

(B) (1) Upon the filing of an application and fee, if 6820
applicable, under this section the court shall set a date and 6821
time for a hearing and shall notify the prosecutor for the case 6822
and the subject of the proceedings of the hearing on the 6823
application for the expungement of the record of conviction or 6824
the dismissed complaint, indictment, or information not less 6825
than sixty days before the hearing. Pursuant to the Ohio 6826
Constitution, the prosecutor shall provide timely notice of the 6827
application for the expungement of the record of conviction or 6828
the dismissed complaint, indictment, or information and the date 6829
and time of the hearing to a victim and victim's representative, 6830
if applicable, if the victim or victim's representative 6831
requested notice of the proceedings in the underlying case, not 6832
less than sixty days before the hearing. 6833

(2) The court shall hold the hearing not less than forty- 6834
five days and not more than ninety days after the date of the 6835
filing of the application. 6836

(3) The prosecutor or victim or victim's representative, 6837
if applicable, may object to the granting of the application to 6838
expunge the record of conviction or dismissed complaint, 6839
indictment, or information by filing a written objection with 6840
the court not later than thirty days prior to the hearing. The 6841
prosecutor or victim or victim's representative, if applicable, 6842
shall specify in the objection the reasons for believing a 6843
denial of the application for expunging the record of conviction 6844
or dismissed complaint, indictment, or information is justified. 6845

(C) At the hearing held under division (B) of this 6846
section, the court shall do each of the following: 6847

(1) Determine whether either of following applies: 6848

(a) The applicant's record of conviction is eligible for 6849
expungement under division (A) (1) of this section and whether 6850
the application was made at the time specified in division (A) 6851
(1) of this section that is applicable with respect to the 6852
application of the subject offense; 6853

(b) The applicant's dismissed complaint, indictment, or 6854
information is eligible for expungement under division (A) (1) of 6855
this section, whether the application was made at the time 6856
specified in division (A) (1) of this section that is applicable 6857
with respect to the application of the subject offense, and 6858
whether the applicant's case was dismissed with prejudice or 6859
without prejudice and, if it was dismissed without prejudice, 6860
determine whether the relevant statute of limitations has 6861
expired. 6862

(2) Determine whether criminal charges are pending against 6863
the applicant; 6864

(3) If the prosecutor has filed an objection in accordance 6865
with division (B) (3) of this section, consider the reasons 6866
against granting the expungement order specified by the 6867
prosecutor in the objection; 6868

(4) If the victim or victim's representative has filed an 6869
objection in accordance with division (B) (3) of this section, 6870
consider the reasons against granting the expungement order 6871
specified by the victim or victim's representative in the 6872
objection; 6873

(5) Weigh the interests of the applicant in having the 6874
record of conviction or dismissed complaint, indictment, or 6875
information expunged against the legitimate needs, if any, of 6876
the government to maintain those records. 6877

(D) If the court, after complying with division (C) of 6878
this section, finds that the applicant is pursuing expunging a 6879
record of conviction or dismissed complaint, indictment, or 6880
information that is eligible for expungement under division (A) 6881
(1) of this section; that the application was made at the time 6882
specified in division (A) (1) of this section; that no criminal 6883
proceeding is pending against the applicant; that the interests 6884
of the applicant in having the record of conviction or dismissed 6885
complaint, indictment, or information expunged are not 6886
substantially outweighed by any legitimate governmental needs to 6887
maintain those records; and if the expungement relates to a 6888
dismissed complaint, indictment, or information, that the 6889
complaint, indictment, or information in the case was dismissed 6890
with prejudice or that the complaint, indictment, or information 6891
in the case was dismissed without prejudice and that the 6892

relevant statute of limitations has expired, both of the 6893
following apply: 6894

(1) The court, except as provided in division (D), (F), or 6895
(G) of section 2953.34 of the Revised Code, shall order all 6896
official records of the case that pertain to the record of 6897
conviction or dismissed complaint, indictment, or information 6898
expunged, except as provided in division (C) of section 2953.34 6899
of the Revised Code, and all index references to the case that 6900
pertain to the conviction deleted. 6901

(2) The proceedings in the case that pertain to the record 6902
of conviction or dismissed complaint, indictment, or information 6903
shall be considered not to have occurred and the record of 6904
conviction or dismissed complaint, indictment, or information of 6905
the person who is the subject of the proceedings shall be 6906
expunged. 6907

(E) Upon the filing of an application under this section, 6908
the applicant, unless the applicant presents a poverty affidavit 6909
showing that the applicant is indigent, shall pay an application 6910
fee of fifty dollars and may pay a local court fee of not more 6911
than fifty dollars. If the applicant pays a fee, the court shall 6912
pay three-fifths of the fee collected into the state treasury, 6913
with half of that amount credited to the attorney general 6914
reimbursement fund created by section 109.11 of the Revised 6915
Code. If the applicant pays a fee, the court shall pay two- 6916
fifths of the fee collected into the county general revenue fund 6917
if the expunged conviction or dismissed complaint, indictment, 6918
or information was pursuant to a state statute, or into the 6919
general revenue fund of the municipal corporation involved if 6920
the expunged conviction or dismissed complaint, indictment, or 6921
information was pursuant to a municipal ordinance. 6922

(F) The state criminal sentencing commission shall 6923
prescribe and make available an application form that is to be 6924
used under this section by a person who applies to expunge a 6925
record of conviction or a dismissed complaint, indictment, or 6926
information. The application form shall be one page and shall be 6927
designed to enable applicants to provide the information that is 6928
required to expunge a record of conviction or a dismissed 6929
complaint, indictment, or information. 6930

Sec. 2953.34. (A) Inspection of the sealed records 6931
included in a sealing order may be made only by the following 6932
persons or for the following purposes: 6933

(1) By a law enforcement officer or prosecutor, or the 6934
assistants of either, to determine whether the nature and 6935
character of the offense with which a person is to be charged 6936
would be affected by virtue of the person's previously having 6937
been convicted of a crime; 6938

(2) By the parole or probation officer of the person who 6939
is the subject of the records, for the exclusive use of the 6940
officer in supervising the person while on parole or under a 6941
community control sanction or a post-release control sanction, 6942
and in making inquiries and written reports as requested by the 6943
court or adult parole authority; 6944

(3) Upon application by the person who is the subject of 6945
the records or a legal representative of that person, by the 6946
persons named in the application; 6947

(4) By a law enforcement officer who was involved in the 6948
case, for use in the officer's defense of a civil action arising 6949
out of the officer's involvement in that case; 6950

(5) By a prosecuting attorney or the prosecuting 6951

attorney's assistants, to determine a defendant's eligibility to 6952
enter a pre-trial diversion program established pursuant to 6953
section 2935.36 of the Revised Code; 6954

(6) By any law enforcement agency or any authorized 6955
employee of a law enforcement agency or by the department of 6956
rehabilitation and correction or department of youth services as 6957
part of a background investigation of a person who applies for 6958
employment with the agency or with the department; 6959

(7) By any law enforcement agency or any authorized 6960
employee of a law enforcement agency, for the purposes set forth 6961
in, and in the manner provided in, division (I) of section 6962
2953.34 of the Revised Code; 6963

(8) By the bureau of criminal identification and 6964
investigation or any authorized employee of the bureau for the 6965
purpose of providing information to a board or person pursuant 6966
to division (F) or (G) of section 109.57 of the Revised Code; 6967

(9) By the bureau of criminal identification and 6968
investigation or any authorized employee of the bureau for the 6969
purpose of performing a criminal history records check on a 6970
person to whom a certificate as prescribed in section 109.77 of 6971
the Revised Code is to be awarded; 6972

(10) By the bureau of criminal identification and 6973
investigation or any authorized employee of the bureau for the 6974
purpose of conducting a criminal records check of an individual 6975
pursuant to division (B) of section 109.572 of the Revised Code 6976
that was requested pursuant to any of the sections identified in 6977
division (B)(1) of that section; 6978

(11) By the bureau of criminal identification and 6979
investigation, an authorized employee of the bureau, a sheriff, 6980

or an authorized employee of a sheriff in connection with a 6981
criminal records check described in section 311.41 of the 6982
Revised Code; 6983

(12) By the attorney general or an authorized employee of 6984
the attorney general or a court for purposes of determining a 6985
person's classification pursuant to Chapter 2950. of the Revised 6986
Code; 6987

(13) By a court, the registrar of motor vehicles, a 6988
prosecuting attorney or the prosecuting attorney's assistants, 6989
or a law enforcement officer for the purpose of assessing points 6990
against a person under section 4510.036 of the Revised Code or 6991
for taking action with regard to points assessed. 6992

When the nature and character of the offense with which a 6993
person is to be charged would be affected by the information, it 6994
may be used for the purpose of charging the person with an 6995
offense. 6996

(B) In any criminal proceeding, proof of any otherwise 6997
admissible prior conviction may be introduced and proved, 6998
notwithstanding the fact that for any such prior conviction an 6999
order of sealing or expungement previously was issued pursuant 7000
to sections 2953.31 to 2953.34 of the Revised Code. 7001

(C) The person or governmental agency, office, or 7002
department that maintains sealed records pertaining to 7003
convictions or bail forfeitures that have been sealed pursuant 7004
to section 2953.32 or 2953.321 of the Revised Code may maintain 7005
a manual or computerized index to the sealed records. The index 7006
shall contain only the name of, and alphanumeric identifiers 7007
that relate to, the persons who are the subject of the sealed 7008
records, the word "sealed," and the name of the person, agency, 7009

office, or department that has custody of the sealed records, 7010
and shall not contain the name of the crime committed. The index 7011
shall be made available by the person who has custody of the 7012
sealed records only for the purposes set forth in divisions (A), 7013
(B), and (D) of this section. 7014

(D) Notwithstanding any provision of this section or 7015
section 2953.32-, 2953.321, 2953.322, or 2953.323 of the Revised 7016
Code that requires otherwise, a board of education of a city, 7017
local, exempted village, or joint vocational school district 7018
that maintains records of an individual who has been permanently 7019
excluded under sections 3301.121 and 3313.662 of the Revised 7020
Code is permitted to maintain records regarding a conviction 7021
that was used as the basis for the individual's permanent 7022
exclusion, regardless of a court order to seal or expunge the 7023
record. An order issued under section 2953.32-, 2953.321, 7024
2953.322, or 2953.323 of the Revised Code to seal or expunge the 7025
record of a conviction does not revoke the adjudication order of 7026
the director of education and workforce to permanently exclude 7027
the individual who is the subject of the sealing or expungement 7028
order. An order issued under section 2953.32-, 2953.321, 7029
2953.322, or 2953.323 of the Revised Code to seal or expunge the 7030
record of a conviction of an individual may be presented to a 7031
district superintendent as evidence to support the contention 7032
that the superintendent should recommend that the permanent 7033
exclusion of the individual who is the subject of the sealing or 7034
expungement order be revoked. Except as otherwise authorized by 7035
this division and sections 3301.121 and 3313.662 of the Revised 7036
Code, any school employee in possession of or having access to 7037
the sealed or expunged conviction records of an individual that 7038
were the basis of a permanent exclusion of the individual is 7039
subject to division (J) of this section. 7040

(E) Notwithstanding any provision of this section or 7041
section 2953.32, 2953.321, 2953.322, or 2953.323 of the Revised 7042
Code that requires otherwise, if the auditor of state or a 7043
prosecutor maintains records, reports, or audits of an 7044
individual who has been forever disqualified from holding public 7045
office, employment, or a position of trust in this state under 7046
sections 2921.41 and 2921.43 of the Revised Code, or has 7047
otherwise been convicted of an offense based upon the records, 7048
reports, or audits of the auditor of state, the auditor of state 7049
or prosecutor is permitted to maintain those records to the 7050
extent they were used as the basis for the individual's 7051
disqualification or conviction, and shall not be compelled by 7052
court order to seal or expunge those records. 7053

