

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 741

Representatives Manning, G., Greenspan

**Cosponsors: Representatives Romanchuk, Fraizer, Green, Lanese, Hoops, Kelly,
Becker**

A BILL

To amend sections 145.27, 145.572, 145.573, 742.41, 1
742.463, 742.464, 2329.66, 2901.43, 2929.192, 2
2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3
3307.20, 3307.372, 3307.373, 3309.22, 3309.672, 4
3309.673, 5505.04, 5505.262, and 5505.263 and to 5
enact sections 2901.432, 2901.433, 2901.434, and 6
2927.28 of the Revised Code to add extortion and 7
perjury and certain federal offenses to the 8
offenses that may result in forfeiture or 9
termination of public retirement system 10
benefits. 11

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

Section 1. That sections 145.27, 145.572, 145.573, 742.41, 12
742.463, 742.464, 2329.66, 2901.43, 2929.192, 2929.193, 3305.08, 13
3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 3307.373, 3309.22, 14
3309.672, 3309.673, 5505.04, 5505.262, and 5505.263 be amended 15
and sections 2901.432, 2901.433, 2901.434, and 2927.28 of the 16
Revised Code be enacted to read as follows: 17

Sec. 145.27. (A) (1) As used in this division, "personal 18

history record" means information maintained by the public 19
employees retirement board on an individual who is a member, 20
former member, contributor, former contributor, retirant, or 21
beneficiary that includes the address, telephone number, social 22
security number, record of contributions, correspondence with 23
the public employees retirement system, or other information the 24
board determines to be confidential. 25

(2) The records of the board shall be open to public 26
inspection and may be made available in printed or electronic 27
format, except that the following shall be excluded, except with 28
the written authorization of the individual concerned: 29

(a) The individual's statement of previous service and 30
other information as provided for in section 145.16 of the 31
Revised Code; 32

(b) The amount of a monthly allowance or benefit paid to 33
the individual; 34

(c) The individual's personal history record. 35

(B) All medical reports and recommendations required by 36
this chapter are privileged, except as follows: 37

(1) Copies of medical reports or recommendations shall be 38
made available to the personal physician, attorney, or 39
authorized agent of the individual concerned upon written 40
release from the individual or the individual's agent, or when 41
necessary for the proper administration of the fund, to the 42
board assigned physician. 43

(2) Documentation required by section 2901.434 or 2929.193 44
of the Revised Code shall be provided to a court holding a 45
hearing under that section. 46

(C) Any person who is a member or contributor of the 47
system shall be furnished with a statement of the amount to the 48
credit of the individual's account upon written request. The 49
board is not required to answer more than one such request of a 50
person in any one year. The board may issue annual statements of 51
accounts to members and contributors. 52

(D) Notwithstanding the exceptions to public inspection in 53
division (A) (2) of this section, the board may furnish the 54
following information: 55

(1) If a member, former member, contributor, former 56
contributor, or retirant is subject to an order issued under 57
section 2907.15 of the Revised Code or an order issued under 58
division (A) or (B) of section 2929.192 of the Revised Code or 59
is convicted of or pleads guilty to a violation of section 60
2921.41 of the Revised Code, on written request of a prosecutor 61
as defined in section 2935.01 of the Revised Code, the board 62
shall furnish to the prosecutor the information requested from 63
the individual's personal history record. 64

(2) Pursuant to a court or administrative order issued 65
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 66
Code, the board shall furnish to a court or child support 67
enforcement agency the information required under that section. 68

(3) At the written request of any person, the board shall 69
provide to the person a list of the names and addresses of 70
members, former members, contributors, former contributors, 71
retirants, or beneficiaries. The costs of compiling, copying, 72
and mailing the list shall be paid by such person. 73

(4) Within fourteen days after receiving from the director 74
of job and family services a list of the names and social 75

security numbers of recipients of public assistance pursuant to 76
section 5101.181 of the Revised Code, the board shall inform the 77
auditor of state of the name, current or most recent employer 78
address, and social security number of each member whose name 79
and social security number are the same as that of a person 80
whose name or social security number was submitted by the 81
director. The board and its employees shall, except for purposes 82
of furnishing the auditor of state with information required by 83
this section, preserve the confidentiality of recipients of 84
public assistance in compliance with section 5101.181 of the 85
Revised Code. 86

(5) The system shall comply with orders issued under 87
section 3105.87 of the Revised Code. 88

On the written request of an alternate payee, as defined 89
in section 3105.80 of the Revised Code, the system shall furnish 90
to the alternate payee information on the amount and status of 91
any amounts payable to the alternate payee under an order issued 92
under section 3105.171 or 3105.65 of the Revised Code. 93

(6) At the request of any person, the board shall make 94
available to the person copies of all documents, including 95
resumes, in the board's possession regarding filling a vacancy 96
of an employee member or retirant member of the board. The 97
person who made the request shall pay the cost of compiling, 98
copying, and mailing the documents. The information described in 99
division (D) (6) of this section is a public record. 100

(7) The system shall provide the notice required by 101
section 145.573 of the Revised Code to the prosecutor assigned 102
to the case. 103

(8) The system may provide information requested by the 104

United States social security administration, United States 105
centers for medicare and medicaid, Ohio public employees 106
deferred compensation program, Ohio police and fire pension 107
fund, school employees retirement system, state teachers 108
retirement system, state highway patrol retirement system, or 109
Cincinnati retirement system. 110

(E) A statement that contains information obtained from 111
the system's records that is signed by the executive director or 112
an officer of the system and to which the system's official seal 113
is affixed, or copies of the system's records to which the 114
signature and seal are attached, shall be received as true 115
copies of the system's records in any court or before any 116
officer of this state. 117

(F) For purposes of this section, the board may maintain 118
records in printed or electronic format. 119

Sec. 145.572. (A) (1) Notwithstanding any other provision 120
of this chapter, the following shall be subject to a forfeiture 121
ordered under ~~division (A) or (B) of~~ section 2901.433 or 122
2929.192 of the Revised Code: 123

(a) The right of a member to receive any payment under a 124
pension, annuity, allowance, or other type of benefit under this 125
chapter, other than a payment of the accumulated contributions 126
standing to the person's credit under this chapter; 127

(b) The right of a contributor to receive a benefit under 128
division (B) of section 145.384 of the Revised Code, other than 129
a payment of the person's contributions made under section 130
145.38 or 145.383 of the Revised Code. 131

(2) The public employees retirement system shall comply 132
with a forfeiture order issued under ~~division (A) or (B) of~~ 133

section 2901.433 or 2929.192 of the Revised Code at the time the 134
member or contributor applies for payment of the person's 135
accumulated contributions. Upon payment of the person's 136
contributions and cancellation of any corresponding service 137
credit, a person who is subject to the forfeiture order 138
described in this division may not restore any canceled service 139
credit under this chapter or the provisions of Chapter 742., 140
3305., 3307., 3309., or 5505. of the Revised Code. 141

(B) Notwithstanding any other provision of this chapter, 142
if the system receives notice pursuant to section 2901.43 or 143
division (C) of section 2901.432 of the Revised Code that a 144
person who has accumulated contributions standing to the 145
person's credit pursuant to this chapter is charged with any 146
offense or violation ~~listed or described in divisions~~ division 147
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 148
2929.192 of the Revised Code ~~that is a felony in under the~~ 149
circumstances specified in ~~the particular division~~ those 150
sections, all of the following apply: 151

(1) No payment of those accumulated contributions or of 152
any other amount or amounts to be paid to a person who is a 153
member or contributor under this chapter upon the person's 154
withdrawal of contributions pursuant to this chapter shall be 155
made prior to whichever of the following is applicable: 156

(a) If the person is convicted of or pleads guilty to the 157
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 158
~~section either of the following:~~ 159

(i) Section 2929.192 of the Revised Code, the day on which 160
the system receives from the court a copy of the journal entry 161
of the offender's sentence under that section; 162

(ii) Section 2901.433 of the Revised Code, the day on 163
which the system receives from the court a copy of the journal 164
entry imposing the forfeiture order under that section. 165

(b) If the charge against the person is dismissed, the 166
person is found not guilty of the charge, or the person is found 167
not guilty by reason of insanity of the charge, the day on which 168
the system receives notice of the final disposition of the 169
charge. 170

(2) The system shall not process any application for 171
payment under this chapter from the person prior to the final 172
disposition of the charge. 173

Sec. 145.573. Notwithstanding any other provision of this 174
chapter, a disability benefit granted under this chapter is 175
subject to an order issued under section 2901.434 or 2929.193 of 176
the Revised Code. The public employees retirement board shall 177
comply with the order. 178

On receipt of notice under section 2901.43 of the Revised 179
Code that a public employees retirement system member is charged 180
with an offense listed in division (D) of section 2929.192 of 181
the Revised Code under the circumstances specified in that 182
~~division~~section, the system shall determine whether the member 183
has been granted a disability benefit. If so, the system shall 184
send written notice to the prosecutor assigned to the case that 185
the member has been granted a disability benefit under this 186
chapter and may be subject to section 2929.193 of the Revised 187
Code. 188

On receipt of notice under division (D) of section 189
2901.432 of the Revised Code that a public employees retirement 190
system member has been convicted of or pleaded guilty to an 191

offense listed in division (B) (1) of that section under the 192
circumstances specified in that section, the system shall 193
determine whether the member has been granted a disability 194
benefit. If so, the system shall send written notice to the 195
attorney general that the member has been granted a disability 196
benefit under this chapter and may be subject to section 197
2901.434 of the Revised Code. 198

Sec. 742.41. (A) As used in this section: 199

(1) "Other system retirant" has the same meaning as in 200
section 742.26 of the Revised Code. 201

(2) "Personal history record" includes a member's, former 202
member's, or other system retirant's name, address, telephone 203
number, social security number, record of contributions, 204
correspondence with the Ohio police and fire pension fund, 205
status of any application for benefits, and any other 206
information deemed confidential by the trustees of the fund. 207

(B) The treasurer of state shall furnish annually to the 208
board of trustees of the fund a sworn statement of the amount of 209
the funds in the treasurer of state's custody belonging to the 210
Ohio police and fire pension fund. The records of the fund shall 211
be open for public inspection except for the following, which 212
shall be excluded, except with the written authorization of the 213
individual concerned: 214

(1) The individual's personal history record; 215

(2) Any information identifying, by name and address, the 216
amount of a monthly allowance or benefit paid to the individual. 217

(C) All medical reports and recommendations required are 218
privileged, except as follows: 219

(1) Copies of medical reports or recommendations shall be 220
made available to the personal physician, attorney, or 221
authorized agent of the individual concerned upon written 222
release received from the individual or the individual's agent 223
or, when necessary for the proper administration of the fund, to 224
the board-assigned physician. 225

(2) Documentation required by section 2901.434 or 2929.193 226
of the Revised Code shall be provided to a court holding a 227
hearing under that section. 228

(D) Any person who is a member of the fund or an other 229
system retirant shall be furnished with a statement of the 230
amount to the credit of the person's individual account upon the 231
person's written request. The fund need not answer more than one 232
such request of a person in any one year. 233

(E) Notwithstanding the exceptions to public inspection in 234
division (B) of this section, the fund may furnish the following 235
information: 236

(1) If a member, former member, or other system retirant 237
is subject to an order issued under section 2907.15 of the 238
Revised Code or an order issued under division (A) or (B) of 239
section 2929.192 of the Revised Code or is convicted of or 240
pleads guilty to a violation of section 2921.41 of the Revised 241
Code, on written request of a prosecutor as defined in section 242
2935.01 of the Revised Code, the fund shall furnish to the 243
prosecutor the information requested from the individual's 244
personal history record. 245

(2) Pursuant to a court order issued pursuant to Chapter 246
3119., 3121., 3123., or 3125. of the Revised Code, the fund 247
shall furnish to a court or child support enforcement agency the 248

information required under that section. 249

(3) At the request of any organization or association of 250
members of the fund, the fund shall provide a list of the names 251
and addresses of members of the fund and other system retirants. 252
The fund shall comply with the request of such organization or 253
association at least once a year and may impose a reasonable 254
charge for the list. 255

