

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 227

Senator Bacon

A BILL

To amend sections 9.02, 109.08, 109.081, 109.43, 1
109.521, 109.57, 109.572, 109.578, 109.60, 2
109.85, 109.86, 149.43, 1331.01, 1331.04, 3
1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 4
1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 5
1349.43, 1716.02, 1716.05, 1716.07, 2743.191, 6
2743.56, 2743.71, 2746.02, 2901.01, 2923.02, 7
2923.31, 2923.32, 2953.32, 2981.13, and 8
5302.221, to enact sections 9.28, 177.05, 9
1331.17, and 2945.63, and to repeal section 10
1331.05 of the Revised Code to make various 11
changes to the laws governing the duties and 12
functions of the Attorney General. 13

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

Section 1. That sections 9.02, 109.08, 109.081, 109.43, 14
109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 15
149.43, 1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 16
1345.07, 1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 17
1716.02, 1716.05, 1716.07, 2743.191, 2743.56, 2743.71, 2746.02, 18
2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 2981.13, and 19
5302.221 be amended and sections 9.28, 177.05, 1331.17, and 20

2945.63 of the Revised Code be enacted to read as follows: 21

Sec. 9.02. (A) As used in this section: 22

(1) "Customer" means any person or authorized 23
representative of that person who has maintained or is 24
maintaining an account or deposit of any type, or has utilized 25
or is utilizing any service of a financial institution, or for 26
whom a financial institution has acted or is acting as a 27
fiduciary in relation to an account or deposit maintained in the 28
person's name. 29

(2) "Governmental authority" includes the state, any 30
political subdivision, district, or court, and any agency, 31
department, officer, or authorized employee of any of those 32
entities. 33

(3) "Financial institution" means any bank, building and 34
loan association, trust company, credit union, licensee as 35
defined in section 1321.01, or registrant as defined in section 36
1321.51 of the Revised Code. 37

(4) "Financial record" means any record, including 38
statements or receipts, and checks, drafts, or similar 39
instruments, or information derived from such record, that is 40
maintained by a financial institution and that pertains to a 41
deposit or account of a customer, a service of the financial 42
institution utilized by a customer, or any other relationship 43
between a customer and the financial institution. 44

(5) "Supervisory review" means any examination of or other 45
supervisory action with respect to a financial institution, 46
where such examination or action is conducted or taken pursuant 47
to authority granted under the Revised Code, or rules 48
promulgated pursuant thereto by the agency having regulatory 49

jurisdiction over such institution. 50

(B) Any party, including a governmental authority, that 51
requires or requests a financial institution to assemble or 52
provide a customer's financial records in connection with any 53
investigation, action, or proceeding shall pay the financial 54
institution for all actual and necessary costs directly incurred 55
in searching for, reproducing, or transporting these records, if 56
the financial institution is not a party to the investigation, 57
action, or proceeding, is not a subject of supervisory review in 58
the investigation, action, or proceeding, or is a party to the 59
investigation, action, or proceeding solely by reason of its 60
holding of assets of another party defendant, with no cause of 61
action alleged against the financial institution. This payment 62
shall be made to the financial institution promptly, whether or 63
not the financial records are entered into evidence. If the 64
records are produced pursuant to a court order or subpoena duces 65
tecum, the party requesting the order or subpoena is responsible 66
for making the payment. With respect to any judicial or 67
administrative proceeding for which the records are requested, 68
payment of these costs shall be in addition to any witness fees. 69

(C) The rates and conditions for making payments required 70
by division (B) of this section shall be established by rule by 71
the superintendent of financial institutions. To the extent that 72
they are applicable, such respective rules shall be 73
substantially like those adopted by the board of governors of 74
the federal reserve system to regulate similar fees required by 75
the "Right to Financial Privacy Act of 1978," 92 Stat. 3708, 12 76
U.S.C.A. 3415. 77

(D) (1) This section is not intended to expand, limit, or 78
otherwise affect any authority granted under federal law or the 79

law of this state to any party, including a governmental 80
authority, to procure, request, or require a customer's 81
financial records. This section does not apply to investigations 82
or examinations conducted under authority granted by Chapter 83
169., 1707., 3737., or 4735. of the Revised Code. 84

(2) Division (B) of this section does not apply to 85
financial records required to be assembled or provided pursuant 86
to a subpoena, demand for production, request for records, or 87
demand for inspection issued by or on motion of the attorney 88
general or the organized crime investigations commission, to a 89
subpoena issued by or on motion of a prosecuting attorney who 90
has probable cause to believe that a crime has been committed, 91
or to a subpoena issued by a grand jury, if all of the following 92
apply: 93

(a) The financial records or copies of the financial 94
records are subpoenaed for purposes of a criminal investigation 95
or prosecution; 96

(b) The subpoena is delivered to the financial institution 97
at least ten days before the records are to be provided; 98

(c) The subpoena identifies individual items to be 99
provided or is for statements of the customer's account for a 100
specified period of time but only as is relevant to the possible 101
crime being investigated. 102

If any financial record assembled or provided by a 103
financial institution pursuant to such a subpoena or any 104
information derived from the financial record is introduced as 105
evidence in any criminal trial and if any nonindigent defendant 106
is convicted of an offense at that trial, the trial court shall 107
charge against the defendant, as a cost of prosecution, all 108

actual and necessary costs directly incurred by the financial 109
institution in searching for, reproducing, or transporting the 110
financial records provided the financial institution is not a 111
defendant at the trial. A defendant against whom costs are 112
charged pursuant to this division shall pay the costs to the 113
court which shall forward the payment to the financial 114
institution. For purposes of this division, the trial court 115
shall determine whether a defendant is indigent. The rates of 116
payment established by rule pursuant to division (C) of this 117
section shall be used by the trial court in charging costs under 118
this division. 119

(E) Notwithstanding division (D) of this section, in any 120
proceeding, action, or investigation that involves an alleged 121
violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of 122
the Revised Code, that either involves a property interest of 123
the state or occurred within the scope of state employment or 124
during the performance of a state public official's or state 125
public servant's duties, and in which a financial institution is 126
required or requested to assemble or provide financial records, 127
the financial institution has a right of reimbursement from the 128
state treasury for all actual and necessary costs incurred in 129
searching for, reproducing, or transporting the financial 130
records, at the rates established by rule under division (C) of 131
this section. The reimbursement shall be made only if the 132
financial institution is not a party to, or subject of the 133
investigation, action, or proceeding, or is a party to the 134
investigation, action, or proceeding solely by reason of its 135
holding assets of another party defendant, with no cause of 136
action alleged against the financial institution, and only if 137
the financial institution has not acted negligently in the 138
management of the deposit, account, service, or other 139

relationship to which those financial records pertain. The 140
reimbursement shall be made promptly, whether or not the 141
financial records are entered into evidence. As used in this 142
division, "state" means only the state of Ohio and does not 143
include any political subdivision. 144

Sec. 9.28. (A) As used in this section: 145

(1) "Competitive solicitation" means a request for 146
proposal or any other solicitation or announcement by a public 147
office requiring bids or proposals for the provision of goods or 148
services to that office. 149

(2) "Public office" includes any state agency, public 150
institution, political subdivision, or other organized body, 151
office, agency, institution, or entity established by the laws 152
of this state for the exercise of any function of government. 153
"Public office" does not include the nonprofit corporation 154
formed under section 187.01 of the Revised Code. 155

(3) "State agency" includes every department, bureau, 156
board, commission, office, or other organized body established 157
by the constitution and laws of this state for the exercise of 158
any function of state government, including any state-supported 159
institution of higher education, the general assembly, any 160
legislative agency, any court or judicial agency, or any 161
political subdivision or agency of a political subdivision. 162
"State agency" does not include the nonprofit corporation formed 163
under section 187.01 of the Revised Code. 164

(B) Except as provided in division (C) of this section, 165
materials submitted to a public office in response to a 166
competitive solicitation shall not be considered public records 167
for purposes of section 149.43 of the Revised Code until the 168

date the public office announces the award of a contract based 169
on the competitive solicitation or the cancellation of the 170
competitive solicitation. 171

(C) If a public office rejects all bids or proposals 172
received in response to a competitive solicitation and, 173
concurrently with the announcement of the rejection gives notice 174
of its intent to reissue the solicitation, the materials 175
submitted in response to the original competitive solicitation 176
and the materials submitted in response to the reissued 177
competitive solicitation shall not be considered public records 178
for purposes of section 149.43 of the Revised Code until the 179
date the public office announces the award of a contract based 180
on the reissued competitive solicitation or the cancellation of 181
the reissued competitive solicitation. 182