(F) For purposes of sections 2953.31 and 2953.34 of the 7054
Revised Code, DNA records collected in the DNA database and 7055
fingerprints filed for record by the superintendent of the 7056
bureau of criminal identification and investigation shall not be 7057
sealed or expunged unless the superintendent receives a 7058
certified copy of a final court order establishing that the 7059
offender's conviction has been overturned. For purposes of this 7060
section, a court order is not "final" if time remains for an 7061
appeal or application for discretionary review with respect to 7062
the order. 7063

(G) (1) The court shall send notice of any order to seal or 7064
expunge official records issued pursuant to section 2953.32-, 7065
2953.321, 2953.322, or 2953.323 of the Revised Code to the 7066
bureau of criminal identification and investigation and to any 7067
public office or agency that the court knows or has reason to 7068
believe may have any record of the case, whether or not it is an 7069
official record, that is the subject of the order. 7070

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

(H) (1) The court shall send notice of any order to seal or expunge official records issued pursuant to division (B) (3) of section 2953.33 of the Revised Code or any order to seal or expunge official records of a dismissed complaint, indictment, or information pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of ~~that~~ section 2953.33 of the Revised Code or any order issued pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed or expunged pursuant to an order issued pursuant to section 2953.33 of the Revised Code or a person whose official records of a dismissed complaint, indictment, or information have been sealed or expunged pursuant to an order issued pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code or an order to

seal or expunge official records of a dismissed complaint, 7101
indictment, or information issued pursuant to division (D) of 7102
section 2953.321 or division (D) of section 2953.323 of the 7103
Revised Code applies to every public office or agency that has a 7104
record of the case that is the subject of the order, regardless 7105
of whether it receives notice of the hearing on the application 7106
for the order to seal or expunge the official records or 7107
receives a copy of the order to seal the official records 7108
pursuant to division (H) (1) or (2) of this section. 7109

(4) Upon receiving a copy of an order to seal or expunge 7110
official records pursuant to division (H) (1) or (2) of this 7111
section or upon otherwise becoming aware of an applicable order 7112
to seal or expunge official records issued pursuant to section 7113
2953.33 of the Revised Code or an applicable order to seal or 7114
expunge official records of a dismissed complaint, indictment, 7115
or information issued pursuant to division (D) of section 7116
2953.321 or division (D) of section 2953.323 of the Revised 7117
Code, a public office or agency shall comply with the order and, 7118
if applicable, with division (K) of this section, except that if 7119
the order is a sealing order, the office or agency may maintain 7120
a record of the case that is the subject of the order if the 7121
record is maintained for the purpose of compiling statistical 7122
data only and does not contain any reference to the person who 7123
is the subject of the case and the order. 7124

(5) A public office or agency to which division (H) (4) of 7125
this section applies also may maintain an index of sealed 7126
official records that are the subject of a sealing order, in a 7127
form similar to that for sealed records of conviction as set 7128
forth in division (C) of this section, access to which may not 7129
be afforded to any person other than the person who has custody 7130
of the sealed official records. The sealed official records to 7131

which such an index pertains shall not be available to any 7132
person, except that the official records of a case that have 7133
been sealed may be made available to the following persons for 7134
the following purposes: 7135

(a) To the person who is the subject of the records upon 7136
written application, and to any other person named in the 7137
application, for any purpose; 7138

(b) To a law enforcement officer who was involved in the 7139
case, for use in the officer's defense of a civil action arising 7140
out of the officer's involvement in that case; 7141

(c) To a prosecuting attorney or the prosecuting 7142
attorney's assistants to determine a defendant's eligibility to 7143
enter a pre-trial diversion program established pursuant to 7144
section 2935.36 of the Revised Code; 7145

(d) To a prosecuting attorney or the prosecuting 7146
attorney's assistants to determine a defendant's eligibility to 7147
enter a pre-trial diversion program under division (E) (2) (b) of 7148
section 4301.69 of the Revised Code. 7149

(I) (1) Upon the issuance of an order by a court pursuant 7150
to division ~~(D) (2)~~ (C) (2) of section 2953.32-, division (D) of 7151
section 2953.321, division (C) (2) of section 2953.322, or 7152
division (D) of section 2953.323 of the Revised Code directing 7153
that all official records of a case pertaining to a conviction 7154
or bail forfeiture be sealed or expunged or an order by a court 7155
pursuant to division (E) of section 2151.358, division (C) (2) of 7156
section 2953.35, or division (E) of section 2953.36 of the 7157
Revised Code directing that all official records of a case 7158
pertaining to a conviction or delinquent child adjudication be 7159
expunged: 7160

(a) Every law enforcement officer who possesses 7161
investigatory work product immediately shall deliver that work 7162
product to the law enforcement officer's employing law 7163
enforcement agency. 7164

(b) Except as provided in divisions (I)(1)(c) and (d) of 7165
this section, every law enforcement agency that possesses 7166
investigatory work product shall close that work product to all 7167
persons who are not directly employed by the law enforcement 7168
agency and shall treat that work product, in relation to all 7169
persons other than those who are directly employed by the law 7170
enforcement agency, as if it did not exist and never had 7171
existed. 7172

(c) A law enforcement agency that possesses investigatory 7173
work product may permit another law enforcement agency to use 7174
that work product in the investigation of another offense if the 7175
facts incident to the offense being investigated by the other 7176
law enforcement agency and the facts incident to an offense that 7177
is the subject of the case are reasonably similar. The agency 7178
that permits the use of investigatory work product may provide 7179
the other agency with the name of the person who is the subject 7180
of the case if it believes that the name of the person is 7181
necessary to the conduct of the investigation by the other 7182
agency. 7183

(d) The auditor of state may provide to or discuss with 7184
other parties investigatory work product maintained pursuant to 7185
Chapter 117. of the Revised Code by the auditor of state. 7186

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 7187
of this section, no law enforcement officer or other person 7188
employed by a law enforcement agency shall knowingly release, 7189
disseminate, or otherwise make the investigatory work product or 7190

any information contained in that work product available to, or 7191
discuss any information contained in it with, any person not 7192
employed by the employing law enforcement agency. 7193

(b) No law enforcement agency, or person employed by a law 7194
enforcement agency, that receives investigatory work product 7195
pursuant to divisions (I) (1) (c) and (d) of this section shall 7196
use that work product for any purpose other than the 7197
investigation of the offense for which it was obtained from the 7198
other law enforcement agency, or disclose the name of the person 7199
who is the subject of the work product except when necessary for 7200
the conduct of the investigation of the offense, or the 7201
prosecution of the person for committing the offense, for which 7202
it was obtained from the other law enforcement agency. 7203

(3) Whoever violates division (I) (2) (a) or (b) of this 7204
section is guilty of divulging confidential investigatory work 7205
product, a misdemeanor of the fourth degree. 7206

(J) (1) Except as authorized by divisions (A) to (C) of 7207
this section or by Chapter 2950. of the Revised Code and subject 7208
to ~~division~~ divisions (J) (2) and (3) of this section, any 7209
officer or employee of the state, or a political subdivision of 7210
the state, who releases or otherwise disseminates or makes 7211
available for any purpose involving employment, bonding, or 7212
licensing in connection with any business, trade, or profession 7213
to any person, or to any department, agency, or other 7214
instrumentality of the state, or any political subdivision of 7215
the state, any information or other data concerning any law 7216
enforcement or justice system matter the records with respect to 7217
which the officer or employee had knowledge of were sealed by an 7218
existing order issued pursuant to section 2953.32 or 2953.321 of 7219
the Revised Code, division (E) of section 2151.358, section 7220

2953.35, or section 2953.36 of the Revised Code, or were 7221
expunged by an order issued pursuant to section 2953.42 of the 7222
Revised Code as it existed prior to June 29, 1988, is guilty of 7223
divulging confidential information, a misdemeanor of the fourth 7224
degree. 7225

(2) Division (J)(1) of this section does not apply to an 7226
officer or employee of the state, or a political subdivision of 7227
the state, who releases or otherwise disseminates or makes 7228
available for any purpose specified in that division any 7229
information or other data concerning a law enforcement or 7230
justice system matter the records of which the officer had 7231
knowledge were sealed or expunged by an order of a type 7232
described in that division, if all of the following apply: 7233

(a) The officer or employee released, disseminated, or 7234
made available the information or data from the sealed or 7235
expunged records together with information or data concerning 7236
another law enforcement or justice system matter. 7237

(b) The records of the other law enforcement or justice 7238
system matter were not sealed or expunged by any order of a type 7239
described in division (J)(1) of this section. 7240

(c) The law enforcement or justice system matter covered 7241
by the information or data from the sealed or expunged records 7242
and the other law enforcement or justice system matter covered 7243
by the information or data from the records that were not sealed 7244
or expunged resulted from or were connected to the same act. 7245

(d) The officer or employee made a good faith effort to 7246
not release, disseminate, or make available any information or 7247
other data concerning any law enforcement or justice system 7248
matter from the sealed or expunged records, and the officer or 7249

employee did not release, disseminate, or make available the 7250
information or other data from the sealed or expunged records 7251
with malicious purpose, in bad faith, or in a wanton or reckless 7252
manner. 7253

(3) Division (J)(1) of this section does not apply to an 7254
officer or employee of the state, or a political subdivision of 7255
the state, who releases or otherwise disseminates or makes 7256
available for any purpose specified in that division any 7257
information or other data concerning a law enforcement or 7258
justice system matter the records of which the officer had 7259
knowledge were sealed or expunged by an order of a type 7260
described in that division, if the records are released or 7261
disseminated or access is provided pursuant to an application by 7262
the person who is the subject of the information or data or by a 7263
legal representative of that person. 7264

(4) Any person who, in violation of this section, uses, 7265
disseminates, or otherwise makes available any index prepared 7266
pursuant to division (C) of this section is guilty of a 7267
misdemeanor of the fourth degree. 7268

(K)(1) Except as otherwise provided in Chapter 2950. of 7269
the Revised Code, upon the issuance of an order by a court under 7270
division (B) of section 2953.33 of the Revised Code or upon 7271
issuance of an order to seal or expunge official records of a 7272
dismissed complaint, indictment, or information by a court under 7273
division (D) of section 2953.321 or division (D) of section 7274
2953.323 of the Revised Code directing that all official records 7275
pertaining to a case be sealed or expunged and that the 7276
proceedings in the case be deemed not to have occurred: 7277

(a) Every law enforcement officer possessing records or 7278
reports pertaining to the case that are the officer's specific 7279

investigatory work product and that are excepted from the 7280
definition of official records shall immediately deliver the 7281
records and reports to the officer's employing law enforcement 7282
agency. Except as provided in division (K)(1)(c) or (d) of this 7283
section, no such officer shall knowingly release, disseminate, 7284
or otherwise make the records and reports or any information 7285
contained in them available to, or discuss any information 7286
contained in them with, any person not employed by the officer's 7287
employing law enforcement agency. 7288

(b) Every law enforcement agency that possesses records or 7289
reports pertaining to the case that are its specific 7290
investigatory work product and that are excepted from the 7291
definition of official records, or that are the specific 7292
investigatory work product of a law enforcement officer it 7293
employs and that were delivered to it under division (K)(1)(a) 7294
of this section shall, except as provided in division (K)(1)(c) 7295
or (d) of this section, close the records and reports to all 7296
persons who are not directly employed by the law enforcement 7297
agency and shall, except as provided in division (K)(1)(c) or 7298
(d) of this section, treat the records and reports, in relation 7299
to all persons other than those who are directly employed by the 7300
law enforcement agency, as if they did not exist and had never 7301
existed. Except as provided in division (K)(1)(c) or (d) of this 7302
section, no person who is employed by the law enforcement agency 7303
shall knowingly release, disseminate, or otherwise make the 7304
records and reports in the possession of the employing law 7305
enforcement agency or any information contained in them 7306
available to, or discuss any information contained in them with, 7307
any person not employed by the employing law enforcement agency. 7308