(4) Within fourteen days after receiving from the director 256
of job and family services a list of the names and social 257
security numbers of recipients of public assistance pursuant to 258
section 5101.181 of the Revised Code, the fund shall inform the 259
auditor of state of the name, current or most recent employer 260
address, and social security number of each member or other 261
system retirant whose name and social security number are the 262
same as that of a person whose name or social security number 263
was submitted by the director. The fund and its employees shall, 264
except for purposes of furnishing the auditor of state with 265
information required by this section, preserve the 266
confidentiality of recipients of public assistance in compliance 267
with section 5101.181 of the Revised Code. 268

(5) The fund shall comply with orders issued under section 269
3105.87 of the Revised Code. 270

On the written request of an alternate payee, as defined 271
in section 3105.80 of the Revised Code, the fund shall furnish 272
to the alternate payee information on the amount and status of 273
any amounts payable to the alternate payee under an order issued 274
under section 3105.171 or 3105.65 of the Revised Code. 275

(6) At the request of any person, the fund shall make 276
available to the person copies of all documents, including 277

resumes, in the fund's possession regarding filling a vacancy of 278
a police officer employee member, firefighter employee member, 279
police retirant member, or firefighter retirant member of the 280
board of trustees. The person who made the request shall pay the 281
cost of compiling, copying, and mailing the documents. The 282
information described in this division is a public record. 283

(7) The fund shall provide the notice required by section 284
742.464 of the Revised Code to the prosecutor assigned to the 285
case. 286

(F) A statement that contains information obtained from 287
the fund's records that is signed by the secretary of the board 288
of trustees of the Ohio police and fire pension fund and to 289
which the board's official seal is affixed, or copies of the 290
fund's records to which the signature and seal are attached, 291
shall be received as true copies of the fund's records in any 292
court or before any officer of this state. 293

Sec. 742.463. (A) Notwithstanding any other provision of 294
this chapter, any payment of accumulated contributions standing 295
to a person's credit under this chapter and any other amount or 296
amounts to be paid to a person who is a member or contributor 297
under this chapter upon the person's withdrawal of contributions 298
pursuant to this chapter shall be subject to any forfeiture 299
ordered under ~~division (A) or (B) of section 2901.433 or~~ 300
2929.192 of the Revised Code, and the Ohio police and fire 301
pension fund shall comply with that order in making the payment. 302
Upon payment of the person's accumulated contributions and 303
cancellation of the corresponding service credit, a person who 304
is subject to the forfeiture described in this division may not 305
restore the canceled service credit under this chapter or under 306
Chapter 145., 3305., 3307., 3309., or 5505. of the Revised Code. 307

(B) Notwithstanding any other provision of this chapter, 308
if the fund receives notice pursuant to section 2901.43 or 309
division (C) of section 2901.432 of the Revised Code that a 310
person who has accumulated contributions standing to the 311
person's credit pursuant to this chapter is charged with any 312
offense or violation ~~listed or described in divisions~~ division 313
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 314
2929.192 of the Revised Code ~~that is a felony in~~ under the 315
circumstances specified in ~~the particular division~~ those 316
sections, all of the following apply: 317

(1) No payment of those accumulated contributions or of 318
any other amount or amounts to be paid to a person who is a 319
member or contributor under this chapter upon the person's 320
withdrawal of contributions pursuant to this chapter shall be 321
made prior to whichever of the following is applicable: 322

(a) If the person is convicted of or pleads guilty to the 323
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 324
~~section~~ either of the following: 325

(i) Section 2929.192 of the Revised Code, the day on which 326
the fund receives from the court a copy of the journal entry of 327
the offender's sentence under that section; 328

(ii) Section 2901.433 of the Revised Code, the day on 329
which the fund receives from the court a copy of the journal 330
entry imposing the forfeiture order under that section. 331

(b) If the charge against the person is dismissed, the 332
person is found not guilty of the charge, or the person is found 333
not guilty by reason of insanity of the charge, the day on which 334
the fund receives notice of the final disposition of the charge. 335

(2) The fund shall not process any application for payment 336

under this chapter from the person prior to the final 337
disposition of the charge. 338

Sec. 742.464. Notwithstanding any other provision of this 339
chapter, a disability benefit granted under this chapter is 340
subject to an order issued under section 2901.434 or 2929.193 of 341
the Revised Code. The board of trustees of the Ohio police and 342
fire pension fund shall comply with the order. 343

On receipt of notice under section 2901.43 of the Revised 344
Code that an Ohio police and fire pension fund member is charged 345
with an offense listed in division (D) of section 2929.192 of 346
the Revised Code under the circumstances specified in that 347
~~division~~section, the fund shall determine whether the member has 348
been granted a disability benefit. If so, the fund shall send 349
written notice to the prosecutor assigned to the case that the 350
member has been granted a disability benefit under this chapter 351
and may be subject to section 2929.193 of the Revised Code. 352

On receipt of notice under division (D) of section 353
2901.432 of the Revised Code that an Ohio police and fire 354
pension fund member has been convicted of or pleaded guilty to 355
an offense listed in division (B)(1) of that section under the 356
circumstances specified in that section, the fund shall 357
determine whether the member has been granted a disability 358
benefit. If so, the fund shall send written notice to the 359
attorney general that the member has been granted a disability 360
benefit under this chapter and may be subject to section 361
2901.434 of the Revised Code. 362

Sec. 2329.66. (A) Every person who is domiciled in this 363
state may hold property exempt from execution, garnishment, 364
attachment, or sale to satisfy a judgment or order, as follows: 365

(1) (a) In the case of a judgment or order regarding money 366
owed for health care services rendered or health care supplies 367
provided to the person or a dependent of the person, one parcel 368
or item of real or personal property that the person or a 369
dependent of the person uses as a residence. Division (A) (1) (a) 370
of this section does not preclude, affect, or invalidate the 371
creation under this chapter of a judgment lien upon the exempted 372
property but only delays the enforcement of the lien until the 373
property is sold or otherwise transferred by the owner or in 374
accordance with other applicable laws to a person or entity 375
other than the surviving spouse or surviving minor children of 376
the judgment debtor. Every person who is domiciled in this state 377
may hold exempt from a judgment lien created pursuant to 378
division (A) (1) (a) of this section the person's interest, not to 379
exceed one hundred twenty-five thousand dollars, in the exempted 380
property. 381

(b) In the case of all other judgments and orders, the 382
person's interest, not to exceed one hundred twenty-five 383
thousand dollars, in one parcel or item of real or personal 384
property that the person or a dependent of the person uses as a 385
residence. 386

(c) For purposes of divisions (A) (1) (a) and (b) of this 387
section, "parcel" means a tract of real property as identified 388
on the records of the auditor of the county in which the real 389
property is located. 390

(2) The person's interest, not to exceed three thousand 391
two hundred twenty-five dollars, in one motor vehicle; 392

(3) The person's interest, not to exceed four hundred 393
dollars, in cash on hand, money due and payable, money to become 394
due within ninety days, tax refunds, and money on deposit with a 395

bank, savings and loan association, credit union, public 396
utility, landlord, or other person, other than personal 397
earnings. 398

(4) (a) The person's interest, not to exceed five hundred 399
twenty-five dollars in any particular item or ten thousand seven 400
hundred seventy-five dollars in aggregate value, in household 401
furnishings, household goods, wearing apparel, appliances, 402
books, animals, crops, musical instruments, firearms, and 403
hunting and fishing equipment that are held primarily for the 404
personal, family, or household use of the person; 405

(b) The person's aggregate interest in one or more items 406
of jewelry, not to exceed one thousand three hundred fifty 407
dollars, held primarily for the personal, family, or household 408
use of the person or any of the person's dependents. 409

(5) The person's interest, not to exceed an aggregate of 410
two thousand twenty-five dollars, in all implements, 411
professional books, or tools of the person's profession, trade, 412
or business, including agriculture; 413

(6) (a) The person's interest in a beneficiary fund set 414
apart, appropriated, or paid by a benevolent association or 415
society, as exempted by section 2329.63 of the Revised Code; 416

(b) The person's interest in contracts of life or 417
endowment insurance or annuities, as exempted by section 3911.10 418
of the Revised Code; 419

(c) The person's interest in a policy of group insurance 420
or the proceeds of a policy of group insurance, as exempted by 421
section 3917.05 of the Revised Code; 422

(d) The person's interest in money, benefits, charity, 423
relief, or aid to be paid, provided, or rendered by a fraternal 424

benefit society, as exempted by section 3921.18 of the Revised Code; 425
426

(e) The person's interest in the portion of benefits under 427
policies of sickness and accident insurance and in lump sum 428
payments for dismemberment and other losses insured under those 429
policies, as exempted by section 3923.19 of the Revised Code. 430

(7) The person's professionally prescribed or medically 431
necessary health aids; 432

(8) The person's interest in a burial lot, including, but 433
not limited to, exemptions under section 517.09 or 1721.07 of 434
the Revised Code; 435

(9) The person's interest in the following: 436

(a) Moneys paid or payable for maintenance or rights, as 437
exempted by section 3304.19 of the Revised Code; 438

(b) Workers' compensation, as exempted by section 4123.67 439
of the Revised Code; 440

(c) Unemployment compensation benefits, as exempted by 441
section 4141.32 of the Revised Code; 442

(d) Cash assistance payments under the Ohio works first 443
program, as exempted by section 5107.75 of the Revised Code; 444

(e) Benefits and services under the prevention, retention, 445
and contingency program, as exempted by section 5108.08 of the 446
Revised Code; 447

(f) Payments under section 24 or 32 of the "Internal 448
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 449

(10) (a) Except in cases in which the person was convicted 450
of or pleaded guilty to a violation of section 2921.41 of the 451

Revised Code and in which an order for the withholding of 452
restitution from payments was issued under division (C) (2) (b) of 453
that section, in cases in which an order for withholding was 454
issued under section 2907.15 of the Revised Code, in cases in 455
which an order for forfeiture was issued under division (B) or 456
(C) of section 2901.433 or division (A) or (B) of section 457
2929.192 of the Revised Code, and in cases in which an order was 458
issued under section 2901.434, 2929.193, or 2929.194 of the 459
Revised Code, and only to the extent provided in the order, and 460
except as provided in sections 3105.171, 3105.63, 3119.80, 461
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 462
person's rights to or interests in a pension, benefit, annuity, 463
retirement allowance, or accumulated contributions, the person's 464
rights to or interests in a participant account in any deferred 465
compensation program offered by the Ohio public employees 466
deferred compensation board, a government unit, or a municipal 467
corporation, or the person's other accrued or accruing rights or 468
interests, as exempted by section 143.11, 145.56, 146.13, 469
148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised 470
Code, and the person's rights to or interests in benefits from 471
the Ohio public safety officers death benefit fund; 472

(b) Except as provided in sections 3119.80, 3119.81, 473
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 474
rights to receive or interests in receiving a payment or other 475
benefits under any pension, annuity, or similar plan or 476
contract, not including a payment or benefit from a stock bonus 477
or profit-sharing plan or a payment included in division (A) (6) 478
(b) or (10) (a) of this section, on account of illness, 479
disability, death, age, or length of service, to the extent 480
reasonably necessary for the support of the person and any of 481
the person's dependents, except if all the following apply: 482

(i) The plan or contract was established by or under the 483
auspices of an insider that employed the person at the time the 484
person's rights or interests under the plan or contract arose. 485

(ii) The payment is on account of age or length of 486
service. 487

(iii) The plan or contract is not qualified under the 488
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 489
amended. 490