Sec. 109.08. The attorney general may appoint and 183
authorize special counsel to represent the state and any 184
political subdivision in connection with all claims of 185
whatsoever nature which are certified to the attorney general 186
for collection under any law or which the attorney general is 187
authorized to collect. 188

Such special counsel shall be paid for their services from 189
funds collected by them in an amount approved by the attorney 190
general. In addition to the amount certified, the amounts paid 191
to special counsel may be assessed as collection costs 192
consistent with section 131.02 of the Revised Code and shall be 193
fully recoverable from the party indebted. The amounts assessed 194
as collection costs under this section are in addition to any 195
amounts authorized under section 109.081 of the Revised Code. 196

The attorney general ~~shall~~ is authorized to provide to the 197
special counsel ~~appointed to represent the state in connection~~ 198

~~with claims arising out of Chapters 5733., 5739., 5741., and~~ 199
~~5747. of the Revised Code~~ the official letterhead stationery of 200
the attorney general. The attorney general may authorize the 201
special counsel ~~shall to~~ use the letterhead stationery, but only 202
in connection with the collection of such claims arising out of 203
~~those taxes~~ amounts certified by the state and political 204
subdivisions. 205

Sec. 109.081. Up to eleven per cent of all amounts 206
collected by the attorney general, whether by employees or 207
agents of the attorney general or by special counsel pursuant to 208
section 109.08 of the Revised Code, on claims ~~due the state~~ 209
certified in accordance with section 131.02 of the Revised Code, 210
shall be paid into the state treasury to the credit of the 211
attorney general claims fund, which is hereby created. The 212
attorney general, after consultation with the director of budget 213
and management, shall determine the exact percentage of those 214
collected amounts that shall be paid into the state treasury to 215
the credit of the fund. In addition to the amount certified, the 216
amount shall be assessed as a collection cost consistent with 217
section 131.02 of the Revised Code, and is fully recoverable 218
from the party indebted. The amounts assessed as collection 219
costs under this section are in addition to any amounts 220
authorized under section 109.08 of the Revised Code. The 221
attorney general claims fund shall be used for the payment of 222
expenses incurred by the office of the attorney general. 223

Sec. 109.43. (A) As used in this section: 224

(1) "Designee" means a designee of the elected official in 225
the public office if that elected official is the only elected 226
official in the public office involved or a designee of all of 227
the elected officials in the public office if the public office 228

involved includes more than one elected official. 229

(2) "Elected official" means an official elected to a 230
local or statewide office. "Elected official" does not include 231
the chief justice or a justice of the supreme court, a judge of 232
a court of appeals, court of common pleas, municipal court, or 233
county court, or a clerk of any of those courts. 234

(3) "Public office" has the same meaning as in section 235
149.011 of the Revised Code. 236

(4) "Public record" has the same meaning as in section 237
149.43 of the Revised Code. 238

(B) The attorney general shall develop, provide, and 239
certify training programs and seminars for all elected officials 240
or their appropriate designees in order to enhance the 241
officials' knowledge of the duty to provide access to public 242
records as required by section 149.43 of the Revised Code and to 243
enhance their knowledge of the open meetings laws set forth in 244
section 121.22 of the Revised Code. The training shall be three 245
hours for every term of office for which the elected official 246
was appointed or elected to the public office involved. The 247
training shall provide elected officials or their appropriate 248
designees with guidance in developing and updating their 249
offices' policies as required under section 149.43 of the 250
Revised Code. The successful completion by an elected official 251
or by an elected official's appropriate designee of the training 252
requirements established by the attorney general under this 253
section shall satisfy the education requirements imposed on 254
elected officials or their appropriate designees under division 255
(E) of section 149.43 of the Revised Code. ~~Prior to providing~~ 256
~~the training programs and seminars under this section to satisfy~~ 257
~~the education requirements imposed on elected officials or their~~ 258

~~appropriate designees under division (E) of section 149.43 of
the Revised Code, the attorney general shall ensure that the
training programs and seminars are accredited by the commission
on continuing legal education established by the supreme court.~~

(C) The attorney general shall not charge any elected
official or the appropriate designee of any elected official any
fee for attending the training programs and seminars that the
attorney general conducts under this section. The attorney
general may allow the attendance of any other interested persons
at any of the training programs or seminars that the attorney
general conducts under this section and shall not charge the
person any fee for attending the training program or seminar.

(D) In addition to developing, providing, and certifying
training programs and seminars as required under division (B) of
this section, the attorney general may contract with one or more
other state agencies, political subdivisions, or other public or
private entities to conduct the training programs and seminars
for elected officials or their appropriate designees under this
section. The contract may provide for the attendance of any
other interested persons at any of the training programs or
seminars conducted by the contracting state agency, political
subdivision, or other public or private entity. The contracting
state agency, political subdivision, or other public or private
entity may charge an elected official, an elected official's
appropriate designee, or an interested person a registration fee
for attending the training program or seminar conducted by that
contracting agency, political subdivision, or entity pursuant to
a contract entered into under this division. The attorney
general shall determine a reasonable amount for the registration
fee based on the actual and necessary expenses associated with
the training programs and seminars. If the contracting state

agency, political subdivision, or other public or private entity 290
charges an elected official or an elected official's appropriate 291
designee a registration fee for attending the training program 292
or seminar conducted pursuant to a contract entered into under 293
this division by that contracting agency, political subdivision, 294
or entity, the public office for which the elected official was 295
appointed or elected to represent may use the public office's 296
own funds to pay for the cost of the registration fee. 297

(E) The attorney general shall develop and provide to all 298
public offices a model public records policy for responding to 299
public records requests in compliance with section 149.43 of the 300
Revised Code in order to provide guidance to public offices in 301
developing their own public record policies for responding to 302
public records requests in compliance with that section. 303

(F) The attorney general may provide any other appropriate 304
training or educational programs about Ohio's "Sunshine Laws," 305
sections 121.22, 149.38, 149.381, and 149.43 of the Revised 306
Code, as may be developed and offered by the attorney general or 307
by the attorney general in collaboration with one or more other 308
state agencies, political subdivisions, or other public or 309
private entities. 310

(G) The auditor of state, in the course of an annual or 311
biennial audit of a public office pursuant to Chapter 117. of 312
the Revised Code, shall audit the public office for compliance 313
with this section and division (E) of section 149.43 of the 314
Revised Code. 315

Sec. 109.521. There is hereby created in the state 316
treasury the bureau of criminal identification and investigation 317
asset forfeiture and cost reimbursement fund. All amounts 318
awarded to the bureau of criminal identification and 319

investigation as a result of shared federal and state asset 320
forfeiture and state and local moneys designated as restitution 321
for reimbursement of the costs of investigations and all amounts 322
received by the bureau under section 2981.13 of the Revised Code 323
shall be deposited into this fund. The moneys in this fund shall 324
be used in accordance with federal and state asset forfeiture 325
rules, regulations, and laws. Interest earned on the money in 326
this fund shall be credited to the fund. 327

Sec. 109.57. (A) (1) The superintendent of the bureau of 328
criminal identification and investigation shall procure from 329
wherever procurable and file for record photographs, pictures, 330
descriptions, fingerprints, measurements, and other information 331
that may be pertinent of all persons who have been convicted of 332
committing within this state a felony, any crime constituting a 333
misdemeanor on the first offense and a felony on subsequent 334
offenses, or any misdemeanor described in division (A) (1) (a), 335
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 336
of all children under eighteen years of age who have been 337
adjudicated delinquent children for committing within this state 338
an act that would be a felony or an offense of violence if 339
committed by an adult or who have been convicted of or pleaded 340
guilty to committing within this state a felony or an offense of 341
violence, and of all well-known and habitual criminals. The 342
person in charge of any county, multicounty, municipal, 343
municipal-county, or multicounty-municipal jail or workhouse, 344
community-based correctional facility, halfway house, 345
alternative residential facility, or state correctional 346
institution and the person in charge of any state institution 347
having custody of a person suspected of having committed a 348
felony, any crime constituting a misdemeanor on the first 349
offense and a felony on subsequent offenses, or any misdemeanor 350

described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 351
section 109.572 of the Revised Code or having custody of a child 352
under eighteen years of age with respect to whom there is 353
probable cause to believe that the child may have committed an 354
act that would be a felony or an offense of violence if 355
committed by an adult shall furnish such material to the 356
superintendent of the bureau. Fingerprints, photographs, or 357
other descriptive information of a child who is under eighteen 358
years of age, has not been arrested or otherwise taken into 359
custody for committing an act that would be a felony or an 360
offense of violence who is not in any other category of child 361
specified in this division, if committed by an adult, has not 362
been adjudicated a delinquent child for committing an act that 363
would be a felony or an offense of violence if committed by an 364
adult, has not been convicted of or pleaded guilty to committing 365
a felony or an offense of violence, and is not a child with 366
respect to whom there is probable cause to believe that the 367
child may have committed an act that would be a felony or an 368
offense of violence if committed by an adult shall not be 369
procured by the superintendent or furnished by any person in 370
charge of any county, multicounty, municipal, municipal-county, 371
or multicounty-municipal jail or workhouse, community-based 372
correctional facility, halfway house, alternative residential 373
facility, or state correctional institution, except as 374
authorized in section 2151.313 of the Revised Code. 375