(c) A law enforcement agency that possesses records or 7309
reports pertaining to the case that are its specific 7310

investigatory work product and that are excepted from the 7311
definition of official records, or that are the specific 7312
investigatory work product of a law enforcement officer it 7313
employs and that were delivered to it under division (K) (1) (a) 7314
of this section may permit another law enforcement agency to use 7315
the records or reports in the investigation of another offense, 7316
if the facts incident to the offense being investigated by the 7317
other law enforcement agency and the facts incident to an 7318
offense that is the subject of the case are reasonably similar. 7319
The agency that provides the records and reports may provide the 7320
other agency with the name of the person who is the subject of 7321
the case, if it believes that the name of the person is 7322
necessary to the conduct of the investigation by the other 7323
agency. 7324

No law enforcement agency, or person employed by a law 7325
enforcement agency, that receives from another law enforcement 7326
agency records or reports pertaining to a case the records of 7327
which have been ordered sealed or expunged pursuant to division 7328
(B) of section 2953.33 of the Revised Code or records of a 7329
dismissed complaint, indictment, or information of which have 7330
been ordered sealed or expunged pursuant to division (D) of 7331
section 2953.321 or division (D) of section 2953.323 of the 7332
Revised Code shall use the records and reports for any purpose 7333
other than the investigation of the offense for which they were 7334
obtained from the other law enforcement agency, or disclose the 7335
name of the person who is the subject of the records or reports 7336
except when necessary for the conduct of the investigation of 7337
the offense, or the prosecution of the person for committing the 7338
offense, for which they were obtained from the other law 7339
enforcement agency. 7340

(d) The auditor of state may provide to or discuss with 7341

other parties records, reports, or audits maintained by the 7342
auditor of state pursuant to Chapter 117. of the Revised Code 7343
pertaining to the case that are the auditor of state's specific 7344
investigatory work product and that are excepted from the 7345
definition of "official records" contained in division (C) of 7346
section 2953.31 of the Revised Code, or that are the specific 7347
investigatory work product of a law enforcement officer the 7348
auditor of state employs and that were delivered to the auditor 7349
of state under division (K) (1) (a) of this section. 7350

(2) Whoever violates division (K) (1) of this section is 7351
guilty of divulging confidential information, a misdemeanor of 7352
the fourth degree. 7353

(L) (1) In any application for employment, license, or any 7354
other right or privilege, any appearance as a witness, or any 7355
other inquiry, a person may not be questioned with respect to 7356
any record that has been sealed or expunged pursuant to section 7357
2953.33 of the Revised Code or any record of a dismissed 7358
complaint, indictment, or information that has been sealed or 7359
expunged pursuant to division (D) of section 2953.321 or 7360
division (D) of section 2953.323 of the Revised Code. If an 7361
inquiry is made in violation of this division, the person whose 7362
official record was sealed may respond as if the arrest 7363
underlying the case to which the sealed official records pertain 7364
and all other proceedings in that case did not occur, and the 7365
person whose official record was sealed shall not be subject to 7366
any adverse action because of the arrest, the proceedings, or 7367
the person's response. 7368

(2) (a) Except as provided in division (L) (2) (b) of this 7369
section, an officer or employee of the state or any of its 7370
political subdivisions who knowingly releases, disseminates, or 7371

makes available for any purpose involving employment, bonding, 7372
licensing, or education to any person or to any department, 7373
agency, or other instrumentality of the state, or of any of its 7374
political subdivisions, any information or other data concerning 7375
any arrest, complaint, indictment, information, trial, 7376
adjudication, or correctional supervision, knowing the records 7377
of which have been sealed or expunged pursuant to section 7378
2953.33 of the Revised Code or the records of a dismissed 7379
complaint, indictment, or information of which have been sealed 7380
or expunged pursuant to division (D) of section 2953.321 or 7381
division (D) of section 2953.323 of the Revised Code, is guilty 7382
of divulging confidential information, a misdemeanor of the 7383
fourth degree. 7384

(b) Division (L)(2)(a) of this section does not apply to 7385
any release, dissemination, or access to information or data if 7386
the records are released or disseminated or access is provided 7387
pursuant to an application by the person who is the subject of 7388
the information or data or by a legal representative of that 7389
person. 7390

(M) It is not a violation of division (I), (J), (K), or 7391
(L) of this section for the bureau of criminal identification 7392
and investigation or any authorized employee of the bureau 7393
participating in the investigation of criminal activity to 7394
release, disseminate, or otherwise make available to, or discuss 7395
with, a person directly employed by a law enforcement agency DNA 7396
records collected in the DNA database or fingerprints filed for 7397
record by the superintendent of the bureau of criminal 7398
identification and investigation. 7399

(N) (1) An order issued under section 2953.35 of the 7400
Revised Code to expunge the record of a person's conviction or, 7401

except as provided in division (D) of this section, an order 7402
issued under that section to seal the record of a person's 7403
conviction restores the person who is the subject of the order 7404
to all rights and privileges not otherwise restored by 7405
termination of the sentence or community control sanction or by 7406
final release on parole or post-release control. 7407

(2) (a) In any application for employment, license, or 7408
other right or privilege, any appearance as a witness, or any 7409
other inquiry, except as provided in division (B) of this 7410
section and in section 3319.292 of the Revised Code and subject 7411
to division (N) (2) (c) of this section, a person may be 7412
questioned only with respect to convictions not sealed, bail 7413
forfeitures not expunged under section 2953.42 of the Revised 7414
Code as it existed prior to June 29, 1988, and bail forfeitures 7415
not sealed, unless the question bears a direct and substantial 7416
relationship to the position for which the person is being 7417
considered. 7418

(b) In any application for a certificate of qualification 7419
for employment under section 2953.25 of the Revised Code, a 7420
person may be questioned only with respect to convictions not 7421
sealed and bail forfeitures not sealed. 7422

(c) A person may not be questioned in any application, 7423
appearance, or inquiry of a type described in division (N) (2) (a) 7424
of this section with respect to any conviction expunged under 7425
section 2953.35 of the Revised Code. 7426

(O) Nothing in section 2953.32, 2953.321, 2953.322, 7427
2953.323, or 2953.34 of the Revised Code precludes an offender 7428
from taking an appeal or seeking any relief from the offender's 7429
conviction or from relying on it in lieu of any subsequent 7430
prosecution for the same offense. 7431

Sec. 2953.39. (A) As used in this section: 7432

(1) "Applicant prosecutor" means the prosecutor who 7433
applies under division (B)(1) of this section for the sealing or 7434
expungement of the record of a case that pertains to a 7435
conviction of a person of a low-level controlled substance 7436
offense. 7437

(2) "Low-level controlled substance offense" means a 7438
violation of any provision of Chapter 2925. of the Revised Code 7439
that is a misdemeanor of the fourth degree or a minor 7440
misdemeanor or a violation of an ordinance of a municipal 7441
corporation that is substantially equivalent to a violation of 7442
any provision of Chapter 2925. of the Revised Code and that, if 7443
the violation were to be charged under the provision of Chapter 7444
2925. of the Revised Code, would be a misdemeanor of the fourth 7445
degree or a minor misdemeanor. 7446

(3) "Subject offender" means, regarding an application 7447
filed under division (B)(1) of this section requesting the 7448
sealing or expungement of the record of a case that pertains to 7449
a conviction of a low-level controlled substance offense, the 7450
person who was convicted of the low-level controlled substance 7451
offense for which the application requests the sealing or 7452
expungement. 7453

(B)(1) If a person is or was convicted of a low-level 7454
controlled substance offense, the prosecutor in the case may 7455
apply to the sentencing court for the sealing or expungement of 7456
the record of the case that pertains to the conviction. The 7457
prosecutor may file the application with respect to the offense 7458
that is the subject of the application at any time after the 7459
expiration, with respect to that offense and the subject 7460
offender, of the corresponding period of time specified in 7461

division ~~(B) (1)~~ (A) (1) of section 2953.32 of the Revised Code for 7462
sealing applications or division (A) (1) of section 2953.322 of 7463
the Revised Code for expungement applications filed by an 7464
offender under ~~that section~~ those sections. 7465

(2) An application under division (B) (1) of this section 7466
may request an order to seal or expunge the record of conviction 7467
for more than one low-level controlled substance offense, but if 7468
it does, the court shall consider the request for each offense 7469
separately as if a separate application had been made for each 7470
offense and all references in divisions (B) to (F) of this 7471
section to "the offense" or "that offense" mean each of those 7472
offenses that are the subject of the application. 7473

(3) Upon the filing of an application under division (B) 7474
(1) of this section, except as otherwise provided in this 7475
division, the applicant prosecutor shall pay a fee of not more 7476
than fifty dollars, including court fees, regardless of the 7477
number of records the application requests to have sealed or 7478
expunged. The court may direct the clerk of the court to waive 7479
some or all of the fee that otherwise would be charged. If the 7480
applicant pays a fee, the court shall pay three-fifths of the 7481
fee collected into the state treasury, with half of that amount 7482
credited to the attorney general reimbursement fund created 7483
under section 109.11 of the Revised Code. If the applicant pays 7484
a fee, the court shall pay two-fifths of the fee collected into 7485
the county general revenue fund if the sealed or expunged 7486
conviction was pursuant to a state statute, or into the general 7487
revenue fund of the municipal corporation involved if the sealed 7488
or expunged conviction was pursuant to a municipal ordinance. 7489

(C) An application filed under division (B) (1) of this 7490
section shall do all of the following: 7491

(1) Identify the subject offender and the applicant 7492
prosecutor, the offense for which the sealing or expungement is 7493
sought, the date of the conviction of that offense, and the 7494
court in which the conviction occurred; 7495

(2) Describe the evidence and provide copies of any 7496
documentation showing that the subject offender is entitled to 7497
relief under this section; 7498

(3) Include a request for sealing or expungement under 7499
this section of the record of the case that pertains to the 7500
conviction of that offense. 7501

(D) (1) Upon the filing of an application under division 7502
(B) (1) of this section, the court shall set a date for a hearing 7503
and shall notify the applicant prosecutor of the date, time, and 7504
location of the hearing not later than sixty days prior to the 7505
hearing. Upon receipt of the notice, the prosecutor shall do 7506
both of the following: 7507

(a) Notify the subject offender of the application, the 7508
date, time, and location of the hearing on the application, and 7509
the offender's right to object to the granting of the 7510
application. The notice shall be provided at the offender's last 7511
known address or through another means of contact. 7512

(b) Provide timely notice to the victim of the offense, if 7513
such a victim exists, or the victim's representative, of the 7514
application, the date, time, and location of the hearing on the 7515
application, and the victim's or representative's right to 7516
object to the granting of the application. The victim, victim's 7517
representative, and victim's attorney, if applicable, may be 7518
present and heard orally, in writing, or both at any hearing 7519
under this section. The notice shall be provided by any 7520

reasonable means reasonably calculated to provide prompt actual 7521
notice, including regular mail, telephone, and electronic mail. 7522
If the prosecutor attempts to provide notice to a victim under 7523
this division but the attempt is unsuccessful because the 7524
prosecutor is unable to locate the victim, is unable to provide 7525
the notice by the chosen method because the mailing address, 7526
telephone number, or electronic mail address at which to provide 7527
the notice cannot be determined, or the notice is sent by mail 7528
and it is returned, the prosecutor shall make another attempt to 7529
provide the notice to the victim. If the second attempt is 7530
unsuccessful, the prosecutor shall make at least one more 7531
attempt to provide the notice. 7532

(2) The court shall hold the hearing set under division 7533
(D) (1) of this section not less than forty-five days and not 7534
more than ninety days from the date of the filing of the 7535
application. 7536

The subject offender may object to the granting of the 7537
application by filing an objection with the court prior to the 7538
date set for the hearing. The victim of the offense may object 7539
to the granting of the application by filing an objection with 7540
the court prior to the date set for the hearing. The subject 7541
offender or victim shall specify in the objection the reasons 7542
for believing that the application should be denied. 7543