(c) Except for any portion of the assets that were 491
deposited for the purpose of evading the payment of any debt and 492
except as provided in sections 3119.80, 3119.81, 3121.02, 493
3121.03, and 3123.06 of the Revised Code, the person's rights or 494
interests in the assets held in, or to directly or indirectly 495
receive any payment or benefit under, any individual retirement 496
account, individual retirement annuity, "Roth IRA," account 497
opened pursuant to a program administered by a state under 498
section 529 or 529A of the "Internal Revenue Code of 1986," 100 499
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 500
retirement account that provides payments or benefits by reason 501
of illness, disability, death, retirement, or age or provides 502
payments or benefits for purposes of education or qualified 503
disability expenses, to the extent that the assets, payments, or 504
benefits described in division (A)(10)(c) of this section are 505
attributable to or derived from any of the following or from any 506
earnings, dividends, interest, appreciation, or gains on any of 507
the following: 508

(i) Contributions of the person that were less than or 509
equal to the applicable limits on deductible contributions to an 510
individual retirement account or individual retirement annuity 511
in the year that the contributions were made, whether or not the 512

person was eligible to deduct the contributions on the person's 513
federal tax return for the year in which the contributions were 514
made; 515

(ii) Contributions of the person that were less than or 516
equal to the applicable limits on contributions to a Roth IRA or 517
education individual retirement account in the year that the 518
contributions were made; 519

(iii) Contributions of the person that are within the 520
applicable limits on rollover contributions under subsections 521
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 522
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 523
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 524

(iv) Contributions by any person into any plan, fund, or 525
account that is formed, created, or administered pursuant to, or 526
is otherwise subject to, section 529 or 529A of the "Internal 527
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 528

(d) Except for any portion of the assets that were 529
deposited for the purpose of evading the payment of any debt and 530
except as provided in sections 3119.80, 3119.81, 3121.02, 531
3121.03, and 3123.06 of the Revised Code, the person's rights or 532
interests in the assets held in, or to receive any payment 533
under, any Keogh or "H.R. 10" plan that provides benefits by 534
reason of illness, disability, death, retirement, or age, to the 535
extent reasonably necessary for the support of the person and 536
any of the person's dependents. 537

(e) The person's rights to or interests in any assets held 538
in, or to directly or indirectly receive any payment or benefit 539
under, any individual retirement account, individual retirement 540
annuity, "Roth IRA," account opened pursuant to a program 541

administered by a state under section 529 or 529A of the 542
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 543
amended, or education individual retirement account that a 544
decedent, upon or by reason of the decedent's death, directly or 545
indirectly left to or for the benefit of the person, either 546
outright or in trust or otherwise, including, but not limited 547
to, any of those rights or interests in assets or to receive 548
payments or benefits that were transferred, conveyed, or 549
otherwise transmitted by the decedent by means of a will, trust, 550
exercise of a power of appointment, beneficiary designation, 551
transfer or payment on death designation, or any other method or 552
procedure. 553

(f) The exemptions under divisions (A)(10)(a) to (e) of 554
this section also shall apply or otherwise be available to an 555
alternate payee under a qualified domestic relations order 556
(QDRO) or other similar court order. 557

(g) A person's interest in any plan, program, instrument, 558
or device described in divisions (A)(10)(a) to (e) of this 559
section shall be considered an exempt interest even if the plan, 560
program, instrument, or device in question, due to an error made 561
in good faith, failed to satisfy any criteria applicable to that 562
plan, program, instrument, or device under the "Internal Revenue 563
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 564

(11) The person's right to receive spousal support, child 565
support, an allowance, or other maintenance to the extent 566
reasonably necessary for the support of the person and any of 567
the person's dependents; 568

(12) The person's right to receive, or moneys received 569
during the preceding twelve calendar months from, any of the 570
following: 571

(a) An award of reparations under sections 2743.51 to 572
2743.72 of the Revised Code, to the extent exempted by division 573
(D) of section 2743.66 of the Revised Code; 574

(b) A payment on account of the wrongful death of an 575
individual of whom the person was a dependent on the date of the 576
individual's death, to the extent reasonably necessary for the 577
support of the person and any of the person's dependents; 578

(c) Except in cases in which the person who receives the 579
payment is an inmate, as defined in section 2969.21 of the 580
Revised Code, and in which the payment resulted from a civil 581
action or appeal against a government entity or employee, as 582
defined in section 2969.21 of the Revised Code, a payment, not 583
to exceed twenty thousand two hundred dollars, on account of 584
personal bodily injury, not including pain and suffering or 585
compensation for actual pecuniary loss, of the person or an 586
individual for whom the person is a dependent; 587

(d) A payment in compensation for loss of future earnings 588
of the person or an individual of whom the person is or was a 589
dependent, to the extent reasonably necessary for the support of 590
the debtor and any of the debtor's dependents. 591

(13) Except as provided in sections 3119.80, 3119.81, 592
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 593
earnings of the person owed to the person for services in an 594
amount equal to the greater of the following amounts: 595

(a) If paid weekly, thirty times the current federal 596
minimum hourly wage; if paid biweekly, sixty times the current 597
federal minimum hourly wage; if paid semimonthly, sixty-five 598
times the current federal minimum hourly wage; or if paid 599
monthly, one hundred thirty times the current federal minimum 600

hourly wage that is in effect at the time the earnings are 601
payable, as prescribed by the "Fair Labor Standards Act of 602
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 603

(b) Seventy-five per cent of the disposable earnings owed 604
to the person. 605

(14) The person's right in specific partnership property, 606
as exempted by the person's rights in a partnership pursuant to 607
section 1776.50 of the Revised Code, except as otherwise set 608
forth in section 1776.50 of the Revised Code; 609

(15) A seal and official register of a notary public, as 610
exempted by section 147.04 of the Revised Code; 611

(16) The person's interest in a tuition unit or a payment 612
under section 3334.09 of the Revised Code pursuant to a tuition 613
payment contract, as exempted by section 3334.15 of the Revised 614
Code; 615

(17) Any other property that is specifically exempted from 616
execution, attachment, garnishment, or sale by federal statutes 617
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 618
11 U.S.C.A. 101, as amended; 619

(18) The person's aggregate interest in any property, not 620
to exceed one thousand seventy-five dollars, except that 621
division (A)(18) of this section applies only in bankruptcy 622
proceedings. 623

(B) On April 1, 2010, and on the first day of April in 624
each third calendar year after 2010, the Ohio judicial 625
conference shall adjust each dollar amount set forth in this 626
section to reflect any increase in the consumer price index for 627
all urban consumers, as published by the United States 628
department of labor, or, if that index is no longer published, a 629

generally available comparable index, for the three-year period 630
ending on the thirty-first day of December of the preceding 631
year. Any adjustments required by this division shall be rounded 632
to the nearest twenty-five dollars. 633

The Ohio judicial conference shall prepare a memorandum 634
specifying the adjusted dollar amounts. The judicial conference 635
shall transmit the memorandum to the director of the legislative 636
service commission, and the director shall publish the 637
memorandum in the register of Ohio. (Publication of the 638
memorandum in the register of Ohio shall continue until the next 639
memorandum specifying an adjustment is so published.) The 640
judicial conference also may publish the memorandum in any other 641
manner it concludes will be reasonably likely to inform persons 642
who are affected by its adjustment of the dollar amounts. 643

(C) As used in this section: 644

(1) "Disposable earnings" means net earnings after the 645
garnishee has made deductions required by law, excluding the 646
deductions ordered pursuant to section 3119.80, 3119.81, 647
3121.02, 3121.03, or 3123.06 of the Revised Code. 648

(2) "Insider" means: 649

(a) If the person who claims an exemption is an 650
individual, a relative of the individual, a relative of a 651
general partner of the individual, a partnership in which the 652
individual is a general partner, a general partner of the 653
individual, or a corporation of which the individual is a 654
director, officer, or in control; 655

(b) If the person who claims an exemption is a 656
corporation, a director or officer of the corporation; a person 657
in control of the corporation; a partnership in which the 658

corporation is a general partner; a general partner of the 659
corporation; or a relative of a general partner, director, 660
officer, or person in control of the corporation; 661

(c) If the person who claims an exemption is a 662
partnership, a general partner in the partnership; a general 663
partner of the partnership; a person in control of the 664
partnership; a partnership in which the partnership is a general 665
partner; or a relative in, a general partner of, or a person in 666
control of the partnership; 667

(d) An entity or person to which or whom any of the 668
following applies: 669

(i) The entity directly or indirectly owns, controls, or 670
holds with power to vote, twenty per cent or more of the 671
outstanding voting securities of the person who claims an 672
exemption, unless the entity holds the securities in a fiduciary 673
or agency capacity without sole discretionary power to vote the 674
securities or holds the securities solely to secure to debt and 675
the entity has not in fact exercised the power to vote. 676

(ii) The entity is a corporation, twenty per cent or more 677
of whose outstanding voting securities are directly or 678
indirectly owned, controlled, or held with power to vote, by the 679
person who claims an exemption or by an entity to which division 680
(C) (2) (d) (i) of this section applies. 681

(iii) A person whose business is operated under a lease or 682
operating agreement by the person who claims an exemption, or a 683
person substantially all of whose business is operated under an 684
operating agreement with the person who claims an exemption. 685

(iv) The entity operates the business or all or 686
substantially all of the property of the person who claims an 687

exemption under a lease or operating agreement. 688

(e) An insider, as otherwise defined in this section, of a 689
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 690
(iv) of this section applies, as if the person or entity were a 691
person who claims an exemption; 692

(f) A managing agent of the person who claims an 693
exemption. 694

(3) "Participant account" has the same meaning as in 695
section 148.01 of the Revised Code. 696

(4) "Government unit" has the same meaning as in section 697
148.06 of the Revised Code. 698

(D) For purposes of this section, "interest" shall be 699
determined as follows: 700

(1) In bankruptcy proceedings, as of the date a petition 701
is filed with the bankruptcy court commencing a case under Title 702
11 of the United States Code; 703

(2) In all cases other than bankruptcy proceedings, as of 704
the date of an appraisal, if necessary under section 2329.68 of 705
the Revised Code, or the issuance of a writ of execution. 706

An interest, as determined under division (D) (1) or (2) of 707
this section, shall not include the amount of any lien otherwise 708
valid pursuant to section 2329.661 of the Revised Code. 709

Sec. 2901.43. (A) (1) As used in this section: 710

(a) "Public retirement system," "alternative retirement 711
plan," and "prosecutor" have the same meanings as in section 712
2907.15 of the Revised Code. 713

(b) "Position of honor, trust, or profit" has the same 714

meaning as in section 2929.192 of the Revised Code.

(2) For purposes of ~~divisions (B) and (C) of this section,~~
~~a both of the following apply:~~

(a) A violation of section 2923.32 of the Revised Code or
any other violation or offense that includes as an element a
course of conduct or the occurrence of multiple acts is
"committed on or after the effective date of this section May
13, 2008," if the course of conduct continues, one or more of
the multiple acts occurs, or the subject person's accountability
for the course of conduct or for one or more of the multiple
acts continues, on or after the effective date of this section
May 13, 2008;

(b) A violation of section 2923.32 of the Revised Code or
any other violation or offense that includes as an element a
course of conduct or the occurrence of multiple acts is
"committed on or after the effective date of this amendment" if
the course of conduct continues, one or more of the multiple
acts occurs, or the offender's accountability for the course of
conduct or for one or more of the multiple acts continues on or
after the effective date of this amendment.

(B) This section applies to a person to whom all of the
following apply:

(1) The person is charged with an offense described in
division (D) of section 2929.192 of the Revised Code that was
allegedly committed on or after the appropriate date specified
in that division.

(2) The offense was allegedly committed within the context
of the person's public employment in a position of honor, trust,
or profit.