(2) Every clerk of a court of record in this state, other 376
than the supreme court or a court of appeals, shall send to the 377
superintendent of the bureau a weekly report containing a 378
summary of each case involving a felony, involving any crime 379
constituting a misdemeanor on the first offense and a felony on 380
subsequent offenses, involving a misdemeanor described in 381

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 382
of the Revised Code, or involving an adjudication in a case in 383
which a child under eighteen years of age was alleged to be a 384
delinquent child for committing an act that would be a felony or 385
an offense of violence if committed by an adult. The clerk of 386
the court of common pleas shall include in the report and 387
summary the clerk sends under this division all information 388
described in divisions (A) (2) (a) to (f) of this section 389
regarding a case before the court of appeals that is served by 390
that clerk. The summary shall be written on the standard forms 391
furnished by the superintendent pursuant to division (B) of this 392
section and shall include the following information: 393

(a) The incident tracking number contained on the standard 394
forms furnished by the superintendent pursuant to division (B) 395
of this section; 396

(b) The style and number of the case; 397

(c) The date of arrest, offense, summons, or arraignment; 398

(d) The date that the person was convicted of or pleaded 399
guilty to the offense, adjudicated a delinquent child for 400
committing the act that would be a felony or an offense of 401
violence if committed by an adult, found not guilty of the 402
offense, or found not to be a delinquent child for committing an 403
act that would be a felony or an offense of violence if 404
committed by an adult, the date of an entry dismissing the 405
charge, an entry declaring a mistrial of the offense in which 406
the person is discharged, an entry finding that the person or 407
child is not competent to stand trial, or an entry of a nolle 408
prosequi, or the date of any other determination that 409
constitutes final resolution of the case; 410

(e) A statement of the original charge with the section of 411
the Revised Code that was alleged to be violated; 412

(f) If the person or child was convicted, pleaded guilty, 413
or was adjudicated a delinquent child, the sentence or terms of 414
probation imposed or any other disposition of the offender or 415
the delinquent child. 416

If the offense involved the disarming of a law enforcement 417
officer or an attempt to disarm a law enforcement officer, the 418
clerk shall clearly state that fact in the summary, and the 419
superintendent shall ensure that a clear statement of that fact 420
is placed in the bureau's records. 421

(3) The superintendent shall cooperate with and assist 422
sheriffs, chiefs of police, and other law enforcement officers 423
in the establishment of a complete system of criminal 424
identification and in obtaining fingerprints and other means of 425
identification of all persons arrested on a charge of a felony, 426
any crime constituting a misdemeanor on the first offense and a 427
felony on subsequent offenses, or a misdemeanor described in 428
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 429
of the Revised Code and of all children under eighteen years of 430
age arrested or otherwise taken into custody for committing an 431
act that would be a felony or an offense of violence if 432
committed by an adult. The superintendent also shall file for 433
record the fingerprint impressions of all persons confined in a 434
county, multicounty, municipal, municipal-county, or 435
multicounty-municipal jail or workhouse, community-based 436
correctional facility, halfway house, alternative residential 437
facility, or state correctional institution for the violation of 438
state laws and of all children under eighteen years of age who 439
are confined in a county, multicounty, municipal, municipal- 440

county, or multicounty-municipal jail or workhouse, community- 441
based correctional facility, halfway house, alternative 442
residential facility, or state correctional institution or in 443
any facility for delinquent children for committing an act that 444
would be a felony or an offense of violence if committed by an 445
adult, and any other information that the superintendent may 446
receive from law enforcement officials of the state and its 447
political subdivisions. 448

(4) The superintendent shall carry out Chapter 2950. of 449
the Revised Code with respect to the registration of persons who 450
are convicted of or plead guilty to a sexually oriented offense 451
or a child-victim oriented offense and with respect to all other 452
duties imposed on the bureau under that chapter. 453

(5) The bureau shall perform centralized recordkeeping 454
functions for criminal history records and services in this 455
state for purposes of the national crime prevention and privacy 456
compact set forth in section 109.571 of the Revised Code and is 457
the criminal history record repository as defined in that 458
section for purposes of that compact. The superintendent or the 459
superintendent's designee is the compact officer for purposes of 460
that compact and shall carry out the responsibilities of the 461
compact officer specified in that compact. 462

(6) The superintendent shall, upon request, assist a 463
county coroner in the identification of a deceased person 464
through the use of fingerprint impressions obtained pursuant to 465
division (A) (1) of this section or collected pursuant to section 466
109.572 or 311.41 of the Revised Code. 467

(B) The superintendent shall prepare and furnish to every 468
county, multicounty, municipal, municipal-county, or 469
multicounty-municipal jail or workhouse, community-based 470

correctional facility, halfway house, alternative residential 471
facility, or state correctional institution and to every clerk 472
of a court in this state specified in division (A) (2) of this 473
section standard forms for reporting the information required 474
under division (A) of this section. The standard forms that the 475
superintendent prepares pursuant to this division may be in a 476
tangible format, in an electronic format, or in both tangible 477
formats and electronic formats. 478

(C) (1) The superintendent may operate a center for 479
electronic, automated, or other data processing for the storage 480
and retrieval of information, data, and statistics pertaining to 481
criminals and to children under eighteen years of age who are 482
adjudicated delinquent children for committing an act that would 483
be a felony or an offense of violence if committed by an adult, 484
criminal activity, crime prevention, law enforcement, and 485
criminal justice, and may establish and operate a statewide 486
communications network to be known as the Ohio law enforcement 487
gateway to gather and disseminate information, data, and 488
statistics for the use of law enforcement agencies and for other 489
uses specified in this division. The superintendent may gather, 490
store, retrieve, and disseminate information, data, and 491
statistics that pertain to children who are under eighteen years 492
of age and that are gathered pursuant to sections 109.57 to 493
109.61 of the Revised Code together with information, data, and 494
statistics that pertain to adults and that are gathered pursuant 495
to those sections. 496

(2) The superintendent or the superintendent's designee 497
shall gather information of the nature described in division (C) 498
(1) of this section that pertains to the offense and delinquency 499
history of a person who has been convicted of, pleaded guilty 500
to, or been adjudicated a delinquent child for committing a 501

sexually oriented offense or a child-victim oriented offense for 502
inclusion in the state registry of sex offenders and child- 503
victim offenders maintained pursuant to division (A) (1) of 504
section 2950.13 of the Revised Code and in the internet database 505
operated pursuant to division (A) (13) of that section and for 506
possible inclusion in the internet database operated pursuant to 507
division (A) (11) of that section. 508

(3) In addition to any other authorized use of 509
information, data, and statistics of the nature described in 510
division (C) (1) of this section, the superintendent or the 511
superintendent's designee may provide and exchange the 512
information, data, and statistics pursuant to the national crime 513
prevention and privacy compact as described in division (A) (5) 514
of this section. 515

(4) The attorney general may adopt rules under Chapter 516
119. of the Revised Code establishing guidelines for the 517
operation of and participation in the Ohio law enforcement 518
gateway. The rules may include criteria for granting and 519
restricting access to information gathered and disseminated 520
through the Ohio law enforcement gateway. The attorney general 521
shall permit the state medical board and board of nursing to 522
access and view, but not alter, information gathered and 523
disseminated through the Ohio law enforcement gateway. 524

The attorney general may appoint a steering committee to 525
advise the attorney general in the operation of the Ohio law 526
enforcement gateway that is comprised of persons who are 527
representatives of the criminal justice agencies in this state 528
that use the Ohio law enforcement gateway and is chaired by the 529
superintendent or the superintendent's designee. 530