(E) (1) At the hearing held under division (D) of this 7544
section, the court shall determine whether the offense that is 7545
the subject of the application is a low-level controlled 7546
substance offense and whether the amount of time specified in 7547
division (B) (1) of this section for the filing of the 7548
application has expired. 7549

(2) If the court at the hearing held under division (D) of 7550

this section determines that the offense that is the subject of 7551
the application is a low-level controlled substance offense and 7552
that the amount of time specified in division (B)(1) of this 7553
section for the filing of the application has expired, the court 7554
at the hearing also shall do all of the following: 7555

(a) Determine whether criminal proceedings are pending 7556
against the subject offender; 7557

(b) Determine whether the subject offender has been 7558
rehabilitated to the satisfaction of the court; 7559

(c) If the subject offender objected, consider the reasons 7560
against granting the application specified by the offender in 7561
the objection; 7562

(d) If the victim objected, pursuant to the Ohio 7563
Constitution, consider the reasons against granting the 7564
application specified by the victim in the objection; 7565

(e) Weigh the interests of the subject offender in having 7566
the records pertaining to the offender's conviction sealed or 7567
expunged against the legitimate needs, if any, of the government 7568
to maintain those records; 7569

(f) Consider the oral or written statement of the victim, 7570
victim's representative, and victim's attorney, if applicable. 7571

(F)(1) If the court determines, after complying with 7572
divisions (E)(1) and (2) of this section, that no criminal 7573
proceeding is pending against the subject offender, that the 7574
interests of the offender in having the records pertaining to 7575
the offender's conviction sealed or expunged are not outweighed 7576
by any legitimate governmental needs to maintain those records, 7577
and that the rehabilitation of the offender has been attained to 7578
the satisfaction of the court, all of the following apply: 7579

(a) The court shall issue orders of the type specified in 7580
division ~~(D) (2)~~ (C) (2) of section 2953.32 or division (C) (2) of 7581
section 2953.322 of the Revised Code, subject to the exceptions 7582
specified in that division. 7583

(b) The proceedings in the case that pertain to the 7584
conviction shall be considered not to have occurred and the 7585
conviction of the subject offender shall be sealed or expunged, 7586
subject to the exceptions specified in division ~~(D) (2)~~ (C) (2) of 7587
section 2953.32 or division (C) (2) of section 2953.322 of the 7588
Revised Code. 7589

(c) The court shall notify the subject offender, at the 7590
offender's last known address or through another means of 7591
contact, that the court has issued the order requiring the 7592
sealing or expungement of the official records pertaining to the 7593
case and shall specifically identify the offense and case with 7594
respect to which the order applies. 7595

(2) If the court orders the official records pertaining to 7596
the case sealed or expunged under division (F) (1) of this 7597
section, the court shall comply with division ~~(D) (4) (a)~~ (C) (4) (a) 7598
or (b) of section 2953.32 of the Revised Code, whichever is 7599
applicable. 7600

(3) All provisions of section 2953.34 of the Revised Code 7601
that apply with respect to an order to seal or expunge official 7602
records that is issued under section 2953.32 or 2953.322 of the 7603
Revised Code, or that apply with respect to the official records 7604
to be sealed or expunged under such an order, apply with respect 7605
to an order to seal or expunge official records that is issued 7606
under division (F) (1) of this section and to the official 7607
records to be sealed or expunged under such an order. 7608

(G) A record that is expunged pursuant to an order issued 7609
under division (F) (1) of this section shall be destroyed, 7610
deleted, and erased, as appropriate for the record's physical or 7611
electronic form or characteristic, so that the record is 7612
permanently irretrievable. 7613

(H) The provisions of this section are separate from, and 7614
independent of, the provisions of sections 2953.35 and 2953.36 7615
and, except as otherwise specified in this section, the 7616
provisions of sections 2953.32, 2953.322, and 2953.34 of the 7617
Revised Code. 7618

Sec. 2953.61. (A) Except as provided in division (B) (1) of 7619
this section, a person charged with two or more offenses as a 7620
result of or in connection with the same act may not apply to 7621
the court pursuant to section 2953.32, 2953.321, 2953.322, 7622
2953.323, 2953.33, or 2953.521 of the Revised Code for the 7623
sealing or expungement of the person's record in relation to any 7624
of the charges, and a prosecutor may not apply to the court 7625
pursuant to section 2953.39 of the Revised Code for the sealing 7626
or expungement of the record of a person in relation to any of 7627
the charges if the person was charged with two or more offenses 7628
as a result of or in connection with the same act, when at least 7629
one of the charges has a final disposition that is different 7630
from the final disposition of the other charges until such time 7631
as the person, or prosecutor, would be able to apply to the 7632
court and have all of the records pertaining to all of those 7633
charges sealed or expunged pursuant to section 2953.32, 7634
2953.321, 2953.322, 2953.323, 2953.33, 2953.39, or 2953.521 of 7635
the Revised Code. 7636

(B) (1) When a person is charged with two or more offenses 7637
as a result of or in connection with the same act and the final 7638

disposition of one, and only one, of the charges is a conviction 7639
under any section of Chapter 4507., 4510., 4511., or 4549., 7640
other than section 4511.19 or 4511.194 of the Revised Code, or 7641
under a municipal ordinance that is substantially similar to any 7642
section other than section 4511.19 or 4511.194 of the Revised 7643
Code contained in any of those chapters, and if the records 7644
pertaining to all the other charges would be eligible for 7645
sealing or expungement under section 2953.33, 2953.39, or 7646
2953.521 of the Revised Code in the absence of that conviction, 7647
the court may order that the records pertaining to all the 7648
charges be sealed or expunged. In such a case, the court shall 7649
not order that only a portion of the records be sealed or 7650
expunged. 7651

(2) Division (B)(1) of this section does not apply if the 7652
person convicted of the offenses currently holds a commercial 7653
driver's license or commercial driver's license temporary 7654
instruction permit. 7655

Sec. 4723.28. (A) The board of nursing, by a vote of a 7656
quorum, may impose one or more of the following sanctions if it 7657
finds that a person committed fraud in passing an examination 7658
required to obtain a license or dialysis technician certificate 7659
issued by the board or to have committed fraud, 7660
misrepresentation, or deception in applying for or securing any 7661
nursing license or dialysis technician certificate issued by the 7662
board: deny, revoke, suspend, or place restrictions on any 7663
nursing license or dialysis technician certificate issued by the 7664
board; reprimand or otherwise discipline a holder of a nursing 7665
license or dialysis technician certificate; or impose a fine of 7666
not more than five hundred dollars per violation. 7667

(B) Except as provided in section 4723.092 of the Revised 7668

Code, the board of nursing, by a vote of a quorum, may impose 7669
one or more of the following sanctions: deny, revoke, suspend, 7670
or place restrictions on any nursing license or dialysis 7671
technician certificate issued by the board; reprimand or 7672
otherwise discipline a holder of a nursing license or dialysis 7673
technician certificate; or impose a fine of not more than five 7674
hundred dollars per violation. The sanctions may be imposed for 7675
any of the following: 7676

(1) Denial, revocation, suspension, or restriction of 7677
authority to engage in a licensed profession or practice a 7678
health care occupation, including nursing or practice as a 7679
dialysis technician, for any reason other than a failure to 7680
renew, in Ohio or another state or jurisdiction; 7681

(2) Engaging in the practice of nursing or engaging in 7682
practice as a dialysis technician, having failed to renew a 7683
nursing license or dialysis technician certificate issued under 7684
this chapter, or while a nursing license or dialysis technician 7685
certificate is under suspension; 7686

(3) Conviction of, a plea of guilty to, a judicial finding 7687
of guilt of, a judicial finding of guilt resulting from a plea 7688
of no contest to, or a judicial finding of eligibility for a 7689
pretrial diversion or similar program or for intervention in 7690
lieu of conviction for, a misdemeanor committed in the course of 7691
practice; 7692

(4) Conviction of, a plea of guilty to, a judicial finding 7693
of guilt of, a judicial finding of guilt resulting from a plea 7694
of no contest to, or a judicial finding of eligibility for a 7695
pretrial diversion or similar program or for intervention in 7696
lieu of conviction for, any felony or of any crime involving 7697
gross immorality or moral turpitude; 7698

(5) Selling, giving away, or administering drugs or 7699
therapeutic devices for other than legal and legitimate 7700
therapeutic purposes; or conviction of, a plea of guilty to, a 7701
judicial finding of guilt of, a judicial finding of guilt 7702
resulting from a plea of no contest to, or a judicial finding of 7703
eligibility for a pretrial diversion or similar program or for 7704
intervention in lieu of conviction for, violating any municipal, 7705
state, county, or federal drug law; 7706

(6) Conviction of, a plea of guilty to, a judicial finding 7707
of guilt of, a judicial finding of guilt resulting from a plea 7708
of no contest to, or a judicial finding of eligibility for a 7709
pretrial diversion or similar program or for intervention in 7710
lieu of conviction for, an act in another jurisdiction that 7711
would constitute a felony or a crime of moral turpitude in Ohio; 7712

(7) Conviction of, a plea of guilty to, a judicial finding 7713
of guilt of, a judicial finding of guilt resulting from a plea 7714
of no contest to, or a judicial finding of eligibility for a 7715
pretrial diversion or similar program or for intervention in 7716
lieu of conviction for, an act in the course of practice in 7717
another jurisdiction that would constitute a misdemeanor in 7718
Ohio; 7719

(8) Self-administering or otherwise taking into the body 7720
any dangerous drug, as defined in section 4729.01 of the Revised 7721
Code, in any way that is not in accordance with a legal, valid 7722
prescription issued for that individual, or self-administering 7723
or otherwise taking into the body any drug that is a schedule I 7724
controlled substance; 7725

(9) Habitual or excessive use of controlled substances, 7726
other habit-forming drugs, or alcohol or other chemical 7727
substances to an extent that impairs the individual's ability to 7728

provide safe nursing care or safe dialysis care; 7729

(10) Impairment of the ability to practice according to 7730
acceptable and prevailing standards of safe nursing care or safe 7731
dialysis care because of the use of drugs, alcohol, or other 7732
chemical substances; 7733

(11) Impairment of the ability to practice according to 7734
acceptable and prevailing standards of safe nursing care or safe 7735
dialysis care because of a physical or mental disability; 7736

(12) Assaulting or causing harm to a patient or depriving 7737
a patient of the means to summon assistance; 7738

(13) Misappropriation or attempted misappropriation of 7739
money or anything of value in the course of practice; 7740

(14) Adjudication by a probate court of being mentally ill 7741
or mentally incompetent. The board may reinstate the person's 7742
nursing license or dialysis technician certificate upon 7743
adjudication by a probate court of the person's restoration to 7744
competency or upon submission to the board of other proof of 7745
competency. 7746

(15) The suspension or termination of employment by the 7747
United States department of defense or department of veterans 7748
affairs for any act that violates or would violate this chapter; 7749

(16) Violation of this chapter or any rules adopted under 7750
it; 7751

(17) Violation of any restrictions placed by the board on 7752
a nursing license or dialysis technician certificate; 7753

(18) Failure to use universal and standard precautions 7754
established by rules adopted under section 4723.07 of the 7755
Revised Code; 7756

- (19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care; 7757
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- (20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse; 7759
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- (21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse; 7762
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- (22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code; 7765
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- (23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; 7768
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- (24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following: 7771
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- (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 7774
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- (b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay. 7780
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(25) Failure to comply with the terms and conditions of 7785
participation in the safe haven program conducted under sections 7786
4723.35 and 4723.351 of the Revised Code; 7787

(26) Failure to comply with the terms and conditions 7788
required under the practice intervention and improvement program 7789
established under section 4723.282 of the Revised Code; 7790

(27) In the case of an advanced practice registered nurse: 7791

(a) Engaging in activities that exceed those permitted for 7792
the nurse's nursing specialty under section 4723.43 of the 7793
Revised Code; 7794