(3) At the time of the alleged offense, the person was one 744
of the following: 745

(a) A member of a public retirement system; 746

(b) A contributor to a public retirement system receiving 747
or eligible to receive a benefit under section 145.384, 742.26, 748
3307.352, or 3309.344 of the Revised Code; 749

(c) A participant in an alternative retirement plan. 750

(C) Upon the filing of charges against a person alleging 751
~~that the person committed on or after the effective date of this~~ 752
~~section any violation or offense specified in division (C) of~~ 753
~~this section, if the person allegedly committed the violation or~~ 754
~~offense while serving in a position of honor, trust, or profit~~ 755
~~and if the person is an electing employee participating in an~~ 756
~~alternative retirement plan or a member of a public retirement~~ 757
~~system subject to this section,~~ 758
the prosecutor who is assigned 759
the case shall send written notice that those charges have been 760
filed against that person to the alternative retirement plan in 761
which the person is a participant or the public retirement 762
system in which the person is a member or contributor, whichever 763
is applicable. The written notice shall specifically identify 764
the person charged. 764

~~(C) Division (B) of this section applies when a person is~~ 765
~~charged with committing on or after the effective date of this~~ 766
~~section any offense or violation listed or described in~~ 767
~~divisions (D) (1) to (3) of section 2929.192 of the Revised Code~~ 768
~~that is a felony, in the circumstances specified in the~~ 769
~~particular division.~~ 770

Sec. 2901.432. (A) As used in this section: 771

(1) "Public retirement system" and "alternative retirement 772

plan" have the same meanings as in section 2907.15 of the 773
Revised Code. 774

(2) "Position of honor, trust, or profit" has the same 775
meaning as in division (F)(1)(b) of section 2929.192 of the 776
Revised Code. 777

(B) This section applies to a person to whom all of the 778
following apply: 779

(1) The person is charged with any of the following 780
offenses that were allegedly committed on or after the effective 781
date of this section: 782

(a) Section 901(a) of the "Organized Crime Control Act of 783
1970," 18 U.S.C. 1961 et seq.; 784

(b) Section 1104 of the "Comprehensive Crime Control Act 785
of 1984," 18 U.S.C. 666; 786

(c) Section 1951 of the "Hobbs Act," 18 U.S.C. 1951; 787

(d) Section 7603 of the "Anti-Drug Abuse Act of 1988," 18 788
U.S.C. 1341, 1343, and 1346; 789

(e) A conspiracy to commit any offense described in 790
divisions (B)(1)(a), (b), (c), and (d) of this section, in 791
violation of 18 U.S.C. 371. 792

(2) The offense was allegedly committed within the context 793
of the person's public employment in a position of honor, trust, 794
or profit. 795

(3) At the time of the alleged offense, the person was one 796
of the following: 797

(a) A member of a public retirement system; 798

(b) A contributor to a public retirement system receiving 799

or eligible to receive a benefit under section 145.384, 742.26, 800
3307.352, or 3309.344 of the Revised Code; 801

(c) A participant in an alternative retirement plan. 802

(C) On the filing of charges against a person subject to 803
this section, the person shall send written notice to the public 804
retirement system or alternative retirement plan in which the 805
person is a member, contributor, or participant and to the 806
attorney general that charges have been filed against the 807
person. The notice shall specifically identify the person. 808

(D) On the conviction or guilty plea of a person subject 809
to this section, the person shall send written notice to the 810
public retirement system or alternative retirement plan in which 811
the person is a member, contributor, or participant and to the 812
attorney general of the person's conviction or guilty plea. The 813
notice shall specifically identify the person. 814

Sec. 2901.433. (A) As used in this section: 815

(1) "Public retirement system" and "alternative retirement 816
plan" have the same meanings as in section 2907.15 of the 817
Revised Code. 818

(2) "Position of honor, trust, or profit" has the same 819
meaning as in division (F) (1) (b) of section 2929.192 of the 820
Revised Code. 821

(3) "Accumulated contributions" has the same meaning as in 822
section 2929.192 of the Revised Code. 823

(B) (1) On receipt of notice under division (D) of section 824
2901.432 of the Revised Code, the attorney general shall 825
determine whether the federal court charged with sentencing the 826
offender who is subject to that section has issued an order of 827

forfeiture or writ of garnishment on the retirement allowance, 828
pension, disability benefit, or other right or benefit of the 829
offender from a public retirement system or alternative 830
retirement plan. If the federal court has not issued such an 831
order or writ, the attorney general shall bring an action in the 832
court of common pleas of Franklin county asking the court to 833
order a forfeiture to the public retirement system or 834
alternative retirement plan in which the offender was a member, 835
contributor, or participant of the offender's right to a 836
retirement allowance, pension, disability benefit, or other 837
right or benefit, other than payment of the offender's 838
accumulated contributions. The court shall notify the offender 839
of the action. Except as provided in division (C) of this 840
section, the court shall order the forfeiture if all of the 841
following apply: 842

(a) The offender has been convicted of or pleaded guilty 843
to an offense described in division (B) (1) of section 2901.432 844
of the Revised Code that was committed on or after the effective 845
date of this section. 846

(b) The offense was committed within the context of the 847
offender's public employment in a position of honor, trust, or 848
profit. 849

(c) At the time of the offense, the offender was one of 850
the following: 851

(i) A member of a public retirement system; 852

(ii) A contributor to a public retirement system eligible 853
to receive a benefit under section 145.384, 742.26, 3307.352, or 854
3309.344 of the Revised Code; 855

(iii) A participant in an alternative retirement plan. 856

(2) The court of common pleas shall send a copy of the 857
journal entry imposing the forfeiture order under division (B) 858
(1) of this section to each public retirement system or 859
alternative retirement plan in which the offender is a member, 860
contributor, or participant. 861

(C) In any case in which the court may order forfeiture 862
under division (B) of this section, the offender may request a 863
hearing regarding the forfeiture by delivering a written request 864
for a hearing to the court not later than thirty days after 865
receipt of the notice described in that division. If a request 866
is made by the offender, the court shall conduct the hearing. 867
The court shall give notice of the hearing to the offender, 868
attorney general, United States attorney who handled the case in 869
which the offender was convicted of or pleaded guilty to the 870
offense, and each appropriate public retirement system or 871
alternative retirement plan provider. 872

A hearing conducted under this division shall be limited 873
to a consideration of whether there is good cause based on 874
evidence presented by the offender for the forfeiture order not 875
to be issued. If it determines that there is good cause, the 876
court shall not issue the forfeiture order. If the offender does 877
not request a hearing or the court conducts a hearing but does 878
not determine that there is good cause for the order not to be 879
issued, the court shall order the forfeiture and send a copy of 880
the journal entry imposing the forfeiture order to each 881
appropriate public retirement system or alternative retirement 882
plan. 883

(D) Each public retirement system or alternative 884
retirement plan that receives a copy of a journal entry under 885
division (B) or (C) of this section that contains an order of 886

forfeiture shall comply with the order. 887

(E) For purposes of division (B) of this section, a 888
violation or offense that includes as an element a course of 889
conduct or the occurrence of multiple acts is "committed on or 890
after the effective date of this section" if the course of 891
conduct continues, one or more of the multiple acts occurs, or 892
the subject person's accountability for the course of conduct or 893
for one or more of the multiple acts continues on or after the 894
effective date of this section. 895

Sec. 2901.434. (A) As used in this section: 896

(1) "Public retirement system" and "alternative retirement 897
plan" have the same meanings as in section 2907.15 of the 898
Revised Code. 899

(2) "Position of honor, trust, or profit" has the same 900
meaning as in division (F) (1) (b) of section 2929.192 of the 901
Revised Code. 902

(B) This section applies to an offender to whom all of the 903
following apply: 904

(1) The offender has been convicted of or pleaded guilty 905
to an offense listed in division (B) (1) of section 2901.432 of 906
the Revised Code that was committed on or after the effective 907
date of this section. 908

(2) The offense was committed within the context of the 909
offender's public employment in a position of honor, trust, or 910
profit. 911

(3) At the time of the offense, the offender was one of 912
the following: 913

(a) A member of a public retirement system; 914

(b) A contributor to a public retirement system receiving 915
or eligible to receive a benefit under section 145.384, 742.26, 916
3307.352, or 3309.344 of the Revised Code; 917

(c) A participant in an alternative retirement plan. 918

(4) Prior to the final disposition of the case, the 919
offender was granted a disability benefit by a public retirement 920
system or an alternative retirement plan provider. 921

(C) (1) On receipt of the notice under division (D) of 922
section 2901.432 of the Revised Code, the attorney general shall 923
determine whether the federal court charged with sentencing the 924
offender has issued an order of forfeiture of or writ of 925
garnishment on the disability benefit of the offender. If the 926
federal court has not issued such an order or writ, the attorney 927
general shall bring an action in the court of common pleas of 928
Franklin county asking the court to order termination of the 929
offender's disability benefit. 930

The court shall notify the offender of the action and 931
schedule a hearing regarding the condition for which the 932
offender was granted a disability benefit. Not later than ten 933
days prior to the scheduled date of the hearing, the court shall 934
give written notice of the hearing to the offender, the attorney 935
general, the United States attorney who handled the case in 936
which the offender was convicted of or pleaded guilty to the 937
offense for which the order will be imposed, and each 938
appropriate public retirement system or alternative retirement 939
plan provider. The hearing shall be limited to consideration of 940
whether the offender's disabling condition arose out of the 941
commission of the offense the offender was convicted of or 942
pleaded guilty to. 943

The system or provider shall submit to the court the 944
offender's disability benefit application and the related 945
medical reports and recommendations. If the court determines 946
based on those documents and the hearing that the disabling 947
condition arose out of the commission of the offense the 948
offender was convicted of or pleaded guilty to, the court shall 949
order the system or provider to terminate the disability 950
benefit. 951

(2) Any disability benefit paid the offender prior to its 952
termination may be recovered in accordance with section 145.563, 953
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 954
Code. 955

(D) For purposes of division (B) of this section, a 956
violation or offense that includes as an element a course of 957
conduct or the occurrence of multiple acts is "committed on or 958
after the effective date of this section" if the course of 959
conduct continues, one or more of the multiple acts occurs, or 960
the offender's accountability for the course of conduct or for 961
one or more of the multiple acts continues on or after the 962
effective date of this section. 963

Sec. 2927.28. (A) No person shall knowingly fail to send a 964
notice required by division (C) or (D) of section 2901.432 of 965
the Revised Code. 966

(B) Whoever violates this section is guilty of failure to 967
report a charge or conviction to a public retirement system or 968
alternative retirement plan, a misdemeanor of the fourth degree. 969

Sec. 2929.192. (A) If an offender is being sentenced for 970
any felony offense listed in division (D) of this section that 971
was committed on or after May 13, 2008, if the offender 972

~~committed the offense while serving in a position of honor,~~ 973
~~trust, or profit, and if the offender, at the time of the~~ 974
~~commission of the offense, was a member of any public retirement~~ 975
~~system or a participant in an alternative retirement plan, in~~ 976
In addition to any other sanction ~~it~~ a court imposes under section 977
2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised 978
Code but subject to division (B) of this section, the court 979
shall order the forfeiture to the public retirement system or 980
alternative retirement plan in which the offender was a member, 981
contributor, or participant of the offender's right to a 982
retirement allowance, pension, disability benefit, or other 983
right or benefit, other than payment of the offender's 984
accumulated contributions, ~~earned by reason of the offender's~~ 985
~~being a member of the public retirement system or alternative~~ 986
~~retirement plan. A~~ if all of the following apply: 987

(1) The offender is being sentenced for an offense 988
described in division (D) of this section that was committed on 989
or after the appropriate date specified in that division. 990

(2) The offense was committed within the context of the 991
offender's public employment in a position of honor, trust, or 992
profit. 993

(3) At the time of the offense, the offender was one of 994
the following: 995

(a) A member of a public retirement system; 996

(b) A contributor to a public retirement system receiving 997
or eligible to receive a benefit under section 145.384, 742.26, 998
3307.352, or 3309.344 of the Revised Code; 999

(c) A participant in an alternative retirement plan. 1000

A forfeiture ordered under this division is part of, and 1001

shall be included in, the sentence of the offender. The court 1002
shall send a copy of the journal entry imposing sentence on the 1003
offender to the appropriate public retirement system or 1004
alternative retirement plan in which the offender was a member, 1005
contributor, or participant. 1006