(D) (1) The following are not public records under section 531

149.43 of the Revised Code:	532
(a) Information and materials furnished to the	533
superintendent pursuant to division (A) of this section;	534
(b) Information, data, and statistics gathered or	535
disseminated through the Ohio law enforcement gateway pursuant	536
to division (C) (1) of this section;	537
(c) Information and materials furnished to any board or	538
person under division (F) or (G) of this section.	539
(2) The superintendent or the superintendent's designee	540
shall gather and retain information so furnished under division	541
(A) of this section that pertains to the offense and delinquency	542
history of a person who has been convicted of, pleaded guilty	543
to, or been adjudicated a delinquent child for committing a	544
sexually oriented offense or a child-victim oriented offense for	545
the purposes described in division (C) (2) of this section.	546
(E) (1) The attorney general shall adopt rules, in	547
accordance with Chapter 119. of the Revised Code and subject to	548
division (E) (2) of this section, setting forth the procedure by	549
which a person may receive or release information gathered by	550
the superintendent pursuant to division (A) of this section. A	551
reasonable fee may be charged for this service. If a temporary	552
employment service submits a request for a determination of	553
whether a person the service plans to refer to an employment	554
position has been convicted of or pleaded guilty to an offense	555
listed or described in division (A) (1), (2), or (3) of section	556
109.572 of the Revised Code, the request shall be treated as a	557
single request and only one fee shall be charged.	558
(2) Except as otherwise provided in this division or	559
division (E) (3) or (4) of this section, a rule adopted under	560

division (E) (1) of this section may provide only for the release 561
of information gathered pursuant to division (A) of this section 562
that relates to the conviction of a person, or a person's plea 563
of guilty to, a criminal offense or to the arrest of a person as 564
provided in division (E) (3) of this section. The superintendent 565
shall not release, and the attorney general shall not adopt any 566
rule under division (E) (1) of this section that permits the 567
release of, any information gathered pursuant to division (A) of 568
this section that relates to an adjudication of a child as a 569
delinquent child, or that relates to a criminal conviction of a 570
person under eighteen years of age if the person's case was 571
transferred back to a juvenile court under division (B) (2) or 572
(3) of section 2152.121 of the Revised Code and the juvenile 573
court imposed a disposition or serious youthful offender 574
disposition upon the person under either division, unless either 575
of the following applies with respect to the adjudication or 576
conviction: 577

(a) The adjudication or conviction was for a violation of 578
section 2903.01 or 2903.02 of the Revised Code. 579

(b) The adjudication or conviction was for a sexually 580
oriented offense, the juvenile court was required to classify 581
the child a juvenile offender registrant for that offense under 582
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 583
classification has not been removed, and the records of the 584
adjudication or conviction have not been sealed or expunged 585
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 586
section 2952.32 of the Revised Code. 587

(3) A rule adopted under division (E) (1) of this section 588
may provide for the release of information gathered pursuant to 589
division (A) of this section that relates to the arrest of a 590

person who is eighteen years of age or older when the person has 591
not been convicted as a result of that arrest if any of the 592
following applies: 593

(a) The arrest was made outside of this state. 594

(b) A criminal action resulting from the arrest is 595
pending, and the superintendent confirms that the criminal 596
action has not been resolved at the time the criminal records 597
check is performed. 598

(c) The bureau cannot reasonably determine whether a 599
criminal action resulting from the arrest is pending, and not 600
more than one year has elapsed since the date of the arrest. 601

(4) A rule adopted under division (E) (1) of this section 602
may provide for the release of information gathered pursuant to 603
division (A) of this section that relates to an adjudication of 604
a child as a delinquent child if not more than five years have 605
elapsed since the date of the adjudication, the adjudication was 606
for an act that would have been a felony if committed by an 607
adult, the records of the adjudication have not been sealed or 608
expunged pursuant to sections 2151.355 to 2151.358 of the 609
Revised Code, and the request for information is made under 610
division (F) of this section or under section 109.572 of the 611
Revised Code. In the case of an adjudication for a violation of 612
the terms of community control or supervised release, the five- 613
year period shall be calculated from the date of the 614
adjudication to which the community control or supervised 615
release pertains. 616

(F) (1) As used in division (F) (2) of this section, "head 617
start agency" means an entity in this state that has been 618
approved to be an agency for purposes of subchapter II of the 619

"Community Economic Development Act," 95 Stat. 489 (1981), 42 620
U.S.C.A. 9831, as amended. 621

(2) (a) In addition to or in conjunction with any request 622
that is required to be made under section 109.572, 2151.86, 623
3301.32, 3301.541, division (C) of section 3310.58, or section 624
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 625
5153.111 of the Revised Code or that is made under section 626
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 627
board of education of any school district; the director of 628
developmental disabilities; any county board of developmental 629
disabilities; any provider or subcontractor as defined in 630
section 5123.081 of the Revised Code; the chief administrator of 631
any chartered nonpublic school; the chief administrator of a 632
registered private provider that is not also a chartered 633
nonpublic school; the chief administrator of any home health 634
agency; the chief administrator of or person operating any child 635
day-care center, type A family day-care home, or type B family 636
day-care home licensed under Chapter 5104. of the Revised Code; 637
the chief administrator of any head start agency; the executive 638
director of a public children services agency; a private company 639
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 640
the Revised Code; or an employer described in division (J) (2) of 641
section 3327.10 of the Revised Code may request that the 642
superintendent of the bureau investigate and determine, with 643
respect to any individual who has applied for employment in any 644
position after October 2, 1989, or any individual wishing to 645
apply for employment with a board of education may request, with 646
regard to the individual, whether the bureau has any information 647
gathered under division (A) of this section that pertains to 648
that individual. On receipt of the request, subject to division 649
(E) (2) of this section, the superintendent shall determine 650

whether that information exists and, upon request of the person, 651
board, or entity requesting information, also shall request from 652
the federal bureau of investigation any criminal records it has 653
pertaining to that individual. The superintendent or the 654
superintendent's designee also may request criminal history 655
records from other states or the federal government pursuant to 656
the national crime prevention and privacy compact set forth in 657
section 109.571 of the Revised Code. Within thirty days of the 658
date that the superintendent receives a request, subject to 659
division (E)(2) of this section, the superintendent shall send 660
to the board, entity, or person a report of any information that 661
the superintendent determines exists, including information 662
contained in records that have been sealed under section 2953.32 663
of the Revised Code, and, within thirty days of its receipt, 664
subject to division (E)(2) of this section, shall send the 665
board, entity, or person a report of any information received 666
from the federal bureau of investigation, other than information 667
the dissemination of which is prohibited by federal law. 668

(b) When a board of education or a registered private 669
provider is required to receive information under this section 670
as a prerequisite to employment of an individual pursuant to 671
division (C) of section 3310.58 or section 3319.39 of the 672
Revised Code, it may accept a certified copy of records that 673
were issued by the bureau of criminal identification and 674
investigation and that are presented by an individual applying 675
for employment with the district in lieu of requesting that 676
information itself. In such a case, the board shall accept the 677
certified copy issued by the bureau in order to make a photocopy 678
of it for that individual's employment application documents and 679
shall return the certified copy to the individual. In a case of 680
that nature, a district or provider only shall accept a 681

certified copy of records of that nature within one year after 682
the date of their issuance by the bureau. 683

(c) Notwithstanding division (F) (2) (a) of this section, in 684
the case of a request under section 3319.39, 3319.391, or 685
3327.10 of the Revised Code only for criminal records maintained 686
by the federal bureau of investigation, the superintendent shall 687
not determine whether any information gathered under division 688
(A) of this section exists on the person for whom the request is 689
made. 690

(3) The state board of education may request, with respect 691
to any individual who has applied for employment after October 692
2, 1989, in any position with the state board or the department 693
of education, any information that a school district board of 694
education is authorized to request under division (F) (2) of this 695
section, and the superintendent of the bureau shall proceed as 696
if the request has been received from a school district board of 697
education under division (F) (2) of this section. 698

(4) When the superintendent of the bureau receives a 699
request for information under section 3319.291 of the Revised 700
Code, the superintendent shall proceed as if the request has 701
been received from a school district board of education and 702
shall comply with divisions (F) (2) (a) and (c) of this section. 703