(b) Failure to meet the quality assurance standards 7795
established under section 4723.07 of the Revised Code. 7796

(28) In the case of an advanced practice registered nurse 7797
other than a certified registered nurse anesthetist, failure to 7798
maintain a standard care arrangement in accordance with section 7799
4723.431 of the Revised Code or to practice in accordance with 7800
the standard care arrangement; 7801

(29) In the case of an advanced practice registered nurse 7802
who is designated as a clinical nurse specialist, certified 7803
nurse-midwife, or certified nurse practitioner, failure to 7804
prescribe drugs and therapeutic devices in accordance with 7805
section 4723.481 of the Revised Code; 7806

(30) Prescribing any drug or device to perform or induce 7807
an abortion, or otherwise performing or inducing an abortion; 7808

(31) Failure to establish and maintain professional 7809
boundaries with a patient, as specified in rules adopted under 7810
section 4723.07 of the Revised Code; 7811

(32) Regardless of whether the contact or verbal behavior 7812

is consensual, engaging with a patient other than the spouse of 7813
the registered nurse, licensed practical nurse, or dialysis 7814
technician in any of the following: 7815

(a) Sexual contact, as defined in section 2907.01 of the 7816
Revised Code; 7817

(b) Verbal behavior that is sexually demeaning to the 7818
patient or may be reasonably interpreted by the patient as 7819
sexually demeaning. 7820

(33) Assisting suicide, as defined in section 3795.01 of 7821
the Revised Code; 7822

(34) Failure to comply with the requirements in section 7823
3719.061 of the Revised Code before issuing for a minor a 7824
prescription for an opioid analgesic, as defined in section 7825
3719.01 of the Revised Code; 7826

(35) Failure to comply with section 4723.487 of the 7827
Revised Code, unless the state board of pharmacy no longer 7828
maintains a drug database pursuant to section 4729.75 of the 7829
Revised Code; 7830

(36) The revocation, suspension, restriction, reduction, 7831
or termination of clinical privileges by the United States 7832
department of defense or department of veterans affairs or the 7833
termination or suspension of a certificate of registration to 7834
prescribe drugs by the drug enforcement administration of the 7835
United States department of justice; 7836

(37) In the case of an advanced practice registered nurse 7837
who is designated as a clinical nurse specialist, certified 7838
nurse-midwife, or certified nurse practitioner, failure to 7839
comply with the terms of a consult agreement entered into with a 7840
pharmacist pursuant to section 4729.39 of the Revised Code; 7841

(38) Violation of section 4723.93 of the Revised Code. 7842

(C) Disciplinary actions taken by the board under 7843
divisions (A) and (B) of this section shall be taken pursuant to 7844
an adjudication conducted under Chapter 119. of the Revised 7845
Code, except that in lieu of a hearing, the board may enter into 7846
a consent agreement with an individual to resolve an allegation 7847
of a violation of this chapter or any rule adopted under it. A 7848
consent agreement, when ratified by a vote of a quorum, shall 7849
constitute the findings and order of the board with respect to 7850
the matter addressed in the agreement. If the board refuses to 7851
ratify a consent agreement, the admissions and findings 7852
contained in the agreement shall be of no effect. 7853

(D) The hearings of the board shall be conducted in 7854
accordance with Chapter 119. of the Revised Code, the board may 7855
appoint a hearing examiner, as provided in section 119.09 of the 7856
Revised Code, to conduct any hearing the board is authorized to 7857
hold under Chapter 119. of the Revised Code. 7858

In any instance in which the board is required under 7859
Chapter 119. of the Revised Code to give notice of an 7860
opportunity for a hearing and the applicant, licensee, or 7861
certificate holder does not make a timely request for a hearing 7862
in accordance with section 119.07 of the Revised Code, the board 7863
is not required to hold a hearing, but may adopt, by a vote of a 7864
quorum, a final order that contains the board's findings. In the 7865
final order, the board may order any of the sanctions listed in 7866
division (A) or (B) of this section. 7867

(E) If a criminal action is brought against a registered 7868
nurse, licensed practical nurse, or dialysis technician for an 7869
act or crime described in divisions (B) (3) to (7) of this 7870
section and the action is dismissed by the trial court other 7871

than on the merits, the board shall conduct an adjudication to 7872
determine whether the registered nurse, licensed practical 7873
nurse, or dialysis technician committed the act on which the 7874
action was based. If the board determines on the basis of the 7875
adjudication that the registered nurse, licensed practical 7876
nurse, or dialysis technician committed the act, or if the 7877
registered nurse, licensed practical nurse, or dialysis 7878
technician fails to participate in the adjudication, the board 7879
may take action as though the registered nurse, licensed 7880
practical nurse, or dialysis technician had been convicted of 7881
the act. 7882

If the board takes action on the basis of a conviction, 7883
plea, or a judicial finding as described in divisions (B) (3) to 7884
(7) of this section that is overturned on appeal, the registered 7885
nurse, licensed practical nurse, or dialysis technician may, on 7886
exhaustion of the appeal process, petition the board for 7887
reconsideration of its action. On receipt of the petition and 7888
supporting court documents, the board shall temporarily rescind 7889
its action. If the board determines that the decision on appeal 7890
was a decision on the merits, it shall permanently rescind its 7891
action. If the board determines that the decision on appeal was 7892
not a decision on the merits, it shall conduct an adjudication 7893
to determine whether the registered nurse, licensed practical 7894
nurse, or dialysis technician committed the act on which the 7895
original conviction, plea, or judicial finding was based. If the 7896
board determines on the basis of the adjudication that the 7897
registered nurse, licensed practical nurse, or dialysis 7898
technician committed such act, or if the registered nurse, 7899
licensed practical nurse, or dialysis technician does not 7900
request an adjudication, the board shall reinstate its action; 7901
otherwise, the board shall permanently rescind its action. 7902

Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) of 7903
section 2953.32, division (D) of section 2953.321, division (C) 7904
(2) of section 2953.322, division (D) of section 2953.323, or 7905
division (F) (1) of section 2953.39 of the Revised Code 7906
specifying that if records pertaining to a criminal case are 7907
sealed or expunged under that section the proceedings in the 7908
case shall be deemed not to have occurred, sealing or 7909
expungement of the following records on which the board has 7910
based an action under this section shall have no effect on the 7911
board's action or any sanction imposed by the board under this 7912
section: records of any conviction, guilty plea, judicial 7913
finding of guilt resulting from a plea of no contest, or a 7914
judicial finding of eligibility for a pretrial diversion program 7915
or intervention in lieu of conviction. 7916

The board shall not be required to seal, destroy, redact, 7917
or otherwise modify its records to reflect the court's sealing 7918
or expungement of conviction records. 7919

(F) The board may investigate an individual's criminal 7920
background in performing its duties under this section. As part 7921
of such investigation, the board may order the individual to 7922
submit, at the individual's expense, a request to the bureau of 7923
criminal identification and investigation for a criminal records 7924
check and check of federal bureau of investigation records in 7925
accordance with the procedure described in section 4723.091 of 7926
the Revised Code. 7927

(G) During the course of an investigation conducted under 7928
this section, the board may compel any registered nurse, 7929
licensed practical nurse, or dialysis technician or applicant 7930
under this chapter to submit to a mental or physical 7931
examination, or both, as required by the board and at the 7932

expense of the individual, if the board finds reason to believe 7933
that the individual under investigation may have a physical or 7934
mental impairment that may affect the individual's ability to 7935
provide safe nursing care. 7936

The board shall not compel an individual who has been 7937
referred to the safe haven program as described in sections 7938
4723.35 and 4723.351 of the Revised Code to submit to a mental 7939
or physical examination. 7940

Failure of any individual to submit to a mental or 7941
physical examination when directed constitutes an admission of 7942
the allegations, unless the failure is due to circumstances 7943
beyond the individual's control, and a default and final order 7944
may be entered without the taking of testimony or presentation 7945
of evidence. 7946

If the board finds that an individual is impaired, the 7947
board shall require the individual to submit to care, 7948
counseling, or treatment approved or designated by the board, as 7949
a condition for initial, continued, reinstated, or renewed 7950
authority to practice. The individual shall be afforded an 7951
opportunity to demonstrate to the board that the individual can 7952
begin or resume the individual's occupation in compliance with 7953
acceptable and prevailing standards of care under the provisions 7954
of the individual's authority to practice. 7955

For purposes of this division, any registered nurse, 7956
licensed practical nurse, or dialysis technician or applicant 7957
under this chapter shall be deemed to have given consent to 7958
submit to a mental or physical examination when directed to do 7959
so in writing by the board, and to have waived all objections to 7960
the admissibility of testimony or examination reports that 7961
constitute a privileged communication. 7962

(H) The board shall investigate evidence that appears to 7963
show that any person has violated any provision of this chapter 7964
or any rule of the board. Any person may report to the board any 7965
information the person may have that appears to show a violation 7966
of any provision of this chapter or rule of the board. In the 7967
absence of bad faith, any person who reports such information or 7968
who testifies before the board in any adjudication conducted 7969
under Chapter 119. of the Revised Code shall not be liable for 7970
civil damages as a result of the report or testimony. 7971

(I) All of the following apply under this chapter with 7972
respect to the confidentiality of information: 7973

(1) Information received by the board pursuant to a 7974
complaint or an investigation is confidential and not subject to 7975
discovery in any civil action, except that the board may 7976
disclose information to law enforcement officers and government 7977
entities for purposes of an investigation of either a licensed 7978
health care professional, including a registered nurse, licensed 7979
practical nurse, or dialysis technician, or a person who may 7980
have engaged in the unauthorized practice of nursing or dialysis 7981
care. No law enforcement officer or government entity with 7982
knowledge of any information disclosed by the board pursuant to 7983
this division shall divulge the information to any other person 7984
or government entity except for the purpose of a government 7985
investigation, a prosecution, or an adjudication by a court or 7986
government entity. 7987

(2) If an investigation requires a review of patient 7988
records, the investigation and proceeding shall be conducted in 7989
such a manner as to protect patient confidentiality. 7990

(3) All adjudications and investigations of the board 7991
shall be considered civil actions for the purposes of section 7992

2305.252 of the Revised Code. 7993

(4) Any board activity that involves continued monitoring 7994
of an individual as part of or following any disciplinary action 7995
taken under this section shall be conducted in a manner that 7996
maintains the individual's confidentiality. Information received 7997
or maintained by the board with respect to the board's 7998
monitoring activities is not subject to discovery in any civil 7999
action and is confidential, except that the board may disclose 8000
information to law enforcement officers and government entities 8001
for purposes of an investigation of a licensee or certificate 8002
holder. 8003

(J) Any action taken by the board under this section 8004
resulting in a suspension from practice shall be accompanied by 8005
a written statement of the conditions under which the person may 8006
be reinstated to practice. 8007

(K) When the board refuses to grant a license or 8008
certificate to an applicant, revokes a license or certificate, 8009
or refuses to reinstate a license or certificate, the board may 8010
specify that its action is permanent. An individual subject to 8011
permanent action taken by the board is forever ineligible to 8012
hold a license or certificate of the type that was refused or 8013
revoked and the board shall not accept from the individual an 8014
application for reinstatement of the license or certificate or 8015
for a new license or certificate. 8016

(L) No unilateral surrender of a nursing license or 8017
dialysis technician certificate issued under this chapter shall 8018
be effective unless accepted by majority vote of the board. No 8019
application for a nursing license or dialysis technician 8020
certificate issued under this chapter may be withdrawn without a 8021
majority vote of the board. The board's jurisdiction to take 8022

disciplinary action under this section is not removed or limited 8023
when an individual has a license or certificate classified as 8024
inactive or fails to renew a license or certificate. 8025

(M) Sanctions shall not be imposed under division (B) (24) 8026
of this section against any licensee who waives deductibles and 8027
copayments as follows: 8028