(B) In any case in which a sentencing court is required to 1007
order forfeiture of an offender's right to a retirement 1008
allowance, pension, disability benefit, or other right or 1009
benefit under division (A) of this section, the offender may 1010
request a hearing regarding the forfeiture by delivering to the 1011
court prior to sentencing a written request for a hearing. If a 1012
request for a hearing is made by the offender prior to 1013
sentencing, the court shall conduct the hearing before 1014
sentencing. The court shall notify the offender, the prosecutor 1015
who handled the case in which the offender was convicted of or 1016
pleaded guilty to the offense for which the forfeiture order was 1017
imposed, and the appropriate public retirement system, or 1018
alternative retirement plan provider, whichever is applicable, 1019
or, if more than one is specified in the motion, the applicable 1020
combination of these, of the hearing. A hearing scheduled under 1021
this division shall be limited to a consideration of whether 1022
there is good cause based on evidence presented by the offender 1023
for the forfeiture order not to be issued. If the court 1024
determines based on evidence presented by the offender that 1025
there is good cause for the forfeiture order not to be issued, 1026
the court shall not issue the forfeiture order. If the offender 1027
does not request a hearing prior to sentencing or if the court 1028
conducts a hearing but does not determine based on evidence 1029
presented by the offender that there is good cause for the 1030
forfeiture order not to be issued, the court shall order the 1031
forfeiture described in division (A) of this section in 1032

accordance with that division and shall send a copy of the 1033
journal entry imposing sentence on the offender to the 1034
appropriate public retirement system or alternative retirement 1035
plan in which the offender was a member, contributor, or 1036
participant. 1037

(C) Upon receipt of a copy of the journal entry imposing 1038
sentence on an offender under division (A) or (B) of this 1039
section that contains an order of forfeiture of a type described 1040
in that division, the public retirement system or alternative 1041
retirement plan in which the offender was a member, contributor, 1042
or participant shall comply with the forfeiture order on 1043
application for a refund of the accumulated contributions of the 1044
member, contributor, or participant. 1045

(D) ~~(1)~~ Division (A) of this section applies ~~regarding to~~ 1046
an offender who is convicted of or pleads guilty to any of the 1047
following offenses committed on or after May 13, 2008, ~~that is a~~ 1048
~~felony and who committed the offense while serving in a position~~ 1049
~~of honor, trust, or profit:~~ 1050

~~(1)~~ (a) A violation of section 2921.02 or 2923.32 of the 1051
Revised Code that is a felony or a violation of section 2921.41 1052
of the Revised Code that is a felony of the third degree; 1053

~~(2)~~ (b) A violation of an existing or former municipal 1054
ordinance or law of this or any other state or the United States 1055
that is substantially equivalent to any violation ~~listed~~ 1056
described in division (D) (1) (a) of this section; 1057

~~(3)~~ (c) A conspiracy to commit, attempt to commit, or 1058
complicity in committing any violation ~~listed described in~~ 1059
division (D) (1) (a) or ~~described in division (D) (2) (b)~~ of this 1060
section. 1061

(2) Division (A) of this section applies to an offender 1062
who is convicted of or pleads guilty to any of the following 1063
offenses committed on or after the effective date of this 1064
amendment: 1065

(a) A violation of section 2905.11 or 2921.11 of the 1066
Revised Code that is a felony; 1067

(b) A violation of an existing or former municipal 1068
ordinance or law of this or any other state or the United States 1069
that is substantially equivalent to a violation described in 1070
division (D) (2) (a) of this section; 1071

(c) A conspiracy to commit, attempt to commit, or 1072
complicity in committing a violation described in division (D) 1073
(2) (a) or (b) of this section. 1074

(E) For purposes of ~~divisions (A) and~~ division (D) of this 1075
section, ~~a~~ both of the following apply: 1076

(1) A violation of section 2923.32 of the Revised Code or 1077
any other violation or offense that includes as an element a 1078
course of conduct or the occurrence of multiple acts is 1079
"committed on or after May 13, 2008," if the course of conduct 1080
continues, one or more of the multiple acts occurs, or the 1081
~~subject person's~~ offender's accountability for the course of 1082
conduct or for one or more of the multiple acts continues, on or 1083
after May 13, 2008; 1084

(2) A violation of section 2923.32 of the Revised Code or 1085
any other violation or offense that includes as an element a 1086
course of conduct or the occurrence of multiple acts is 1087
"committed on or after the effective date of this amendment" if 1088
the course of conduct continues, one or more of the multiple 1089
acts occurs, or the offender's accountability for the course of 1090

conduct or for one or more of the multiple acts continues on or 1091
after the effective date of this amendment. 1092

(F) As used in this section: 1093

(1) (a) For the period beginning May 13, 2008, and ending 1094
the day before ~~the effective date of this amendment~~ July 29, 1095
2011, "position of honor, trust, or profit" means any of the 1096
following: 1097

(i) An elective office of the state or any political 1098
subdivision of the state; 1099

(ii) A position on any board or commission of the state 1100
that is appointed by the governor or the attorney general; 1101

(iii) A position as a public official or employee, as 1102
defined in section 102.01 of the Revised Code, who is required 1103
to file a disclosure statement under section 102.02 of the 1104
Revised Code; 1105

(iv) A position as a prosecutor, as defined in section 1106
2935.01 of the Revised Code; 1107

(v) A position as a peace officer, as defined in section 1108
2935.01 of the Revised Code, or as the superintendent or a 1109
trooper of the state highway patrol. 1110

(b) On and after ~~the effective date of this amendment~~ July 1111
29, 2011, "position of honor, trust, or profit" has the same 1112
meaning as in division (F) (1) (a) of this section, except that it 1113
also includes a position in which, in the course of public 1114
employment, an employee has control over the expenditure of 1115
public funds of one hundred thousand dollars or more annually. 1116

(2) "Public retirement system" and "alternative retirement 1117
plan" have the same meanings as in section 2907.15 of the 1118

Revised Code. 1119

(3) "Accumulated contributions" means whichever of the 1120
following is applicable: 1121

(a) Regarding an offender who is a member of, or 1122
contributor to, the public employees retirement system, except 1123
as otherwise provided in division (F) (3) (a) of this section, 1124
"accumulated contributions" has the same meaning as in section 1125
145.01 of the Revised Code. For a member participating in a PERS 1126
defined contribution plan, "accumulated contributions" means the 1127
contributions made under section 145.85 of the Revised Code and 1128
any earnings on those contributions. For a member participating 1129
in a PERS defined contribution plan that includes definitely 1130
determinable benefits, "accumulated contributions" means the 1131
contributions made under section 145.85 of the Revised Code, any 1132
earnings on those contributions, and additionally any amounts 1133
paid by the member to purchase service ~~credits~~ credit. 1134

(b) Regarding an offender who is or was a member of, or 1135
contributor to, the Ohio police and fire pension fund, 1136
"accumulated contributions" means the amount payable to a member 1137
under division (G) of section 742.37 of the Revised Code. 1138

(c) Regarding an offender who is a member of, or 1139
contributor to, the state teachers retirement system, except as 1140
otherwise provided in division (F) (3) (c) of this section, 1141
"accumulated contributions" has the same meaning as in section 1142
3307.50 of the Revised Code. For a member participating in an 1143
STRS defined contribution plan, "accumulated contributions" 1144
means the contributions made under section 3307.26 of the 1145
Revised Code to participate in a plan established under section 1146
3307.81 of the Revised Code and any earnings on those 1147
contributions. For a member participating in a STRS defined 1148

contribution plan that includes definitely determinable 1149
benefits, "accumulated contributions" means the contributions 1150
made under section 3307.26 of the Revised Code to participate in 1151
a plan established under section 3307.81 of the Revised Code, 1152
any earnings on those contributions, and additionally any 1153
amounts paid by the member to purchase service ~~credits~~credit. 1154

(d) Regarding an offender who is or was a member of, or 1155
contributor to, the school employees retirement system, 1156
"accumulated contributions" has the same meaning as in section 1157
3309.01 of the Revised Code and also includes employee 1158
contributions made under section 3309.85 of the Revised Code and 1159
any earnings on those contributions. 1160

(e) Regarding an offender who is or was a member of the 1161
state highway patrol retirement system, "accumulated 1162
contributions" has the same meaning as in section 5505.01 of the 1163
Revised Code. 1164

(f) Regarding an offender who is or was participating in 1165
an alternative retirement plan, "accumulated contributions" 1166
means the amounts contributed to an alternative retirement plan 1167
participant's account by the plan participant pursuant to 1168
section 3305.06 of the Revised Code and any earnings on those 1169
contributions. 1170

Sec. 2929.193. (A) As used in this section: 1171

(1) "Position of honor, trust, or profit" has the same 1172
meaning as in division (F) (1) (b) of section 2929.192 of the 1173
Revised Code. 1174

(2) "Public retirement system," "alternative retirement 1175
plan," and "prosecutor" have the same meanings as in section 1176
2907.15 of the Revised Code. 1177

(B) This section applies to an offender to whom all of the 1178
following apply: 1179

(1) The offender is being sentenced for ~~an~~ either of the 1180
following: 1181

(a) An offense ~~listed~~ described in division (D) (1) of 1182
section 2929.192 of the Revised Code that ~~is a felony and~~ was 1183
committed on or after ~~the effective date of this section~~ July 1184
29, 2011; 1185

(b) An offense described in division (D) (2) of section 1186
2929.192 of the Revised Code that was committed on or after the 1187
effective date of this amendment. 1188

(2) The offense was committed ~~while the offender was~~ 1189
~~serving within the context of the offender's public employment~~ 1190
in a position of honor, trust, or profit. 1191

(3) At the time of the offense, the offender was one of 1192
the following: 1193

(a) A member of a public retirement system; 1194

(b) A contributor to a public retirement system receiving 1195
or eligible to receive a benefit under section 145.384, 742.26, 1196
3307.352, or 3309.344 of the Revised Code; 1197

(c) A participant in an alternative retirement plan. 1198

(4) Prior to the final disposition of the case, the 1199
offender was granted a disability benefit by a public retirement 1200
system or an alternative retirement plan provider. 1201

(C) (1) Prior to sentencing an offender subject to this 1202
section, the court shall hold a hearing regarding the condition 1203
for which the offender was granted a disability benefit. Not 1204

later than ten days prior to the scheduled date of the hearing, 1205
the court shall give written notice of the hearing to the 1206
offender, the prosecutor who handled the case, and the 1207
appropriate public retirement system, alternative retirement 1208
plan provider, or, if more than one is providing a disability 1209
benefit, the applicable combination of these. The hearing shall 1210
be limited to a consideration of whether the offender's 1211
disabling condition arose out of the commission of the offense 1212
the offender was convicted of or pleaded guilty to. 1213

The system or provider shall submit to the court the 1214
offender's medical reports and recommendations, and the 1215
offender's disability application. If the court determines based 1216
on those documents that the disabling condition arose out of the 1217
commission of the offense the offender was convicted of or 1218
pleaded guilty to, the court shall order the system or provider 1219
to terminate the disability benefit. 1220

(2) Any disability benefit paid the offender prior to its 1221
termination may be recovered in accordance with section 145.563, 1222
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 1223
Code. 1224

(D) For purposes of this section, a both of the following 1225
apply: 1226

(1) A violation of section 2923.32 of the Revised Code or 1227
any other violation or offense that includes as an element a 1228
course of conduct or the occurrence of multiple acts is 1229
"committed on or after ~~the effective date of this section~~ July 1230
29, 2011," if the course of conduct continues, one or more of 1231
the multiple acts occurs, or the offender's accountability for 1232
the course of conduct or for one or more of the multiple acts 1233
continues on or after ~~the effective date of this section~~ July 1234