(5) When a recipient of a classroom reading improvement 704
grant paid under section 3301.86 of the Revised Code requests, 705
with respect to any individual who applies to participate in 706
providing any program or service funded in whole or in part by 707
the grant, the information that a school district board of 708
education is authorized to request under division (F) (2) (a) of 709
this section, the superintendent of the bureau shall proceed as 710
if the request has been received from a school district board of 711

education under division (F) (2) (a) of this section. 712

(G) In addition to or in conjunction with any request that 713
is required to be made under section 3701.881, 3712.09, or 714
3721.121 of the Revised Code with respect to an individual who 715
has applied for employment in a position that involves providing 716
direct care to an older adult or adult resident, the chief 717
administrator of a home health agency, hospice care program, 718
home licensed under Chapter 3721. of the Revised Code, or adult 719
day-care program operated pursuant to rules adopted under 720
section 3721.04 of the Revised Code may request that the 721
superintendent of the bureau investigate and determine, with 722
respect to any individual who has applied after January 27, 723
1997, for employment in a position that does not involve 724
providing direct care to an older adult or adult resident, 725
whether the bureau has any information gathered under division 726
(A) of this section that pertains to that individual. 727

In addition to or in conjunction with any request that is 728
required to be made under section 173.27 of the Revised Code 729
with respect to an individual who has applied for employment in 730
a position that involves providing ombudsman services to 731
residents of long-term care facilities or recipients of 732
community-based long-term care services, the state long-term 733
care ombudsman, the director of aging, a regional long-term care 734
ombudsman program, or the designee of the ombudsman, director, 735
or program may request that the superintendent investigate and 736
determine, with respect to any individual who has applied for 737
employment in a position that does not involve providing such 738
ombudsman services, whether the bureau has any information 739
gathered under division (A) of this section that pertains to 740
that applicant. 741

In addition to or in conjunction with any request that is 742
required to be made under section 173.38 of the Revised Code 743
with respect to an individual who has applied for employment in 744
a direct-care position, the chief administrator of a provider, 745
as defined in section 173.39 of the Revised Code, may request 746
that the superintendent investigate and determine, with respect 747
to any individual who has applied for employment in a position 748
that is not a direct-care position, whether the bureau has any 749
information gathered under division (A) of this section that 750
pertains to that applicant. 751

In addition to or in conjunction with any request that is 752
required to be made under section 3712.09 of the Revised Code 753
with respect to an individual who has applied for employment in 754
a position that involves providing direct care to a pediatric 755
respite care patient, the chief administrator of a pediatric 756
respite care program may request that the superintendent of the 757
bureau investigate and determine, with respect to any individual 758
who has applied for employment in a position that does not 759
involve providing direct care to a pediatric respite care 760
patient, whether the bureau has any information gathered under 761
division (A) of this section that pertains to that individual. 762

On receipt of a request under this division, the 763
superintendent shall determine whether that information exists 764
and, on request of the individual requesting information, shall 765
also request from the federal bureau of investigation any 766
criminal records it has pertaining to the applicant. The 767
superintendent or the superintendent's designee also may request 768
criminal history records from other states or the federal 769
government pursuant to the national crime prevention and privacy 770
compact set forth in section 109.571 of the Revised Code. Within 771
thirty days of the date a request is received, subject to 772

division (E) (2) of this section, the superintendent shall send 773
to the requester a report of any information determined to 774
exist, including information contained in records that have been 775
sealed under section 2953.32 of the Revised Code, and, within 776
thirty days of its receipt, shall send the requester a report of 777
any information received from the federal bureau of 778
investigation, other than information the dissemination of which 779
is prohibited by federal law. 780

(H) Information obtained by a government entity or person 781
under this section is confidential and shall not be released or 782
disseminated. 783

(I) The superintendent may charge a reasonable fee for 784
providing information or criminal records under division (F) (2) 785
or (G) of this section. 786

(J) As used in this section: 787

(1) "Pediatric respite care program" and "pediatric care 788
patient" have the same meanings as in section 3712.01 of the 789
Revised Code. 790

(2) "Sexually oriented offense" and "child-victim oriented 791
offense" have the same meanings as in section 2950.01 of the 792
Revised Code. 793

(3) "Registered private provider" means a nonpublic school 794
or entity registered with the superintendent of public 795
instruction under section 3310.41 of the Revised Code to 796
participate in the autism scholarship program or section 3310.58 797
of the Revised Code to participate in the Jon Peterson special 798
needs scholarship program. 799

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 800
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 801

Code, a completed form prescribed pursuant to division (C)(1) of 802
this section, and a set of fingerprint impressions obtained in 803
the manner described in division (C)(2) of this section, the 804
superintendent of the bureau of criminal identification and 805
investigation shall conduct a criminal records check in the 806
manner described in division (B) of this section to determine 807
whether any information exists that indicates that the person 808
who is the subject of the request previously has been convicted 809
of or pleaded guilty to any of the following: 810

(a) A violation of section 2903.01, 2903.02, 2903.03, 811
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 812
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 813
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 814
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 815
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 816
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 817
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 818
sexual penetration in violation of former section 2907.12 of the 819
Revised Code, a violation of section 2905.04 of the Revised Code 820
as it existed prior to July 1, 1996, a violation of section 821
2919.23 of the Revised Code that would have been a violation of 822
section 2905.04 of the Revised Code as it existed prior to July 823
1, 1996, had the violation been committed prior to that date, or 824
a violation of section 2925.11 of the Revised Code that is not a 825
minor drug possession offense; 826

(b) A violation of an existing or former law of this 827
state, any other state, or the United States that is 828
substantially equivalent to any of the offenses listed in 829
division (A)(1)(a) of this section; 830

(c) If the request is made pursuant to section 3319.39 of 831

the Revised Code for an applicant who is a teacher, any offense 832
specified in section 3319.31 of the Revised Code. 833

(2) On receipt of a request pursuant to section 3712.09 or 834
3721.121 of the Revised Code, a completed form prescribed 835
pursuant to division (C)(1) of this section, and a set of 836
fingerprint impressions obtained in the manner described in 837
division (C)(2) of this section, the superintendent of the 838
bureau of criminal identification and investigation shall 839
conduct a criminal records check with respect to any person who 840
has applied for employment in a position for which a criminal 841
records check is required by those sections. The superintendent 842
shall conduct the criminal records check in the manner described 843
in division (B) of this section to determine whether any 844
information exists that indicates that the person who is the 845
subject of the request previously has been convicted of or 846
pleaded guilty to any of the following: 847

(a) A violation of section 2903.01, 2903.02, 2903.03, 848
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 849
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 850
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 851
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 852
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 853
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 854
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 855
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 856

(b) An existing or former law of this state, any other 857
state, or the United States that is substantially equivalent to 858
any of the offenses listed in division (A)(2)(a) of this 859
section. 860

(3) On receipt of a request pursuant to section 173.27, 861

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 862
5123.081, or 5123.169 of the Revised Code, a completed form 863
prescribed pursuant to division (C)(1) of this section, and a 864
set of fingerprint impressions obtained in the manner described 865
in division (C)(2) of this section, the superintendent of the 866
bureau of criminal identification and investigation shall 867
conduct a criminal records check of the person for whom the 868
request is made. The superintendent shall conduct the criminal 869
records check in the manner described in division (B) of this 870
section to determine whether any information exists that 871
indicates that the person who is the subject of the request 872
previously has been convicted of, has pleaded guilty to, or 873
(except in the case of a request pursuant to section 5164.34, 874
5164.341, or 5164.342 of the Revised Code) has been found 875
eligible for intervention in lieu of conviction for any of the 876
following, regardless of the date of the conviction, the date of 877
entry of the guilty plea, or (except in the case of a request 878
pursuant to section 5164.34, 5164.341, or 5164.342 of the 879
Revised Code) the date the person was found eligible for 880
intervention in lieu of conviction: 881

(a) A violation of section 959.13, 959.131, 2903.01, 882
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 883
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 884
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 885
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 886
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 887
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 888
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 889
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 890
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 891
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 892

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 893
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 894
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 895
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 896
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 897
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 898
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 899
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 900

(b) Felonious sexual penetration in violation of former 901
section 2907.12 of the Revised Code; 902

(c) A violation of section 2905.04 of the Revised Code as 903
it existed prior to July 1, 1996; 904

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 905
the Revised Code when the underlying offense that is the object 906
of the conspiracy, attempt, or complicity is one of the offenses 907
listed in divisions (A) (3) (a) to (c) of this section; 908

(e) A violation of an existing or former municipal 909
ordinance or law of this state, any other state, or the United 910
States that is substantially equivalent to any of the offenses 911
listed in divisions (A) (3) (a) to (d) of this section. 912