(1) In compliance with the health benefit plan that 8029
expressly allows such a practice. Waiver of the deductibles or 8030
copayments shall be made only with the full knowledge and 8031
consent of the plan purchaser, payer, and third-party 8032
administrator. Documentation of the consent shall be made 8033
available to the board upon request. 8034

(2) For professional services rendered to any other person 8035
licensed pursuant to this chapter to the extent allowed by this 8036
chapter and the rules of the board. 8037

Sec. 4729.16. (A) (1) The state board of pharmacy, after 8038
notice and hearing in accordance with Chapter 119. of the 8039
Revised Code, may impose any one or more of the following 8040
sanctions on a pharmacist or pharmacy intern if the board finds 8041
the individual engaged in any of the conduct set forth in 8042
division (A) (2) of this section: 8043

(a) Revoke, suspend, restrict, limit, or refuse to grant 8044
or renew a license; 8045

(b) Reprimand or place the license holder on probation; 8046

(c) Impose a monetary penalty or forfeiture not to exceed 8047
in severity any fine designated under the Revised Code for a 8048
similar offense, or in the case of a violation of a section of 8049
the Revised Code that does not bear a penalty, a monetary 8050
penalty or forfeiture of not more than five hundred dollars. 8051

(2) Except as provided in division (I) of this section, 8052
the board may impose the sanctions listed in division (A) (1) of 8053
this section if the board finds a pharmacist or pharmacy intern: 8054

(a) Has been convicted of a felony, or a crime of moral 8055
turpitude, as defined in section 4776.10 of the Revised Code; 8056

(b) Engaged in dishonesty or unprofessional conduct in the 8057
practice of pharmacy; 8058

(c) Is addicted to or abusing alcohol or drugs or is 8059
impaired physically or mentally to such a degree as to render 8060
the pharmacist or pharmacy intern unfit to practice pharmacy; 8061

(d) Has been convicted of a misdemeanor related to, or 8062
committed in, the practice of pharmacy; 8063

(e) Violated, conspired to violate, attempted to violate, 8064
or aided and abetted the violation of any of the provisions of 8065
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 8066
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 8067
by the board under those provisions; 8068

(f) Permitted someone other than a pharmacist or pharmacy 8069
intern to practice pharmacy; 8070

(g) Knowingly lent the pharmacist's or pharmacy intern's 8071
name to an illegal practitioner of pharmacy or had a 8072
professional connection with an illegal practitioner of 8073
pharmacy; 8074

(h) Divided or agreed to divide remuneration made in the 8075
practice of pharmacy with any other individual, including, but 8076
not limited to, any licensed health professional authorized to 8077
prescribe drugs or any owner, manager, or employee of a health 8078
care facility, residential care facility, or nursing home; 8079

(i) Violated the terms of a consult agreement entered into 8080
pursuant to section 4729.39 of the Revised Code; 8081

(j) Committed fraud, misrepresentation, or deception in 8082
applying for or securing a license issued by the board under 8083
this chapter or under Chapter 3715. or 3719. of the Revised 8084
Code; 8085

(k) Failed to comply with an order of the board or a 8086
settlement agreement; 8087

(l) Engaged in any other conduct for which the board may 8088
impose discipline as set forth in rules adopted under section 8089
4729.26 of the Revised Code. 8090

(B) Any individual whose license is revoked, suspended, or 8091
refused, shall return the license to the offices of the state 8092
board of pharmacy within ten days after receipt of notice of 8093
such action. 8094

(C) As used in this section: 8095

"Unprofessional conduct in the practice of pharmacy" 8096
includes any of the following: 8097

(1) Advertising or displaying signs that promote dangerous 8098
drugs to the public in a manner that is false or misleading; 8099

(2) Except as provided in section 3715.50, 3715.502, 8100
4729.281, or 4729.47 of the Revised Code, the dispensing or sale 8101
of any drug for which a prescription is required, without having 8102
received a prescription for the drug; 8103

(3) Knowingly dispensing medication pursuant to false or 8104
forged prescriptions; 8105

(4) Knowingly failing to maintain complete and accurate 8106

records of all dangerous drugs received or dispensed in 8107
compliance with federal laws and regulations and state laws and 8108
rules; 8109

(5) Obtaining any remuneration by fraud, 8110
misrepresentation, or deception; 8111

(6) Failing to conform to prevailing standards of care of 8112
similar pharmacists or pharmacy interns under the same or 8113
similar circumstances, whether or not actual injury to a patient 8114
is established; 8115

(7) Engaging in any other conduct that the board specifies 8116
as unprofessional conduct in the practice of pharmacy in rules 8117
adopted under section 4729.26 of the Revised Code. 8118

(D) The board may suspend a license under division (B) of 8119
section 3719.121 of the Revised Code by utilizing a telephone 8120
conference call to review the allegations and take a vote. 8121

(E) For purposes of this division, an individual 8122
authorized to practice as a pharmacist or pharmacy intern 8123
accepts the privilege of practicing in this state subject to 8124
supervision by the board. By filing an application for or 8125
holding a license to practice as a pharmacist or pharmacy 8126
intern, an individual gives consent to submit to a mental or 8127
physical examination when ordered to do so by the board in 8128
writing and waives all objections to the admissibility of 8129
testimony or examination reports that constitute privileged 8130
communications. 8131

If the board has reasonable cause to believe that an 8132
individual who is a pharmacist or pharmacy intern is physically 8133
or mentally impaired, the board may require the individual to 8134
submit to a physical or mental examination, or both. The expense 8135

of the examination is the responsibility of the individual 8136
required to be examined. 8137

Failure of an individual who is a pharmacist or pharmacy 8138
intern to submit to a physical or mental examination ordered by 8139
the board, unless the failure is due to circumstances beyond the 8140
individual's control, constitutes an admission of the 8141
allegations and a suspension order shall be entered without the 8142
taking of testimony or presentation of evidence. Any subsequent 8143
adjudication hearing under Chapter 119. of the Revised Code 8144
concerning failure to submit to an examination is limited to 8145
consideration of whether the failure was beyond the individual's 8146
control. 8147

If, based on the results of an examination ordered under 8148
this division, the board determines that the individual's 8149
ability to practice is impaired, the board shall suspend the 8150
individual's license or deny the individual's application and 8151
shall require the individual, as a condition for an initial, 8152
continued, reinstated, or renewed license to practice, to submit 8153
to a physical or mental examination and treatment. 8154

An order of suspension issued under this division shall 8155
not be subject to suspension by a court during pendency of any 8156
appeal filed under section 119.12 of the Revised Code. 8157

(F) If the board is required under Chapter 119. of the 8158
Revised Code to give notice of an opportunity for a hearing and 8159
the applicant or licensee does not make a timely request for a 8160
hearing in accordance with section 119.07 of the Revised Code, 8161
the board is not required to hold a hearing, but may adopt a 8162
final order that contains the board's findings. In the final 8163
order, the board may impose any of the sanctions listed in 8164
division (A) of this section. 8165

(G) Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) 8166
of section 2953.32, division (D) of section 2953.321, division 8167
(C) (2) of section 2953.322, division (D) of section 2953.323, or 8168
division (F) (1) of section 2953.39 of the Revised Code 8169
specifying that if records pertaining to a criminal case are 8170
sealed or expunged under that section the proceedings in the 8171
case must be deemed not to have occurred, sealing or expungement 8172
of the following records on which the board has based an action 8173
under this section shall have no effect on the board's action or 8174
any sanction imposed by the board under this section: records of 8175
any conviction, guilty plea, judicial finding of guilt resulting 8176
from a plea of no contest, or a judicial finding of eligibility 8177
for a pretrial diversion program or intervention in lieu of 8178
conviction. The board shall not be required to seal, destroy, 8179
redact, or otherwise modify its records to reflect the court's 8180
sealing or expungement of conviction records. 8181

(H) No pharmacist or pharmacy intern shall knowingly 8182
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 8183
(e) to (l) of this section. 8184

(I) The board shall not refuse to issue a license to an 8185
applicant for a conviction of an offense unless the refusal is 8186
in accordance with section 9.79 of the Revised Code. 8187

Sec. 4729.56. (A) (1) The state board of pharmacy, in 8188
accordance with Chapter 119. of the Revised Code, may impose any 8189
one or more of the following sanctions on a person licensed 8190
under division (B) (1) (a) of section 4729.52 of the Revised Code 8191
for any of the causes set forth in division (A) (2) of this 8192
section: 8193

(a) Suspend, revoke, restrict, limit, or refuse to grant 8194
or renew a license; 8195

(b) Reprimand or place the license holder on probation; 8196

(c) Impose a monetary penalty or forfeiture not to exceed 8197
in severity any fine designated under the Revised Code for a 8198
similar offense or two thousand five hundred dollars if the acts 8199
committed are not classified as an offense by the Revised Code; 8200

(2) The board may impose the sanctions set forth in 8201
division (A)(1) of this section for any of the following: 8202

(a) Making any false material statements in an application 8203
for licensure under section 4729.52 of the Revised Code; 8204

(b) Violating any federal, state, or local drug law; any 8205
provision of this chapter or Chapter 2925., 3715., or 3719. of 8206
the Revised Code; or any rule of the board; 8207

(c) A conviction of a felony; 8208

(d) Failing to satisfy the qualifications for licensure 8209
under section 4729.53 of the Revised Code or the rules of the 8210
board or ceasing to satisfy the qualifications after the 8211
registration is granted or renewed; 8212

(e) Falsely or fraudulently promoting to the public a drug 8213
that is a controlled substance included in schedule I, II, III, 8214
IV, or V, except that nothing in this division prohibits a 8215
manufacturer, outsourcing facility, third-party logistics 8216
provider, repackager, or wholesale distributor of dangerous 8217
drugs from furnishing information concerning a controlled 8218
substance to a health care provider or licensed terminal 8219
distributor; 8220

(f) Violating any provision of the "Federal Food, Drug, 8221
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 8222
Chapter 3715. of the Revised Code; 8223

(g) Any other cause for which the board may impose 8224
sanctions as set forth in rules adopted under section 4729.26 of 8225
the Revised Code. 8226

(B) Upon the suspension or revocation of any license 8227
identified in division (B) (1) (a) of section 4729.52 of the 8228
Revised Code, the licensee shall immediately surrender the 8229
license to the board. 8230

(C) If the board suspends, revokes, or refuses to renew 8231
any license identified in division (B) (1) (a) of section 4729.52 8232
of the Revised Code and determines that there is clear and 8233
convincing evidence of a danger of immediate and serious harm to 8234
any person, the board may place under seal all dangerous drugs 8235
owned by or in the possession, custody, or control of the 8236
affected licensee. Except as provided in this division, the 8237
board shall not dispose of the dangerous drugs sealed under this 8238
division until the licensee exhausts all of the licensee's 8239
appeal rights under Chapter 119. of the Revised Code. The court 8240
involved in such an appeal may order the board, during the 8241
pendency of the appeal, to sell sealed dangerous drugs that are 8242
perishable. The board shall deposit the proceeds of the sale 8243
with the court. 8244

(D) If the board is required under Chapter 119. of the 8245
Revised Code to give notice of an opportunity for a hearing and 8246
the license holder does not make a timely request for a hearing 8247
in accordance with section 119.07 of the Revised Code, the board 8248
is not required to hold a hearing, but may adopt a final order 8249
that contains the board's findings. In the final order, the 8250
board may impose any of the sanctions listed in division (A) of 8251
this section. 8252

(E) Notwithstanding division ~~(D) (2)~~ (C) (2) of section 8253

2953.32, division (D) of section 2953.321, division (C) (2) of 8254
section 2953.322, division (D) of section 2953.323, or division 8255
(F) (1) of section 2953.39 of the Revised Code specifying that if 8256
records pertaining to a criminal case are sealed or expunged 8257
under that section the proceedings in the case must be deemed 8258
not to have occurred, sealing or expungement of the following 8259
records on which the board has based an action under this 8260
section shall have no effect on the board's action or any 8261
sanction imposed by the board under this section: records of any 8262
conviction, guilty plea, judicial finding of guilt resulting 8263
from a plea of no contest, or a judicial finding of eligibility 8264
for a pretrial diversion program or intervention in lieu of 8265
conviction. The board is not required to seal, destroy, redact, 8266
or otherwise modify its records to reflect the court's sealing 8267
or expungement of conviction records. 8268