29, 2011; 1235

(2) A violation of section 2923.32 of the Revised Code or 1236
any other violation or offense that includes as an element a 1237
course of conduct or the occurrence of multiple acts is 1238
"committed on or after the effective date of this amendment" if 1239
the course of conduct continues, one or more of the multiple 1240
acts occurs, or the offender's accountability for the course of 1241
conduct or for one or more of the multiple acts continues on or 1242
after the effective date of this amendment. 1243

Sec. 3305.08. Any payment, benefit, or other right 1244
accruing to any electing employee under a contract entered into 1245
for purposes of an alternative retirement plan and all moneys, 1246
investments, and income of those contracts are exempt from any 1247
state tax, except the tax imposed by section 5747.02 of the 1248
Revised Code, are exempt from any county, municipal, or other 1249
local tax, except income taxes imposed pursuant to section 1250
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 1251
provided in sections 3105.171, 3105.65, 3115.501, 3119.80, 1252
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, ~~and 3305.11,~~ and 1253
3305.12 of the Revised Code, shall not be subject to execution, 1254
garnishment, attachment, the operation of bankruptcy or the 1255
insolvency law, or other process of law, and shall be 1256
unassignable except as specifically provided in this section and 1257
sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 3121.03, 1258
3115.501, and 3123.06 of the Revised Code or in any contract the 1259
electing employee has entered into for purposes of an 1260
alternative retirement plan. 1261

Sec. 3305.11. (A) Notwithstanding any other provision of 1262
this chapter, any payment of accumulated contributions standing 1263
to a person's credit under this chapter and any other amount or 1264

amounts to be paid to a person who is a ~~contributor participant~~ 1265
in an alternative retirement plan under this chapter upon the 1266
person's withdrawal of contributions pursuant to this chapter 1267
shall be subject to any forfeiture ordered under ~~division (A) or~~ 1268
~~(B) of~~ section 2901.433 or 2929.192 of the Revised Code, and the 1269
provider of an alternative retirement plan shall comply with 1270
that order in making the payment. Upon payment of the person's 1271
accumulated contributions and cancellation of the corresponding 1272
service credit, a person who is subject to the forfeiture 1273
described in this division may not restore the canceled service 1274
credit under this chapter or under Chapter 145., 742., 3307., 1275
3309., or 5505. of the Revised Code. 1276

(B) Notwithstanding any other provision of this chapter, 1277
if the provider of an alternative retirement plan receives 1278
notice pursuant to section 2901.43 or division (C) of section 1279
2901.432 of the Revised Code that a person who has accumulated 1280
contributions standing to the person's credit pursuant to this 1281
chapter is charged with any offense or violation ~~listed or~~ 1282
described in ~~divisions~~ division (B) (1) of section 2901.432 or 1283
division (D) (1) to (3) of section 2929.192 of the Revised Code 1284
~~that is a felony in under~~ the circumstances specified in ~~the~~ 1285
~~particular division~~ those sections, all of the following apply: 1286

(1) No payment of those accumulated contributions or of 1287
any other amount or amounts to be paid to a person who is a 1288
~~contributor participant~~ under this chapter upon the person's 1289
withdrawal of contributions pursuant to this chapter shall be 1290
made prior to whichever of the following is applicable: 1291

(a) If the person is convicted of or pleads guilty to the 1292
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1293
~~section~~ either of the following: 1294

(i) Section 2929.192 of the Revised Code, the day on which 1295
the provider receives from the court a copy of the journal entry 1296
of the offender's sentence under that section; 1297

(ii) Section 2901.433 of the Revised Code, the day on 1298
which the provider receives from the court a copy of the journal 1299
entry imposing the forfeiture order under that section. 1300

(b) If the charge against the person is dismissed, the 1301
person is found not guilty of the charge, or the person is found 1302
not guilty by reason of insanity of the charge, the day on which 1303
the provider receives notice of the final disposition of the 1304
charge. 1305

(2) The provider of an alternative retirement plan shall 1306
not process any application for payment under this chapter from 1307
the person prior to the final disposition of the charge. 1308

Sec. 3305.12. Notwithstanding any other provision of an 1309
alternative retirement plan provided under this chapter, a 1310
disability benefit granted under the alternative retirement plan 1311
is subject to an order issued under section 2901.434 or 2929.193 1312
of the Revised Code. The entity providing the alternative 1313
retirement plan shall comply with the order. 1314

On receipt of notice under section 2901.43 of the Revised 1315
Code that an alternative retirement plan participant is charged 1316
with an offense listed in division (D) of section 2929.192 of 1317
the Revised Code under the circumstances specified in that 1318
~~division~~section, the entity shall determine whether the 1319
participant has been granted a disability benefit. If so, the 1320
entity shall send written notice to the prosecutor assigned to 1321
the case that the participant has been granted a disability 1322
benefit under an alternative retirement plan and may be subject 1323

to section 2929.193 of the Revised Code. 1324

On receipt of notice under division (D) of section 1325
2901.432 of the Revised Code that an alternative retirement plan 1326
participant has been convicted of or pleaded guilty to an 1327
offense listed in division (B)(1) of that section under the 1328
circumstances specified in that section, the entity shall 1329
determine whether the participant has been granted a disability 1330
benefit. If so, the entity shall send written notice to the 1331
attorney general that the participant has been granted a 1332
disability benefit under this chapter and may be subject to 1333
section 2901.434 of the Revised Code. 1334

Sec. 3305.20. As used in this section, "personal history 1335
record" means information maintained by the entity providing an 1336
alternative retirement plan on an individual who participates in 1337
the plan that includes the address, telephone number, social 1338
security number, record of contributions, correspondence with 1339
the plan, or other information the entity providing the plan 1340
determines to be confidential. 1341

The entity shall comply with orders issued under section 1342
3105.87 of the Revised Code requiring it to provide information 1343
from a participant's personal history record. 1344

The entity shall furnish information as follows: 1345

(A) On the written request of an alternate payee, as 1346
defined in section 3105.80 of the Revised Code, the entity 1347
providing the alternative retirement plan shall furnish to the 1348
alternate payee information on the amount and status of any 1349
amounts payable to the alternate payee under an order issued 1350
under section 3105.171 or 3105.65 of the Revised Code. 1351

(B) Documentation required by section 2901.434 or 2929.193 1352

of the Revised Code shall be provided to a court holding a 1353
hearing under that section. 1354

(C) The notice required by section 3305.12 of the Revised 1355
Code shall be provided to the prosecutor assigned to the case. 1356

Sec. 3307.20. (A) As used in this section: 1357

(1) "Personal history record" means information maintained 1358
by the state teachers retirement board on an individual who is a 1359
member, former member, contributor, former contributor, 1360
retirant, or beneficiary that includes the address, electronic 1361
mail address, telephone number, social security number, record 1362
of contributions, correspondence with the state teachers 1363
retirement system, or other information the board determines to 1364
be confidential. 1365

(2) "Retirant" has the same meaning as in section 3307.50 1366
of the Revised Code and includes any former member receiving a 1367
benefit under an STRS defined contribution plan. 1368

(3) "Law enforcement agency" has the same meaning as in 1369
section 149.435 of the Revised Code. 1370

(B) The records of the board shall be open to public 1371
inspection, except for the following, which shall be excluded, 1372
except with the written authorization of the individual 1373
concerned: 1374

(1) The individual's personal records provided for in 1375
former section 3307.23 of the Revised Code; 1376

(2) The individual's personal history record; 1377

(3) Any information identifying, by name and address, the 1378
amount of a monthly allowance or benefit paid to the individual. 1379

(C) (1) All medical reports and recommendations received by 1380
the board from a member, member's physician, board-assigned 1381
physician, or other entity providing medical reports and 1382
recommendations to the board under sections 3307.48, 3307.62, 1383
and 3307.66 of the Revised Code are privileged, except as 1384
follows: 1385

(a) Copies of medical reports or recommendations shall be 1386
made available by the board to the personal physician, attorney, 1387
or authorized agent of the individual concerned upon written 1388
release received from the individual or the individual's agent, 1389
or, when necessary for the proper administration of the fund, to 1390
the board assigned physician. 1391

(b) Documentation required by section 2901.434 or 2929.193 1392
of the Revised Code shall be provided to a court holding a 1393
hearing under that section. 1394

(2) No medical report or recommendation received by the 1395
board under section 3307.48, 3307.62, or 3307.66 of the Revised 1396
Code shall be released to the individual concerned or considered 1397
a medical record generated and maintained by a health care 1398
provider in the process of establishing a therapeutic 1399
relationship. 1400

(D) Any person who is a member or contributor of the 1401
system shall be furnished, on written request, with a statement 1402
of the amount to the credit of the person's account. The board 1403
need not answer more than one request of a person in any one 1404
year. 1405

(E) Notwithstanding the exceptions to public inspection in 1406
division (B) of this section, the board may furnish the 1407
following information: 1408

(1) If a member, former member, retirant, contributor, or 1409
former contributor is subject to an order issued under section 1410
2907.15 of the Revised Code or an order issued under division 1411
(A) or (B) of section 2929.192 of the Revised Code or is 1412
convicted of or pleads guilty to a violation of section 2921.41 1413
of the Revised Code, on written request of a prosecutor as 1414
defined in section 2935.01 of the Revised Code, the board shall 1415
furnish to the prosecutor the information requested from the 1416
individual's personal history record. 1417

(2) Pursuant to a court or administrative order issued 1418
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 1419
the Revised Code, the board shall furnish to a court or child 1420
support enforcement agency the information required under that 1421
section. 1422

(3) At the written request of any person, the board shall 1423
provide to the person a complete list of the names and addresses 1424
of members, retirants, contributors, and beneficiaries. The 1425
costs of compiling, copying, and mailing the list shall be paid 1426
by such person. 1427

(4) Within fourteen days after receiving from the director 1428
of job and family services a list of the names and social 1429
security numbers of recipients of public assistance pursuant to 1430
section 5101.181 of the Revised Code, the board shall inform the 1431
auditor of state of the name, current or most recent employer 1432
address, and social security number of each member whose name 1433
and social security number are the same as that of a person 1434
whose name or social security number was submitted by the 1435
director. The board and its employees shall, except for purposes 1436
of furnishing the auditor of state with information required by 1437
this section, preserve the confidentiality of recipients of 1438

public assistance in compliance with section 5101.181 of the 1439
Revised Code. 1440

(5) The system shall comply with orders issued under 1441
section 3105.87 of the Revised Code. 1442

On the written request of an alternate payee, as defined 1443
in section 3105.80 of the Revised Code, the system shall furnish 1444
to the alternate payee information on the amount and status of 1445
any amounts payable to the alternate payee under an order issued 1446
under section 3105.171 or 3105.65 of the Revised Code. 1447

(6) At the request of any person, the board shall make 1448
available to the person copies of all documents, including 1449
resumes, in the board's possession regarding filling a vacancy 1450
of a contributing member or retired teacher member of the board. 1451
The person who made the request shall pay the cost of compiling, 1452
copying, and mailing the documents. The information described in 1453
this division is a public record. 1454

(7) The system shall provide the notice required by 1455
section 3307.373 of the Revised Code to the prosecutor assigned 1456
to the case. 1457

(8) The system may provide information requested by the 1458
United States social security administration, United States 1459
centers for medicare and medicaid services, Ohio public 1460
employees deferred compensation program, Ohio police and fire 1461
pension fund, school employees retirement system, public 1462
employees retirement system, state highway patrol retirement 1463
system, Cincinnati retirement system, a law enforcement agency, 1464
or a third party that the state teachers retirement system has 1465
contracted with for the purpose of administering any part of the 1466
system. 1467

(F) A statement that contains information obtained from 1468
the system's records that is signed by an officer of the 1469
retirement system and to which the system's official seal is 1470
affixed, or copies of the system's records to which the 1471
signature and seal are attached, shall be received as true 1472
copies of the system's records in any court or before any 1473
officer of this state. 1474