(4) On receipt of a request pursuant to section 2151.86 of 913
the Revised Code, a completed form prescribed pursuant to 914
division (C) (1) of this section, and a set of fingerprint 915
impressions obtained in the manner described in division (C) (2) 916
of this section, the superintendent of the bureau of criminal 917
identification and investigation shall conduct a criminal 918
records check in the manner described in division (B) of this 919
section to determine whether any information exists that 920
indicates that the person who is the subject of the request 921

previously has been convicted of or pleaded guilty to any of the 922
following: 923

(a) A violation of section 959.13, 2903.01, 2903.02, 924
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 925
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 926
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 927
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 928
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 929
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 930
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 931
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 932
2927.12, or 3716.11 of the Revised Code, a violation of section 933
2905.04 of the Revised Code as it existed prior to July 1, 1996, 934
a violation of section 2919.23 of the Revised Code that would 935
have been a violation of section 2905.04 of the Revised Code as 936
it existed prior to July 1, 1996, had the violation been 937
committed prior to that date, a violation of section 2925.11 of 938
the Revised Code that is not a minor drug possession offense, 939
two or more OVI or OVUAC violations committed within the three 940
years immediately preceding the submission of the application or 941
petition that is the basis of the request, or felonious sexual 942
penetration in violation of former section 2907.12 of the 943
Revised Code; 944

(b) A violation of an existing or former law of this 945
state, any other state, or the United States that is 946
substantially equivalent to any of the offenses listed in 947
division (A) (4) (a) of this section. 948

(5) Upon receipt of a request pursuant to section 5104.013 949
of the Revised Code, a completed form prescribed pursuant to 950
division (C) (1) of this section, and a set of fingerprint 951

impressions obtained in the manner described in division (C) (2) 952
of this section, the superintendent of the bureau of criminal 953
identification and investigation shall conduct a criminal 954
records check in the manner described in division (B) of this 955
section to determine whether any information exists that 956
indicates that the person who is the subject of the request has 957
been convicted of or pleaded guilty to any of the following: 958

(a) A violation of section 2151.421, 2903.01, 2903.02, 959
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 960
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 961
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 962
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 963
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 964
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 965
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 966
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 967
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 968
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 969
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 970
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 971
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 972
3716.11 of the Revised Code, felonious sexual penetration in 973
violation of former section 2907.12 of the Revised Code, a 974
violation of section 2905.04 of the Revised Code as it existed 975
prior to July 1, 1996, a violation of section 2919.23 of the 976
Revised Code that would have been a violation of section 2905.04 977
of the Revised Code as it existed prior to July 1, 1996, had the 978
violation been committed prior to that date, a violation of 979
section 2925.11 of the Revised Code that is not a minor drug 980
possession offense, a violation of section 2923.02 or 2923.03 of 981
the Revised Code that relates to a crime specified in this 982

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would

have been a violation of section 2905.04 of the Revised Code as 1013
it existed prior to July 1, 1996, had the violation been 1014
committed prior to that date, or a violation of section 2925.11 1015
of the Revised Code that is not a minor drug possession offense; 1016

(b) A violation of an existing or former law of this 1017
state, any other state, or the United States that is 1018
substantially equivalent to any of the offenses listed in 1019
division (A) (6) (a) of this section. 1020

(7) On receipt of a request for a criminal records check 1021
from an individual pursuant to section 4749.03 or 4749.06 of the 1022
Revised Code, accompanied by a completed copy of the form 1023
prescribed in division (C) (1) of this section and a set of 1024
fingerprint impressions obtained in a manner described in 1025
division (C) (2) of this section, the superintendent of the 1026
bureau of criminal identification and investigation shall 1027
conduct a criminal records check in the manner described in 1028
division (B) of this section to determine whether any 1029
information exists indicating that the person who is the subject 1030
of the request has been convicted of or pleaded guilty to a 1031
felony in this state or in any other state. If the individual 1032
indicates that a firearm will be carried in the course of 1033
business, the superintendent shall require information from the 1034
federal bureau of investigation as described in division (B) (2) 1035
of this section. Subject to division (F) of this section, the 1036
superintendent shall report the findings of the criminal records 1037
check and any information the federal bureau of investigation 1038
provides to the director of public safety. 1039

(8) On receipt of a request pursuant to section 1321.37, 1040
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1041
Code, a completed form prescribed pursuant to division (C) (1) of 1042

this section, and a set of fingerprint impressions obtained in 1043
the manner described in division (C) (2) of this section, the 1044
superintendent of the bureau of criminal identification and 1045
investigation shall conduct a criminal records check with 1046
respect to any person who has applied for a license, permit, or 1047
certification from the department of commerce or a division in 1048
the department. The superintendent shall conduct the criminal 1049
records check in the manner described in division (B) of this 1050
section to determine whether any information exists that 1051
indicates that the person who is the subject of the request 1052
previously has been convicted of or pleaded guilty to any of the 1053
following: a violation of section 2913.02, 2913.11, 2913.31, 1054
2913.51, or 2925.03 of the Revised Code; any other criminal 1055
offense involving theft, receiving stolen property, 1056
embezzlement, forgery, fraud, passing bad checks, money 1057
laundering, or drug trafficking, or any criminal offense 1058
involving money or securities, as set forth in Chapters 2909., 1059
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 1060
Code; or any existing or former law of this state, any other 1061
state, or the United States that is substantially equivalent to 1062
those offenses. 1063

(9) On receipt of a request for a criminal records check 1064
from the treasurer of state under section 113.041 of the Revised 1065
Code or from an individual under section 4701.08, 4715.101, 1066
4717.061, 4725.121, 4725.46, 4729.071, 4730.101, 4730.14, 1067
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1068
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1069
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1070
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 1071
Code, accompanied by a completed form prescribed under division 1072
(C) (1) of this section and a set of fingerprint impressions 1073

obtained in the manner described in division (C) (2) of this 1074
section, the superintendent of the bureau of criminal 1075
identification and investigation shall conduct a criminal 1076
records check in the manner described in division (B) of this 1077
section to determine whether any information exists that 1078
indicates that the person who is the subject of the request has 1079
been convicted of or pleaded guilty to any criminal offense in 1080
this state or any other state. Subject to division (F) of this 1081
section, the superintendent shall send the results of a check 1082
requested under section 113.041 of the Revised Code to the 1083
treasurer of state and shall send the results of a check 1084
requested under any of the other listed sections to the 1085
licensing board specified by the individual in the request. 1086

(10) On receipt of a request pursuant to section 1121.23, 1087
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1088
Code, a completed form prescribed pursuant to division (C) (1) of 1089
this section, and a set of fingerprint impressions obtained in 1090
the manner described in division (C) (2) of this section, the 1091
superintendent of the bureau of criminal identification and 1092
investigation shall conduct a criminal records check in the 1093
manner described in division (B) of this section to determine 1094
whether any information exists that indicates that the person 1095
who is the subject of the request previously has been convicted 1096
of or pleaded guilty to any criminal offense under any existing 1097
or former law of this state, any other state, or the United 1098
States. 1099

(11) On receipt of a request for a criminal records check 1100
from an appointing or licensing authority under section 3772.07 1101
of the Revised Code, a completed form prescribed under division 1102
(C) (1) of this section, and a set of fingerprint impressions 1103
obtained in the manner prescribed in division (C) (2) of this 1104

section, the superintendent of the bureau of criminal 1105
identification and investigation shall conduct a criminal 1106
records check in the manner described in division (B) of this 1107
section to determine whether any information exists that 1108
indicates that the person who is the subject of the request 1109
previously has been convicted of or pleaded guilty or no contest 1110
to any offense under any existing or former law of this state, 1111
any other state, or the United States that is a disqualifying 1112
offense as defined in section 3772.07 of the Revised Code or 1113
substantially equivalent to such an offense. 1114

(12) On receipt of a request pursuant to section 2151.33 1115
or 2151.412 of the Revised Code, a completed form prescribed 1116
pursuant to division (C)(1) of this section, and a set of 1117
fingerprint impressions obtained in the manner described in 1118
division (C)(2) of this section, the superintendent of the 1119
bureau of criminal identification and investigation shall 1120
conduct a criminal records check with respect to any person for 1121
whom a criminal records check is required by that section. The 1122
superintendent shall conduct the criminal records check in the 1123
manner described in division (B) of this section to determine 1124
whether any information exists that indicates that the person 1125
who is the subject of the request previously has been convicted 1126
of or pleaded guilty to any of the following: 1127