Sec. 4729.57. (A) The state board of pharmacy may after 8269
notice and a hearing in accordance with Chapter 119. of the 8270
Revised Code, impose any one or more of the following sanctions 8271
on a terminal distributor of dangerous drugs for any of the 8272
causes set forth in division (B) of this section: 8273

(1) Suspend, revoke, restrict, limit, or refuse to grant 8274
or renew any license; 8275

(2) Reprimand or place the license holder on probation; 8276

(3) Impose a monetary penalty or forfeiture not to exceed 8277
in severity any fine designated under the Revised Code for a 8278
similar offense or one thousand dollars if the acts committed 8279
have not been classified as an offense by the Revised Code. 8280

(B) The board may impose the sanctions listed in division 8281
(A) of this section for any of the following: 8282

- (1) Making any false material statements in an application 8283
for a license as a terminal distributor of dangerous drugs; 8284
- (2) Violating any rule of the board; 8285
- (3) Violating any provision of this chapter; 8286
- (4) Except as provided in section 4729.89 of the Revised 8287
Code, violating any provision of the "Federal Food, Drug, and 8288
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 8289
3715. of the Revised Code; 8290
- (5) Violating any provision of the federal drug abuse 8291
control laws or Chapter 2925. or 3719. of the Revised Code; 8292
- (6) Falsely or fraudulently promoting to the public a 8293
dangerous drug, except that nothing in this division prohibits a 8294
terminal distributor of dangerous drugs from furnishing 8295
information concerning a dangerous drug to a health care 8296
provider or another licensed terminal distributor; 8297
- (7) Ceasing to satisfy the qualifications of a terminal 8298
distributor of dangerous drugs set forth in section 4729.55 of 8299
the Revised Code; 8300
- (8) Except as provided in division (C) of this section: 8301
- (a) Waiving the payment of all or any part of a deductible 8302
or copayment that an individual, pursuant to a health insurance 8303
or health care policy, contract, or plan that covers the 8304
services provided by a terminal distributor of dangerous drugs, 8305
would otherwise be required to pay for the services if the 8306
waiver is used as an enticement to a patient or group of 8307
patients to receive pharmacy services from that terminal 8308
distributor; 8309
- (b) Advertising that the terminal distributor will waive 8310

the payment of all or any part of a deductible or copayment that 8311
an individual, pursuant to a health insurance or health care 8312
policy, contract, or plan that covers the pharmaceutical 8313
services, would otherwise be required to pay for the services. 8314

(9) Conviction of a felony; 8315

(10) Any other cause for which the board may impose 8316
discipline as set forth in rules adopted under section 4729.26 8317
of the Revised Code. 8318

(C) Sanctions shall not be imposed under division (B) (8) 8319
of this section against any terminal distributor of dangerous 8320
drugs that waives deductibles and copayments as follows: 8321

(1) In compliance with a health benefit plan that 8322
expressly allows such a practice. Waiver of the deductibles or 8323
copayments shall be made only with the full knowledge and 8324
consent of the plan purchaser, payer, and third-party 8325
administrator. Documentation of the consent shall be made 8326
available to the board on request. 8327

(2) For professional services rendered to any other person 8328
licensed pursuant to this chapter to the extent allowed by this 8329
chapter and the rules of the board. 8330

(D) (1) Upon the suspension or revocation of a license 8331
issued to a terminal distributor of dangerous drugs or the 8332
refusal by the board to renew such a license, the distributor 8333
shall immediately surrender the license to the board. 8334

(2) (a) The board may place under seal all dangerous drugs 8335
that are owned by or in the possession, custody, or control of a 8336
terminal distributor at the time the license is suspended or 8337
revoked or at the time the board refuses to renew the license. 8338
Except as provided in division (D) (2) (b) of this section, 8339

dangerous drugs so sealed shall not be disposed of until appeal 8340
rights under Chapter 119. of the Revised Code have expired or an 8341
appeal filed pursuant to that chapter has been determined. 8342

(b) The court involved in an appeal filed pursuant to 8343
Chapter 119. of the Revised Code may order the board, during the 8344
pendency of the appeal, to sell sealed dangerous drugs that are 8345
perishable. The proceeds of such a sale shall be deposited with 8346
that court. 8347

(E) If the board is required under Chapter 119. of the 8348
Revised Code to give notice of an opportunity for a hearing and 8349
the license holder does not make a timely request for a hearing 8350
in accordance with section 119.07 of the Revised Code, the board 8351
is not required to hold a hearing, but may adopt a final order 8352
that contains the board's findings. In the final order, the 8353
board may impose any of the sanctions listed in division (A) of 8354
this section. 8355

(F) Notwithstanding division ~~(D) (2)~~ (C) (2) of section 8356
2953.32, division (D) of section 2953.321, division (C) (2) of 8357
section 2953.322, division (D) of section 2953.323, or division 8358
(F) (1) of section 2953.39 of the Revised Code specifying that if 8359
records pertaining to a criminal case are sealed or expunged 8360
under that section the proceedings in the case must be deemed 8361
not to have occurred, sealing or expungement of the following 8362
records on which the board has based an action under this 8363
section shall have no effect on the board's action or any 8364
sanction imposed by the board under this section: records of any 8365
conviction, guilty plea, judicial finding of guilt resulting 8366
from a plea of no contest, or a judicial finding of eligibility 8367
for a pretrial diversion program or intervention in lieu of 8368
conviction. The board is not required to seal, destroy, redact, 8369

or otherwise modify its records to reflect the court's sealing 8370
or expungement of conviction records. 8371

Sec. 4729.96. (A) (1) The state board of pharmacy, after 8372
notice and hearing in accordance with Chapter 119. of the 8373
Revised Code, may impose one or more of the following sanctions 8374
on a pharmacy technician trainee, registered pharmacy 8375
technician, or certified pharmacy technician if the board finds 8376
the individual engaged in any of the conduct set forth in 8377
division (A) (2) of this section: 8378

(a) Revoke, suspend, restrict, limit, or refuse to grant 8379
or renew a registration; 8380

(b) Reprimand or place the holder of the registration on 8381
probation; 8382

(c) Impose a monetary penalty or forfeiture not to exceed 8383
in severity any fine designated under the Revised Code for a 8384
similar offense, or in the case of a violation of a section of 8385
the Revised Code that does not bear a penalty, a monetary 8386
penalty or forfeiture of not more than five hundred dollars. 8387

(2) Except as provided in division (G) of this section, 8388
the board may impose the sanctions listed in division (A) (1) of 8389
this section if the board finds a pharmacy technician trainee, 8390
registered pharmacy technician, or certified pharmacy 8391
technician: 8392

(a) Has been convicted of a felony, or a crime of moral 8393
turpitude, as defined in section 4776.10 of the Revised Code; 8394

(b) Engaged in dishonesty or unprofessional conduct, as 8395
prescribed in rules adopted by the board under section 4729.94 8396
of the Revised Code; 8397

(c) Is addicted to or abusing alcohol or drugs or impaired 8398
physically or mentally to such a degree as to render the 8399
individual unable to perform the individual's duties; 8400

(d) Violated, conspired to violate, attempted to violate, 8401
or aided and abetted the violation of any of the provisions of 8402
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 8403
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 8404
by the board under those provisions; 8405

(e) Committed fraud, misrepresentation, or deception in 8406
applying for or securing a registration issued by the board 8407
under this chapter; 8408

(f) Failed to comply with an order of the board or a 8409
settlement agreement; 8410

(g) Engaged in any other conduct for which the board may 8411
impose discipline as set forth in rules adopted by the board 8412
under section 4729.94 of the Revised Code. 8413

(B) The board may suspend a registration under division 8414
(B) of section 3719.121 of the Revised Code by utilizing a 8415
telephone conference call to review the allegations and take a 8416
vote. 8417

(C) For purposes of this division, an individual 8418
authorized to practice as a pharmacy technician trainee, 8419
registered pharmacy technician, or certified pharmacy technician 8420
accepts the privilege of practicing in this state subject to 8421
supervision by the board. By filing an application for or 8422
holding a registration under this chapter, the individual gives 8423
consent to submit to a mental or physical examination when 8424
ordered to do so by the board in writing and waives all 8425
objections to the admissibility of testimony or examination 8426

reports that constitute privileged communications. 8427

If the board has reasonable cause to believe that an 8428
individual who is a pharmacy technician trainee, registered 8429
pharmacy technician, or certified pharmacy technician is 8430
physically or mentally impaired, the board may require the 8431
individual to submit to a physical or mental examination, or 8432
both. The expense of the examination is the responsibility of 8433
the individual required to be examined. 8434

Failure of an individual who is a pharmacy technician 8435
trainee, registered pharmacy technician, or certified pharmacy 8436
technician to submit to a physical or mental examination ordered 8437
by the board, unless the failure is due to circumstances beyond 8438
the individual's control, constitutes an admission of the 8439
allegations and a suspension order shall be entered without the 8440
taking of testimony or presentation of evidence. Any subsequent 8441
adjudication hearing under Chapter 119. of the Revised Code 8442
concerning failure to submit to an examination is limited to 8443
consideration of whether the failure was beyond the individual's 8444
control. 8445

If, based on the results of an examination ordered under 8446
this division, the board determines that the individual's 8447
ability to practice is impaired, the board shall suspend the 8448
individual's registration or deny the individual's application 8449
and shall require the individual, as a condition for an initial, 8450
continued, reinstated, or renewed registration to practice, to 8451
submit to a physical or mental examination and treatment. 8452

An order of suspension issued under this division shall 8453
not be subject to suspension by a court during pendency of any 8454
appeal filed under section 119.12 of the Revised Code. 8455

(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)~~ (C) (2) of section 2953.32, division (D) of section 2953.321, division (C) (2) of section 2953.322, division (D) of section 2953.323, or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) No pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician shall knowingly engage in any conduct described in divisions (A) (2) (b) or (A) (2) (d) to (g) of this section.