Sec. 3307.372. (A) Notwithstanding any other provision of 1475
this chapter, any payment of accumulated contributions standing 1476
to a person's credit under this chapter and any other amount or 1477
amounts to be paid to a person who is a member or contributor 1478
under this chapter upon the person's withdrawal of contributions 1479
pursuant to this chapter shall be subject to any forfeiture 1480
ordered under ~~division (A) or (B) of section 2901.433 or~~ 1481
2929.192 of the Revised Code, and the state teachers retirement 1482
system shall comply with that order in making the payment. Upon 1483
payment of the person's accumulated contributions and 1484
cancellation of the corresponding service credit, a person who 1485
is subject to the forfeiture described in this division may not 1486
restore the canceled service credit under this chapter or under 1487
Chapter 145., 742., 3305., 3309., or 5505. of the Revised Code. 1488

(B) Notwithstanding any other provision of this chapter, 1489
if the system receives notice pursuant to section 2901.43 or 1490
division (C) of section 2901.432 of the Revised Code that a 1491
person who has accumulated contributions standing to the 1492
person's credit pursuant to this chapter is charged with any 1493
offense or violation ~~listed or described in divisions~~ division 1494
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1495
2929.192 of the Revised Code ~~that is a felony in under~~ the 1496
circumstances specified in ~~the particular division~~ those 1497
sections, all of the following apply: 1498

(1) No payment of those accumulated contributions or of 1499
any other amount or amounts to be paid to a person who is a 1500
member or contributor under this chapter upon the person's 1501
withdrawal of contributions pursuant to this chapter shall be 1502
made prior to whichever of the following is applicable: 1503

(a) If the person is convicted of or pleads guilty to the 1504
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1505
~~section either of the following:~~ 1506

(i) Section 2929.192 of the Revised Code, the day on which 1507
the system receives from the court a copy of the journal entry 1508
of the offender's sentence under that section; 1509

(ii) Section 2901.433 of the Revised Code, the day on 1510
which the system receives from the court a copy of the journal 1511
entry imposing the forfeiture order under that section. 1512

(b) If the charge against the person is dismissed, the 1513
person is found not guilty of the charge, or the person is found 1514
not guilty by reason of insanity of the charge, the day on which 1515
the system receives notice of the final disposition of the 1516
charge. 1517

(2) The system shall not process any application for 1518
payment under this chapter from the person prior to the final 1519
disposition of the charge. 1520

Sec. 3307.373. Notwithstanding any other provision of this 1521
chapter, a disability benefit granted under this chapter is 1522
subject to an order issued under section 2901.434 or 2929.193 of 1523
the Revised Code. The state teachers retirement board shall 1524
comply with the order. 1525

On receipt of notice under section 2901.43 of the Revised 1526
Code that a state teachers retirement system member is charged 1527

with an offense listed in division (D) of section 2929.192 of 1528
the Revised Code under the circumstances specified in that 1529
~~division~~section, the system shall determine whether the member 1530
has been granted a disability benefit. If so, the system shall 1531
send written notice to the prosecutor assigned to the case that 1532
the member has been granted a disability benefit under this 1533
chapter and may be subject to section 2929.193 of the Revised 1534
Code. 1535

On receipt of notice under division (D) of section 1536
2901.432 of the Revised Code that a state teachers retirement 1537
system member has been convicted of or pleaded guilty to an 1538
offense listed in division (B)(1) of that section under the 1539
circumstances specified in that section, the system shall 1540
determine whether the member has been granted a disability 1541
benefit. If so, the system shall send written notice to the 1542
attorney general that the member has been granted a disability 1543
benefit under this chapter and may be subject to section 1544
2901.434 of the Revised Code. 1545

Sec. 3309.22. (A) (1) As used in this division, "personal 1546
history record" means information maintained in any format by 1547
the board on an individual who is a member, former member, 1548
contributor, former contributor, retirant, or beneficiary that 1549
includes the address, electronic mail address, telephone number, 1550
social security number, record of contributions, correspondence 1551
with the system, and other information the board determines to 1552
be confidential. 1553

(2) The records of the board shall be open to public 1554
inspection and may be made available in printed or electronic 1555
format, except for the following, which shall be excluded, 1556
except with the written authorization of the individual 1557

concerned: 1558

(a) The individual's statement of previous service and 1559
other information as provided for in section 3309.28 of the 1560
Revised Code; 1561

(b) Any information identifying by name and address the 1562
amount of a monthly allowance or benefit paid to the individual; 1563

(c) The individual's personal history record. 1564

(B) All medical reports and recommendations required by 1565
the system are privileged except as follows: 1566

(1) Copies of medical reports or recommendations shall be 1567
made available to the following: 1568

(a) The individual concerned, on written request; 1569

(b) The personal physician, attorney, or authorized agent 1570
of the individual concerned on written release received from the 1571
individual or the individual's agent; 1572

(c) The board assigned physician. 1573

(2) Documentation required by section 2901.434 or 2929.193 1574
of the Revised Code shall be provided to a court holding a 1575
hearing under that section. 1576

(C) Any person who is a contributor of the system shall be 1577
furnished, on written request, with a statement of the amount to 1578
the credit of the person's account. The board need not answer 1579
more than one such request of a person in any one year. 1580

(D) Notwithstanding the exceptions to public inspection in 1581
division (A)(2) of this section, the board may furnish the 1582
following information: 1583

(1) If a member, former member, contributor, former 1584

contributor, or retirant is subject to an order issued under 1585
section 2907.15 of the Revised Code or an order issued under 1586
division (A) or (B) of section 2929.192 of the Revised Code or 1587
is convicted of or pleads guilty to a violation of section 1588
2921.41 of the Revised Code, on written request of a prosecutor 1589
as defined in section 2935.01 of the Revised Code, the board 1590
shall furnish to the prosecutor the information requested from 1591
the individual's personal history record. 1592

(2) Pursuant to a court or administrative order issued 1593
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 1594
the Revised Code, the board shall furnish to a court or child 1595
support enforcement agency the information required under that 1596
section. 1597

(3) At the written request of any person, the board shall 1598
provide to the person a list of the names and addresses of 1599
members, former members, retirants, contributors, former 1600
contributors, or beneficiaries. The costs of compiling, copying, 1601
and mailing the list shall be paid by such person. 1602

(4) Within fourteen days after receiving from the director 1603
of job and family services a list of the names and social 1604
security numbers of recipients of public assistance pursuant to 1605
section 5101.181 of the Revised Code, the board shall inform the 1606
auditor of state of the name, current or most recent employer 1607
address, and social security number of each contributor whose 1608
name and social security number are the same as that of a person 1609
whose name or social security number was submitted by the 1610
director. The board and its employees shall, except for purposes 1611
of furnishing the auditor of state with information required by 1612
this section, preserve the confidentiality of recipients of 1613
public assistance in compliance with section 5101.181 of the 1614

Revised Code. 1615

(5) The system shall comply with orders issued under 1616
section 3105.87 of the Revised Code. 1617

On the written request of an alternate payee, as defined 1618
in section 3105.80 of the Revised Code, the system shall furnish 1619
to the alternate payee information on the amount and status of 1620
any amounts payable to the alternate payee under an order issued 1621
under section 3105.171 or 3105.65 of the Revised Code. 1622

(6) At the request of any person, the board shall make 1623
available to the person copies of all documents, including 1624
resumes, in the board's possession regarding filling a vacancy 1625
of an employee member or retirant member of the board. The 1626
person who made the request shall pay the cost of compiling, 1627
copying, and mailing the documents. The information described in 1628
this division is a public record. 1629

(7) The system shall provide the notice required by 1630
section 3309.673 of the Revised Code to the prosecutor assigned 1631
to the case. 1632

(8) The system may provide information requested by the 1633
United States social security administration, United States 1634
centers for medicare and medicaid services, Ohio public 1635
employees deferred compensation program, Ohio police and fire 1636
pension fund, state teachers retirement system, public employees 1637
retirement system, state highway patrol retirement system, 1638
Cincinnati retirement system, or a third party that the school 1639
employees retirement board has contracted with for the purpose 1640
of administering any part of this chapter. 1641

(E) A statement that contains information obtained from 1642
the system's records that is signed by an officer of the 1643

retirement system and to which the system's official seal is 1644
affixed, or copies of the system's records to which the 1645
signature and seal are attached, shall be received as true 1646
copies of the system's records in any court or before any 1647
officer of this state. 1648

Sec. 3309.672. (A) Notwithstanding any other provision of 1649
this chapter, any payment of accumulated contributions standing 1650
to a person's credit under this chapter and any other amount or 1651
amounts to be paid to a person who is a member or contributor 1652
under this chapter upon the person's withdrawal of contributions 1653
pursuant to this chapter shall be subject to any forfeiture 1654
ordered under ~~division (A) or (B) of~~ section 2901.433 or 1655
2929.192 of the Revised Code, and the school employees 1656
retirement system shall comply with that order in making the 1657
payment. Upon payment of the person's accumulated contributions 1658
and cancellation of the corresponding service credit, a person 1659
who is subject to the forfeiture described in this division may 1660
not restore the canceled service credit under this chapter or 1661
under Chapter 145., 742., 3305., 3307., or 5505. of the Revised 1662
Code. 1663

(B) Notwithstanding any other provision of this chapter, 1664
if the system receives notice pursuant to section 2901.43 or 1665
division (C) of section 2901.432 of the Revised Code that a 1666
person who has accumulated contributions standing to the 1667
person's credit pursuant to this chapter is charged with any 1668
offense or violation ~~listed or described in divisions~~ division 1669
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1670
2929.192 of the Revised Code ~~that is a felony in~~ under the 1671
circumstances specified in ~~the particular division~~ those 1672
sections, all of the following apply: 1673

(1) No payment of those accumulated contributions or of
any other amount or amounts to be paid to a person who is a
member or contributor under this chapter upon the person's
withdrawal of contributions pursuant to this chapter shall be
made prior to whichever of the following is applicable:

(a) If the person is convicted of or pleads guilty to the
charge and forfeiture is ordered under ~~division (A) or (B) of~~
~~section either of the following:~~

(i) Section 2929.192 of the Revised Code, the day on which
the system receives from the court a copy of the journal entry
of the offender's sentence under that section;

(ii) Section 2901.433 of the Revised Code, the day on
which the system receives from the court a copy of the journal
entry imposing the forfeiture order under that section.

(b) If the charge against the person is dismissed, the
person is found not guilty of the charge, or the person is found
not guilty by reason of insanity of the charge, the day on which
the system receives notice of the final disposition of the
charge.

(2) The system shall not process any application for
payment under this chapter from the person prior to the final
disposition of the charge.

Sec. 3309.673. Notwithstanding any other provision of this
chapter, a disability benefit granted under this chapter is
subject to an order issued under section 2901.434 or 2929.193 of
the Revised Code. The school employees retirement board shall
comply with the order.