(a) A violation of section 2903.01, 2903.02, 2903.03, 1128
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1129
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1130
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1131
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1132
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1133
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1134
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1135

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1136

(b) An existing or former law of this state, any other 1137
state, or the United States that is substantially equivalent to 1138
any of the offenses listed in division (A)(12)(a) of this 1139
section. 1140

(B) Subject to division (F) of this section, the 1141
superintendent shall conduct any criminal records check to be 1142
conducted under this section as follows: 1143

(1) The superintendent shall review or cause to be 1144
reviewed any relevant information gathered and compiled by the 1145
bureau under division (A) of section 109.57 of the Revised Code 1146
that relates to the person who is the subject of the criminal 1147
records check, including, if the criminal records check was 1148
requested under section 113.041, 121.08, 173.27, 173.38, 1149
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1150
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1151
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 1152
4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 1153
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 1154
any relevant information contained in records that have been 1155
sealed under section 2953.32 of the Revised Code; 1156

(2) If the request received by the superintendent asks for 1157
information from the federal bureau of investigation, the 1158
superintendent shall request from the federal bureau of 1159
investigation any information it has with respect to the person 1160
who is the subject of the criminal records check, including 1161
fingerprint-based checks of national crime information databases 1162
as described in 42 U.S.C. 671 if the request is made pursuant to 1163
section 2151.86 or 5104.013 of the Revised Code or if any other 1164
Revised Code section requires fingerprint-based checks of that 1165

nature, and shall review or cause to be reviewed any information 1166
the superintendent receives from that bureau. If a request under 1167
section 3319.39 of the Revised Code asks only for information 1168
from the federal bureau of investigation, the superintendent 1169
shall not conduct the review prescribed by division (B) (1) of 1170
this section. 1171

(3) The superintendent or the superintendent's designee 1172
may request criminal history records from other states or the 1173
federal government pursuant to the national crime prevention and 1174
privacy compact set forth in section 109.571 of the Revised 1175
Code. 1176

(4) The superintendent shall include in the results of the 1177
criminal records check a list or description of the offenses 1178
listed or described in division (A) (1), (2), (3), (4), (5), (6), 1179
(7), (8), (9), (10), (11), or (12) of this section, whichever 1180
division requires the superintendent to conduct the criminal 1181
records check. The superintendent shall exclude from the results 1182
any information the dissemination of which is prohibited by 1183
federal law. 1184

(5) The superintendent shall send the results of the 1185
criminal records check to the person to whom it is to be sent 1186
not later than the following number of days after the date the 1187
superintendent receives the request for the criminal records 1188
check, the completed form prescribed under division (C) (1) of 1189
this section, and the set of fingerprint impressions obtained in 1190
the manner described in division (C) (2) of this section: 1191

(a) If the superintendent is required by division (A) of 1192
this section (other than division (A) (3) of this section) to 1193
conduct the criminal records check, thirty; 1194

(b) If the superintendent is required by division (A) (3) 1195
of this section to conduct the criminal records check, sixty. 1196

(C) (1) The superintendent shall prescribe a form to obtain 1197
the information necessary to conduct a criminal records check 1198
from any person for whom a criminal records check is to be 1199
conducted under this section. The form that the superintendent 1200
prescribes pursuant to this division may be in a tangible 1201
format, in an electronic format, or in both tangible and 1202
electronic formats. 1203

(2) The superintendent shall prescribe standard impression 1204
sheets to obtain the fingerprint impressions of any person for 1205
whom a criminal records check is to be conducted under this 1206
section. Any person for whom a records check is to be conducted 1207
under this section shall obtain the fingerprint impressions at a 1208
county sheriff's office, municipal police department, or any 1209
other entity with the ability to make fingerprint impressions on 1210
the standard impression sheets prescribed by the superintendent. 1211
The office, department, or entity may charge the person a 1212
reasonable fee for making the impressions. The standard 1213
impression sheets the superintendent prescribes pursuant to this 1214
division may be in a tangible format, in an electronic format, 1215
or in both tangible and electronic formats. 1216

(3) Subject to division (D) of this section, the 1217
superintendent shall prescribe and charge a reasonable fee for 1218
providing a criminal records check under this section. The 1219
person requesting the criminal records check shall pay the fee 1220
prescribed pursuant to this division. In the case of a request 1221
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1222
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1223
fee shall be paid in the manner specified in that section. 1224

(4) The superintendent of the bureau of criminal 1225
identification and investigation may prescribe methods of 1226
forwarding fingerprint impressions and information necessary to 1227
conduct a criminal records check, which methods shall include, 1228
but not be limited to, an electronic method. 1229

(D) The results of a criminal records check conducted 1230
under this section, other than a criminal records check 1231
specified in division (A) (7) of this section, are valid for the 1232
person who is the subject of the criminal records check for a 1233
period of one year from the date upon which the superintendent 1234
completes the criminal records check. If during that period the 1235
superintendent receives another request for a criminal records 1236
check to be conducted under this section for that person, the 1237
superintendent shall provide the results from the previous 1238
criminal records check of the person at a lower fee than the fee 1239
prescribed for the initial criminal records check. 1240

(E) When the superintendent receives a request for 1241
information from a registered private provider, the 1242
superintendent shall proceed as if the request was received from 1243
a school district board of education under section 3319.39 of 1244
the Revised Code. The superintendent shall apply division (A) (1) 1245
(c) of this section to any such request for an applicant who is 1246
a teacher. 1247

(F) (1) ~~All~~ Subject to division (F) (2) of this section, all 1248
information regarding the results of a criminal records check 1249
conducted under this section that the superintendent reports or 1250
sends under division (A) (7) or (9) of this section to the 1251
director of public safety, the treasurer of state, or the 1252
person, board, or entity that made the request for the criminal 1253
records check shall relate to the conviction of the subject 1254

person, or the subject person's plea of guilty to, a criminal offense. 1255
1256

(2) Division (F)(1) of this section does not limit, 1257
restrict, or preclude the superintendent's release of 1258
information that relates to the arrest of a person who is 1259
eighteen years of age or older, to an adjudication of a child as 1260
a delinquent child, or to a criminal conviction of a person 1261
under eighteen years of age in circumstances in which a release 1262
of that nature is authorized under division (E)(2), (3), or (4) 1263
of section 109.57 of the Revised Code pursuant to a rule adopted 1264
under division (E)(1) of that section. 1265

(G) As used in this section: 1266

(1) "Criminal records check" means any criminal records 1267
check conducted by the superintendent of the bureau of criminal 1268
identification and investigation in accordance with division (B) 1269
of this section. 1270

(2) "Minor drug possession offense" has the same meaning 1271
as in section 2925.01 of the Revised Code. 1272

(3) "OVI or OVUAC violation" means a violation of section 1273
4511.19 of the Revised Code or a violation of an existing or 1274
former law of this state, any other state, or the United States 1275
that is substantially equivalent to section 4511.19 of the 1276
Revised Code. 1277

(4) "Registered private provider" means a nonpublic school 1278
or entity registered with the superintendent of public 1279
instruction under section 3310.41 of the Revised Code to 1280
participate in the autism scholarship program or section 3310.58 1281
of the Revised Code to participate in the Jon Peterson special 1282
needs scholarship program. 1283

Sec. 109.578. (A) On receipt of a request pursuant to 1284
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1285
Code, a completed form prescribed pursuant to division (C) (1) of 1286
this section, and a set of fingerprint impressions obtained in 1287
the manner described in division (C) (2) of this section, the 1288
superintendent of the bureau of criminal identification and 1289
investigation shall conduct a criminal records check in the 1290
manner described in division (B) of this section to determine 1291
whether any information exists that indicates that the person 1292
who is the subject of the request previously has been convicted 1293
of or pleaded guilty to any of the following: 1294

(1) A felony; 1295

(2) A violation of section 2909.03 of the Revised Code; 1296

(3) A violation of an existing or former law of this 1297
state, any other state, or the United States that is 1298
substantially equivalent to any of the offenses listed in 1299
division (A) (1) or (2) of this section. 1300

(B) Subject to division (E) of this section, the 1301
superintendent shall conduct any criminal records check pursuant 1302
to division (A) of this section as follows: 1303

(1) The superintendent shall review or cause to be 1304
reviewed any relevant information gathered and compiled by the 1305
bureau under division (A) of section 109.57 of the Revised Code 1306
that relates to the person who is the subject of the request, 1307
including any relevant information contained in records that 1308
have been sealed under section 2953.32 of the Revised Code. 1309