(G) The board shall not refuse to issue a registration to an applicant because of a conviction of an offense unless the

refusal is in accordance with section 9.79 of the Revised Code. 8486

Sec. 4752.09. (A) The state board of pharmacy may, in 8487
accordance with Chapter 119. of the Revised Code, impose any one 8488
or more of the following sanctions on an applicant for a license 8489
or certificate of registration issued under this chapter or a 8490
license or certificate holder for any of the causes set forth in 8491
division (B) of this section: 8492

(1) Suspend, revoke, restrict, limit, or refuse to grant 8493
or renew a license or certificate of registration; 8494

(2) Reprimand or place the license or certificate holder 8495
on probation; 8496

(3) Impose a monetary penalty or forfeiture not to exceed 8497
in severity any fine designated under the Revised Code for a 8498
similar offense or not more than five thousand dollars if the 8499
acts committed are not classified as an offense by the Revised 8500
Code. 8501

(B) The board may impose the sanctions listed in division 8502
(A) of this section for any of the following: 8503

(1) Violation of any provision of this chapter or an order 8504
or rule of the board, as those provisions, orders, or rules are 8505
applicable to persons licensed under this chapter; 8506

(2) A plea of guilty to or a judicial finding of guilt of 8507
a felony or a misdemeanor that involves dishonesty or is 8508
directly related to the provision of home medical equipment 8509
services; 8510

(3) Making a material misstatement in furnishing 8511
information to the board; 8512

(4) Professional incompetence; 8513

- (5) Being guilty of negligence or gross misconduct in providing home medical equipment services; 8514
8515
- (6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter; 8516
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- (7) Failing to provide information in response to a written request by the board; 8520
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- (8) Engaging in conduct likely to deceive, defraud, or harm the public; 8522
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- (9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction; 8524
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- (10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered; 8528
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- (11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments; 8531
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- (12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers; 8535
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- (13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of 8540
8541

the Revised Code. 8542

(C) Notwithstanding any provision of divisions (A) and (B) 8543
of this section to the contrary, the board shall not refuse to 8544
issue a license or certificate of registration to an applicant 8545
because of a plea of guilty to or a judicial finding of guilt of 8546
an offense unless the refusal is in accordance with section 9.79 8547
of the Revised Code. 8548

(D) The state board of pharmacy immediately may suspend a 8549
license without a hearing if it determines that there is 8550
evidence that the license holder is subject to actions under 8551
this section and that there is clear and convincing evidence 8552
that continued operation by the license holder presents an 8553
immediate and serious harm to the public. The board shall follow 8554
the procedure for suspension without a prior hearing in section 8555
119.07 of the Revised Code. The board may vote on the suspension 8556
by way of a telephone conference call. 8557

A suspension under this division shall remain in effect, 8558
unless reversed by the board, until a final adjudication order 8559
issued by the board pursuant to this section and Chapter 119. of 8560
the Revised Code becomes effective. The board shall issue its 8561
final adjudication order not later than ninety days after 8562
completion of the hearing. The board's failure to issue the 8563
order by that day shall cause the summary suspension to end, but 8564
shall not affect the validity of any subsequent final 8565
adjudication order. 8566

(E) If the board is required under Chapter 119. of the 8567
Revised Code to give notice of an opportunity for a hearing and 8568
the applicant or license or certificate holder does not make a 8569
timely request for a hearing in accordance with section 119.07 8570
of the Revised Code, the board is not required to hold a 8571

hearing, but may adopt a final order that contains the board's 8572
findings. In the final order, the board may impose any of the 8573
sanctions listed in division (A) of this section. 8574

(F) Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) 8575
of section 2953.32, division (D) of section 2953.321, division 8576
(C) (2) of section 2953.322, division (D) of section 2953.323, or 8577
division (F) (1) of section 2953.39 of the Revised Code 8578
specifying that if records pertaining to a criminal case are 8579
sealed or expunged under that section the proceedings in the 8580
case must be deemed not to have occurred, sealing or expungement 8581
of the following records on which the board has based an action 8582
under this section shall have no effect on the board's action or 8583
any sanction imposed by the board under this section: records of 8584
any conviction, guilty plea, judicial finding of guilt resulting 8585
from a plea of no contest, or a judicial finding of eligibility 8586
for a pretrial diversion program or intervention in lieu of 8587
conviction. The board shall not be required to seal, destroy, 8588
redact, or otherwise modify its records to reflect the court's 8589
sealing or expungement of conviction records. 8590

Sec. 5120.035. (A) As used in this section: 8591

(1) "Community treatment provider" means a program that 8592
provides substance use disorder assessment and treatment for 8593
persons and that satisfies all of the following: 8594

(a) It is located outside of a state correctional 8595
institution. 8596

(b) It shall provide the assessment and treatment for 8597
qualified prisoners referred and transferred to it under this 8598
section in a suitable facility that is licensed pursuant to 8599
division (C) of section 2967.14 of the Revised Code. 8600

(c) All qualified prisoners referred and transferred to it 8601
under this section shall reside initially in the suitable 8602
facility specified in division (A) (1) (b) of this section while 8603
undergoing the assessment and treatment. 8604

(2) "Electronic monitoring device" has the same meaning as 8605
in section 2929.01 of the Revised Code. 8606

(3) "State correctional institution" has the same meaning 8607
as in section 2967.01 of the Revised Code. 8608

(4) "Qualified prisoner" means a person who satisfies all 8609
of the following: 8610

(a) The person is confined in a state correctional 8611
institution under a prison term imposed for a felony of the 8612
third, fourth, or fifth degree that is not an offense of 8613
violence. 8614

(b) The department of rehabilitation and correction 8615
determines, using a standardized assessment tool, that the 8616
person has a substance use disorder. 8617

(c) The person has not more than twelve months remaining 8618
to be served under the prison term described in division (A) (4) 8619
(a) of this section. 8620

(d) The person is not serving any prison term other than 8621
the term described in division (A) (4) (a) of this section. 8622

(e) The person is eighteen years of age or older. 8623

(f) The person does not show signs of drug or alcohol 8624
withdrawal and does not require medical detoxification. 8625

(g) As determined by the department of rehabilitation and 8626
correction, the person is physically and mentally capable of 8627

uninterrupted participation in the substance use disorder 8628
treatment program established under division (B) of this 8629
section. 8630

(B) The department of rehabilitation and correction shall 8631
establish and operate a program for community-based substance 8632
use disorder treatment for qualified prisoners. The purpose of 8633
the program shall be to provide substance use disorder 8634
assessment and treatment through community treatment providers 8635
to help reduce substance use relapses and recidivism for 8636
qualified prisoners while preparing them for reentry into the 8637
community and improving public safety. 8638

(C) (1) The department shall determine which qualified 8639
prisoners in its custody should be placed in the substance use 8640
disorder treatment program established under division (B) of 8641
this section. The department has full discretion in making that 8642
determination. If the department determines that a qualified 8643
prisoner should be placed in the program, the department may 8644
refer the prisoner to a community treatment provider the 8645
department has approved under division (E) of this section for 8646
participation in the program and transfer the prisoner from the 8647
state correctional institution to the provider's approved and 8648
licensed facility. Except as otherwise provided in division (C) 8649
(3) of this section, no prisoner shall be placed under the 8650
program in any facility other than a facility of a community 8651
treatment provider that has been so approved. If the department 8652
places a prisoner in the program, the prisoner shall receive 8653
credit against the prisoner's prison term for all time served in 8654
the provider's approved and licensed facility and may earn days 8655
of credit under section 2967.193 or 2967.194 of the Revised 8656
Code, but otherwise neither the placement nor the prisoner's 8657
participation in or completion of the program shall result in 8658

any reduction of the prisoner's prison term. 8659

(2) If the department places a prisoner in the substance 8660
use disorder treatment program, the prisoner does not 8661
satisfactorily participate in the program, and the prisoner has 8662
not served the prisoner's entire prison term, the department may 8663
remove the prisoner from the program and return the prisoner to 8664
a state correctional institution. 8665

(3) If the department places a prisoner in the substance 8666
use disorder treatment program and the prisoner is 8667
satisfactorily participating in the program, the department may 8668
permit the prisoner to reside at a residence approved by the 8669
department if the department determines, with input from the 8670
community treatment provider, that residing at the approved 8671
residence will help the prisoner prepare for reentry into the 8672
community and will help reduce substance use relapses and 8673
recidivism for the prisoner. If a prisoner is permitted under 8674
this division to reside at a residence approved by the 8675
department, the prisoner shall be monitored during the period of 8676
that residence by an electronic monitoring device. 8677

(D) (1) When a prisoner has been placed in the substance 8678
use disorder treatment program established under division (B) of 8679
this section, before the prisoner is released from custody of 8680
the department upon completion of the prisoner's prison term, 8681
the department shall conduct and prepare an evaluation of the 8682
prisoner, the prisoner's participation in the program, and the 8683
prisoner's needs regarding substance use disorder treatment upon 8684
release. Before the prisoner is released from custody of the 8685
department upon completion of the prisoner's prison term, the 8686
parole board or the court acting pursuant to an agreement under 8687
section 2967.29 of the Revised Code shall consider the 8688

evaluation, in addition to all other information and materials 8689
considered, as follows: 8690

(a) If the prisoner is a prisoner for whom post-release 8691
control is mandatory under section 2967.28 of the Revised Code, 8692
the board or court shall consider it in determining which post- 8693
release control sanction or sanctions to impose upon the 8694
prisoner under that section. 8695

(b) If the prisoner is a prisoner for whom post-release 8696
control is not mandatory under section 2967.28 of the Revised 8697
Code, the board or court shall consider it in determining 8698
whether a post-release control sanction is necessary and, if so, 8699
which post-release control sanction or sanctions to impose upon 8700
the prisoner under that section. 8701

(2) If the department determines that a prisoner it placed 8702
in the substance use disorder treatment program successfully 8703
completed the program and successfully completed a term of post- 8704
release control, if applicable, and if the prisoner submits an 8705
application under section 2953.32, 2953.322, or 2953.323 of the 8706
Revised Code or the prosecutor in the case submits an 8707
application under section 2953.39 of the Revised Code for 8708
sealing or expungement of the record of the conviction, the 8709
director may issue a letter to the court in support of the 8710
application. 8711

(E) (1) The department shall accept applications from 8712
community treatment providers that satisfy the requirement 8713
specified in division (E) (2) of this section and that wish to 8714
participate in the substance use disorder treatment program 8715
established under division (B) of this section, and shall 8716
approve for participation in the program at least four and not 8717
more than eight of the providers that apply. To the extent 8718

feasible, the department shall approve one or more providers 8719
from each geographical quadrant of the state. 8720

(2) Each community treatment provider that applies under 8721
division (E)(1) of this section to participate in the program 8722
shall have the provider's alcohol and drug addiction services 8723
that provide substance use disorder treatment certified by the 8724
department of mental health and addiction services under section 8725
5119.36 of the Revised Code. A community treatment provider is 8726
not required to have the provider's halfway house or residential 8727
treatment certified by the department of mental health and 8728
addiction services. 8729

(F) The department of rehabilitation and correction shall 8730
adopt rules for the operation of the substance use disorder 8731
treatment program it establishes under division (B) of this 8732
section and shall operate the program in accordance with this 8733
section and those rules. The rules shall establish, at a 8734
minimum, all of the following: 8735

(1) Criteria that establish which qualified prisoners are 8736
eligible for the program; 8737

(2) Criteria that must be satisfied to transfer a 8738
qualified prisoner to a residence pursuant to division (C)(3) of 8739
this section; 8740

(3) Criteria for the removal of a prisoner from the 8741
program pursuant to division (C)(2) of this section; 8742

(4) Criteria for determining when an offender has 8743
successfully completed the program for purposes of division (D) 8744
(2) of this section; 8745

(5) Criteria for community treatment providers to provide 8746
assessment and treatment, including minimum standards for 8747

treatment. 8748

Section 2. That existing sections 109.11, 109.57, 109.572, 8749
109.578, 109.579, 2151.357, 2746.02, 2901.08, 2923.125, 2923.13, 8750
2923.14, 2929.01, 2929.13, 2929.14, 2929.34, 2930.171, 2941.141, 8751
2941.144, 2941.145, 2941.146, 2951.041, 2953.25, 2953.26, 8752
2953.31, 2953.32, 2953.34, 2953.39, 2953.61, 4723.28, 4729.16, 8753
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035 of the Revised 8754
Code are hereby repealed. 8755

Section 3. This act shall be known as the Repeat Offender 8756
Act. 8757

Section 4. The General Assembly, applying the principle 8758
stated in division (B) of section 1.52 of the Revised Code that 8759
amendments are to be harmonized if reasonably capable of 8760
simultaneous operation, finds that the following sections, 8761
presented in this act as composites of the sections as amended 8762
by the acts indicated, are the resulting versions of the 8763
sections in effect prior to the effective date of the sections 8764
as presented in this act: 8765

Section 2746.02 of the Revised Code as amended by both 8766
H.B. 281 and S.B. 288 of the 134th General Assembly. 8767

Section 2923.125 of the Revised Code as amended by both 8768
H.B. 281 and S.B. 288 of the 134th General Assembly. 8769

Section 2929.14 of the Revised Code as amended by both 8770
H.B. 56 and S.B. 106 of the 135th General Assembly. 8771

Section 2930.171 of the Revised Code as amended by both 8772
H.B. 33 and S.B. 16 of the 135th General Assembly. 8773

Section 4729.16 of the Revised Code as amended by H.B. 558 8774
and S.B. 288, both of the 134th General Assembly. 8775