On receipt of notice under section 2901.43 of the Revised
Code that a school employees retirement system member is charged

with an offense listed in division (D) of section 2929.192 of 1703
the Revised Code under the circumstances specified in that 1704
~~division~~section, the system shall determine whether the member 1705
has been granted a disability benefit. If so, the system shall 1706
send written notice to the prosecutor assigned to the case that 1707
the member has been granted a disability benefit under this 1708
chapter and may be subject to section 2929.193 of the Revised 1709
Code. 1710

On receipt of notice under division (D) of section 1711
2901.432 of the Revised Code that a school employees retirement 1712
system member has been convicted of or pleaded guilty to an 1713
offense listed in division (B) (1) of that section under the 1714
circumstances specified in that section, the system shall 1715
determine whether the member has been granted a disability 1716
benefit. If so, the system shall send written notice to the 1717
attorney general that the member has been granted a disability 1718
benefit under this chapter and may be subject to section 1719
2901.434 of the Revised Code. 1720

Sec. 5505.04. (A) (1) The general administration and 1721
management of the state highway patrol retirement system and the 1722
making effective of this chapter are hereby vested in the state 1723
highway patrol retirement board. The board may sue and be sued, 1724
plead and be impleaded, contract and be contracted with, and do 1725
all things necessary to carry out this chapter. 1726

The board shall consist of the following members: 1727

(a) The superintendent of the state highway patrol; 1728

(b) Two retirant members who reside in this state; 1729

(c) Five employee-members; 1730

(d) One member, known as the treasurer of state's 1731

investment designee, who shall be appointed by the treasurer of 1732
state for a term of four years and who shall have the following 1733
qualifications: 1734

(i) The member is a resident of this state. 1735

(ii) Within the three years immediately preceding the 1736
appointment, the member has not been employed by the public 1737
employees retirement system, police and fire pension fund, state 1738
teachers retirement system, school employees retirement system, 1739
or state highway patrol retirement system or by any person, 1740
partnership, or corporation that has provided to one of those 1741
retirement systems services of a financial or investment nature, 1742
including the management, analysis, supervision, or investment 1743
of assets. 1744

(iii) The member has direct experience in the management, 1745
analysis, supervision, or investment of assets. 1746

(iv) The member is not currently employed by the state or 1747
a political subdivision of the state. 1748

(e) Two investment expert members, who shall be appointed 1749
to four-year terms. One investment expert member shall be 1750
appointed by the governor, and one investment expert member 1751
shall be jointly appointed by the speaker of the house of 1752
representatives and the president of the senate. Each investment 1753
expert member shall have the following qualifications: 1754

(i) Each investment expert member shall be a resident of 1755
this state. 1756

(ii) Within the three years immediately preceding the 1757
appointment, each investment expert member shall not have been 1758
employed by the public employees retirement system, police and 1759
fire pension fund, state teachers retirement system, school 1760

employees retirement system, or state highway patrol retirement 1761
system or by any person, partnership, or corporation that has 1762
provided to one of those retirement systems services of a 1763
financial or investment nature, including the management, 1764
analysis, supervision, or investment of assets. 1765

(iii) Each investment expert member shall have direct 1766
experience in the management, analysis, supervision, or 1767
investment of assets. 1768

(2) The board shall annually elect a chairperson and vice- 1769
chairperson from among its members. The vice-chairperson shall 1770
act as chairperson in the absence of the chairperson. A majority 1771
of the members of the board shall constitute a quorum. The board 1772
shall meet not less than once each year, upon sufficient notice 1773
to the members. All meetings of the board shall be open to the 1774
public except executive sessions as set forth in division (G) of 1775
section 121.22 of the Revised Code, and any portions of any 1776
sessions discussing medical records or the degree of disability 1777
of a member excluded from public inspection by this section. 1778

(3) Any member appointed under this section shall hold 1779
office until the end of the member's term or, if later, the date 1780
the member's successor takes office. 1781

(B) The attorney general shall prescribe procedures for 1782
the adoption of rules authorized under this chapter, consistent 1783
with the provision of section 111.15 of the Revised Code under 1784
which all rules shall be filed in order to be effective. Such 1785
procedures shall establish methods by which notice of proposed 1786
rules are given to interested parties and rules adopted by the 1787
board published and otherwise made available. When it files a 1788
rule with the joint committee on agency rule review pursuant to 1789
section 111.15 of the Revised Code, the board shall submit to 1790

the Ohio retirement study council a copy of the full text of the 1791
rule, and if applicable, a copy of the rule summary and fiscal 1792
analysis required by division (B) of section 106.024 of the 1793
Revised Code. 1794

(C) (1) As used in this division, "personal history record" 1795
means information maintained by the board on an individual who 1796
is a member, former member, retirant, or beneficiary that 1797
includes the address, electronic mail address, telephone number, 1798
social security number, record of contributions, correspondence 1799
with the system, and other information the board determines to 1800
be confidential. 1801

(2) The records of the board shall be open to public 1802
inspection and may be made available in printed or electronic 1803
format, except for the following which shall be excluded: the 1804
member's, former member's, retirant's, or beneficiary's personal 1805
history record and the amount of a monthly allowance or benefit 1806
paid to a retirant, beneficiary, or survivor, except with the 1807
written authorization of the individual concerned. 1808

(D) All medical reports and recommendations are privileged 1809
except as follows: 1810

(1) Copies of such medical reports or recommendations 1811
shall be made available to the individual's personal physician, 1812
attorney, or authorized agent upon written release received from 1813
such individual or such individual's agent, or when necessary 1814
for the proper administration of the fund to the board-assigned 1815
physician. 1816

(2) Documentation required by section 2901.434 or 2929.193 1817
of the Revised Code shall be provided to a court holding a 1818
hearing under that section. 1819

(E) Notwithstanding the exceptions to public inspection in 1820
division (C) (2) of this section, the board may furnish the 1821
following information: 1822

(1) If a member, former member, or retirant is subject to 1823
an order issued under section 2907.15 of the Revised Code or an 1824
order issued under division (A) or (B) of section 2929.192 of 1825
the Revised Code or is convicted of or pleads guilty to a 1826
violation of section 2921.41 of the Revised Code, on written 1827
request of a prosecutor as defined in section 2935.01 of the 1828
Revised Code, the board shall furnish to the prosecutor the 1829
information requested from the individual's personal history 1830
record. 1831

(2) Pursuant to a court order issued under Chapters 3119., 1832
3121., and 3123. of the Revised Code, the board shall furnish to 1833
a court or child support enforcement agency the information 1834
required under those chapters. 1835

(3) At the written request of any nonprofit organization 1836
or association providing services to retirement system members, 1837
retirants, or beneficiaries, the board shall provide to the 1838
organization or association a list of the names and addresses of 1839
members, former members, retirants, or beneficiaries if the 1840
organization or association agrees to use such information 1841
solely in accordance with its stated purpose of providing 1842
services to such individuals and not for the benefit of other 1843
persons, organizations, or associations. The costs of compiling, 1844
copying, and mailing the list shall be paid by such entity. 1845

(4) Within fourteen days after receiving from the director 1846
of job and family services a list of the names and social 1847
security numbers of recipients of public assistance pursuant to 1848
section 5101.181 of the Revised Code, the board shall inform the 1849

auditor of state of the name, current or most recent employer 1850
address, and social security number of each member whose name 1851
and social security number are the same as those of a person 1852
whose name or social security number was submitted by the 1853
director. The board and its employees, except for purposes of 1854
furnishing the auditor of state with information required by 1855
this section, shall preserve the confidentiality of recipients 1856
of public assistance in compliance with section 5101.181 of the 1857
Revised Code. 1858

(5) The system shall comply with orders issued under 1859
section 3105.87 of the Revised Code. 1860

On the written request of an alternate payee, as defined 1861
in section 3105.80 of the Revised Code, the system shall furnish 1862
to the alternate payee information on the amount and status of 1863
any amounts payable to the alternate payee under an order issued 1864
under section 3105.171 or 3105.65 of the Revised Code. 1865

(6) At the request of any person, the board shall make 1866
available to the person copies of all documents, including 1867
resumes, in the board's possession regarding filling a vacancy 1868
of an employee member or retirant member of the board. The 1869
person who made the request shall pay the cost of compiling, 1870
copying, and mailing the documents. The information described in 1871
this division is a public record. 1872

(7) The system shall provide the notice required by 1873
section 5505.263 of the Revised Code to the prosecutor assigned 1874
to the case. 1875

(8) The system may provide information requested by the 1876
United States social security administration, United States 1877
centers for medicare and medicaid, public employees retirement 1878

system, Ohio public employees deferred compensation program, 1879
Ohio police and fire pension fund, school employees retirement 1880
system, state teachers retirement system, or Cincinnati 1881
retirement system. 1882

(F) A statement that contains information obtained from 1883
the system's records that is certified and signed by an officer 1884
of the retirement system and to which the system's official seal 1885
is affixed, or copies of the system's records to which the 1886
signature and seal are attached, shall be received as true 1887
copies of the system's records in any court or before any 1888
officer of this state. 1889

(G) The board may maintain records in printed or 1890
electronic format. 1891

Sec. 5505.262. (A) Notwithstanding any other provision of 1892
this chapter, any payment of accumulated contributions standing 1893
to a person's credit under this chapter and any other amount or 1894
amounts to be paid to a person who is a member or contributor 1895
under this chapter upon the person's withdrawal of contributions 1896
pursuant to this chapter shall be subject to any forfeiture 1897
ordered under ~~division (A) or (B) of~~ section 2901.433 or 1898
2929.192 of the Revised Code, and the state highway patrol 1899
retirement system shall comply with that order in making the 1900
payment. Upon payment of the person's accumulated contributions 1901
and cancellation of the corresponding service credit, a person 1902
who is subject to the forfeiture described in this division may 1903
not restore the canceled service credit under this chapter or 1904
under Chapter 145., 742., 3305., 3307., or 3309. of the Revised 1905
Code. 1906

(B) Notwithstanding any other provision of this chapter, 1907
if the system receives notice pursuant to section 2901.43 or 1908

division (C) of section 2901.432 of the Revised Code that a 1909
person who has accumulated contributions standing to the 1910
person's credit pursuant to this chapter is charged with any 1911
offense or violation ~~listed or described in divisions~~ division 1912
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1913
2929.192 of the Revised Code ~~that is a felony in under the~~ 1914
circumstances specified in ~~the particular division~~ those 1915
sections, all of the following apply: 1916

(1) No payment of those accumulated contributions or of 1917
any other amount or amounts to be paid to a person who is a 1918
member or contributor under this chapter upon the person's 1919
withdrawal of contributions pursuant to this chapter shall be 1920
made prior to whichever of the following is applicable: 1921

(a) If the person is convicted of or pleads guilty to the 1922
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1923
~~section either of the following:~~ 1924

(i) Section 2929.192 of the Revised Code, the day on which 1925
the system receives from the court a copy of the journal entry 1926
of the offender's sentence under that section; 1927

(ii) Section 2901.433 of the Revised Code, the day on 1928
which the system receives from the court a copy of the journal 1929
entry imposing the forfeiture order under that section. 1930

(b) If the charge against the person is dismissed, the 1931
person is found not guilty of the charge, or the person is found 1932
not guilty by reason of insanity of the charge, the day on which 1933
the system receives notice of the final disposition of the 1934
charge. 1935

(2) The system shall not process any application for 1936
payment under this chapter from the person prior to the final 1937

disposition of the charge. 1938

Sec. 5505.263. Notwithstanding any other provision of this 1939
chapter, a disability benefit granted under this chapter is 1940
subject to an order issued under section 2901.434 or 2929.193 of 1941
the Revised Code. The state highway patrol retirement board 1942
shall comply with the order. 1943

On receipt of notice under section 2901.43 of the Revised 1944
Code that a state highway patrol retirement system member is 1945
charged with an offense listed in division (D) of section 1946
2929.192 of the Revised Code under the circumstances specified 1947
in that ~~division~~section, the system shall determine whether the 1948
member has been granted a disability benefit. If so, the system 1949
shall send written notice to the prosecutor assigned to the case 1950
that the member has been granted a disability benefit under this 1951
chapter and may be subject to section 2929.193 of the Revised 1952
Code. 1953

On receipt of notice under division (D) of section 1954
2901.432 of the Revised Code that a state highway patrol 1955
retirement system member has been convicted of or pleaded guilty 1956
to an offense listed in division (B)(1) of that section under 1957
the circumstances specified in that section, the system shall 1958
determine whether the member has been granted a disability 1959
benefit. If so, the system shall send written notice to the 1960
attorney general that the member has been granted a disability 1961
benefit under this chapter and may be subject to section 1962
2901.434 of the Revised Code. 1963

Section 2. That existing sections 145.27, 145.572, 1964
145.573, 742.41, 742.463, 742.464, 2329.66, 2901.43, 2929.192, 1965
2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 1966
3307.373, 3309.22, 3309.672, 3309.673, 5505.04, 5505.262, and 1967

5505.263 of the Revised Code are hereby repealed.

1968