(2) If the request received by the superintendent asks for 1310
information from the federal bureau of investigation, the 1311
superintendent shall request from the federal bureau of 1312

investigation any information it has with respect to the person 1313
who is the subject of the request and shall review or cause to 1314
be reviewed any information the superintendent receives from 1315
that bureau. 1316

(C) (1) The superintendent shall prescribe a form to obtain 1317
the information necessary to conduct a criminal records check 1318
from any person for whom a criminal records check is requested 1319
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1320
the Revised Code. The form that the superintendent prescribes 1321
pursuant to this division may be in a tangible format, in an 1322
electronic format, or in both tangible and electronic formats. 1323

(2) The superintendent shall prescribe standard impression 1324
sheets to obtain the fingerprint impressions of any person for 1325
whom a criminal records check is requested pursuant to section 1326
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1327
person for whom a records check is requested pursuant to any of 1328
those sections shall obtain the fingerprint impressions at a 1329
county sheriff's office, a municipal police department, or any 1330
other entity with the ability to make fingerprint impressions on 1331
the standard impression sheets prescribed by the superintendent. 1332
The office, department, or entity may charge the person a 1333
reasonable fee for making the impressions. The standard 1334
impression sheets the superintendent prescribes pursuant to this 1335
division may be in a tangible format, in an electronic format, 1336
or in both tangible and electronic formats. 1337

(3) Subject to division (D) of this section, the 1338
superintendent shall prescribe and charge a reasonable fee for 1339
providing a criminal records check requested under section 1340
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1341
person making the criminal records request shall pay the fee 1342

prescribed pursuant to this division. 1343

(4) The superintendent may prescribe methods of forwarding 1344
fingerprint impressions and information necessary to conduct a 1345
criminal records check. The methods shall include, but are not 1346
limited to, an electronic method. 1347

(D) A determination whether any information exists that 1348
indicates that a person previously has been convicted of or 1349
pleaded guilty to any offense listed or described in division 1350
(A) of this section and that the superintendent made with 1351
respect to information considered in a criminal records check in 1352
accordance with this section is valid for the person who is the 1353
subject of the criminal records check for a period of one year 1354
from the date upon which the superintendent makes the 1355
determination. During the period in which the determination in 1356
regard to a person is valid, if another request under this 1357
section is made for a criminal records check for that person, 1358
the superintendent shall provide the information that is the 1359
basis for the superintendent's initial determination at a lower 1360
fee than the fee prescribed for the initial criminal records 1361
check. 1362

(E) (1) All Subject to division (E) (2) of this section, all 1363
information regarding the results of a criminal records check 1364
conducted under this section that the superintendent reports or 1365
sends under this section to the person, board, or entity that 1366
made the request for the criminal records check shall relate to 1367
the conviction of the subject person, or the subject person's 1368
plea of guilty to, a criminal offense. 1369

(2) Division (E) (1) of this section does not limit, 1370
restrict, or preclude the superintendent's release of 1371
information that relates to the arrest of a person who is 1372

eighteen years of age or older, to an adjudication of a child as 1373
a delinquent child, or to a criminal conviction of a person 1374
under eighteen years of age in circumstances in which a release 1375
of that nature is authorized under division (E) (2), (3), or (4) 1376
of section 109.57 of the Revised Code pursuant to a rule adopted 1377
under division (E) (1) of that section. 1378

(F) As used in this section, "criminal records check" 1379
means any criminal records check conducted by the superintendent 1380
of the bureau of criminal identification and investigation in 1381
accordance with division (B) of this section. 1382

Sec. 109.60. (A) (1) The sheriffs of the several counties 1383
and the chiefs of police of cities, immediately upon the arrest 1384
of any person for any felony, on suspicion of any felony, for a 1385
crime constituting a misdemeanor on the first offense and a 1386
felony on subsequent offenses, or for any misdemeanor described 1387
in division (A) (1) (a), (A) (8) (a), or (A) (10) (a) of section 1388
109.572 of the Revised Code, and immediately upon the arrest or 1389
taking into custody of any child under eighteen years of age for 1390
committing an act that would be a felony or an offense of 1391
violence if committed by an adult or upon probable cause to 1392
believe that a child of that age may have committed an act that 1393
would be a felony or an offense of violence if committed by an 1394
adult, shall take the person's or child's fingerprints, or cause 1395
the same to be taken, according to the fingerprint system of 1396
identification on the forms furnished by the superintendent of 1397
the bureau of criminal identification and investigation, and 1398
immediately shall forward copies of the completed forms, any 1399
other description that may be required, and the history of the 1400
offense committed to the bureau to be classified and filed and 1401
to the clerk of the court having jurisdiction over the 1402
prosecution of the offense or over the adjudication relative to 1403

the act. 1404

(2) Except as provided in division (B) of this section, if 1405
a person or child has not been arrested and first appears before 1406
a court or magistrate in response to a summons, or if a sheriff 1407
or chief of police has not taken, or caused to be taken, a 1408
person's or child's fingerprints in accordance with division (A) 1409
(1) of this section by the time of the arraignment or first 1410
appearance of the person or child, the court shall order the 1411
person or child to appear before the sheriff or chief of police 1412
within twenty-four hours to have the person's or child's 1413
fingerprints taken. The sheriff or chief of police shall take 1414
the person's or child's fingerprints, or cause the fingerprints 1415
to be taken, according to the fingerprint system of 1416
identification on the forms furnished by the superintendent of 1417
the bureau of criminal identification and investigation and, 1418
immediately after the person's or child's arraignment or first 1419
appearance, forward copies of the completed forms, any other 1420
description that may be required, and the history of the offense 1421
committed to the bureau to be classified and filed and to the 1422
clerk of the court. 1423

(3) Every court with jurisdiction over a case involving a 1424
person or child with respect to whom division (A) (1) or (2) of 1425
this section requires a sheriff or chief of police to take the 1426
person's or child's fingerprints shall inquire at the time of 1427
the person's or child's sentencing or adjudication whether or 1428
not the person or child has been fingerprinted pursuant to 1429
division (A) (1) or (2) of this section for the original arrest 1430
or court appearance upon which the sentence or adjudication is 1431
based. If the person or child was not fingerprinted for the 1432
original arrest or court appearance upon which the sentence or 1433
adjudication is based, the court shall take the person's or 1434

child's fingerprints or shall order the person or child to 1435
appear before the sheriff or chief of police within twenty-four 1436
hours to have the person's or child's fingerprints taken. ~~The~~ If 1437
the court orders the person or child to appear before the 1438
sheriff or chief of police to have the person's or child's 1439
fingerprints taken, the sheriff or chief of police shall take 1440
the person's or child's fingerprints, or cause the fingerprints 1441
to be taken, according to the fingerprint system of 1442
identification on the forms furnished by the superintendent of 1443
the bureau of criminal identification and investigation and 1444
immediately forward copies of the completed forms, any other 1445
description that may be required, and the history of the offense 1446
committed to the bureau to be classified and filed and to the 1447
clerk of the court. 1448

(4) If a person or child is in the custody of a law 1449
enforcement agency or a detention facility, as defined in 1450
section 2921.01 of the Revised Code, and the chief law 1451
enforcement officer or chief administrative officer of the 1452
detention facility discovers that a warrant has been issued or a 1453
bill of information has been filed alleging the person or child 1454
to have committed an offense or act other than the offense or 1455
act for which the person or child is in custody, and the other 1456
alleged offense or act is one for which fingerprints are to be 1457
taken pursuant to division (A) (1) of this section, the law 1458
enforcement agency or detention facility shall take the 1459
fingerprints of the person or child, or cause the fingerprints 1460
to be taken, according to the fingerprint system of 1461
identification on the forms furnished by the superintendent of 1462
the bureau of criminal identification and investigation and 1463
immediately forward copies of the completed forms, any other 1464
description that may be required, and the history of the offense 1465

committed to the bureau to be classified and filed and to the 1466
clerk of the court that issued the warrant or with which the 1467
bill of information was filed. 1468

(5) If an accused is found not guilty of the offense 1469
charged or a nolle prosequi is entered in any case, or if any 1470
accused child under eighteen years of age is found not to be a 1471
delinquent child for committing an act that would be a felony or 1472
an offense of violence if committed by an adult or not guilty of 1473
the felony or offense of violence charged or a nolle prosequi is 1474
entered in that case, the fingerprints and description shall be 1475
given to the accused upon the accused's request. 1476

(6) The superintendent shall compare the description 1477
received with those already on file in the bureau, and, if the 1478
superintendent finds that the person arrested or taken into 1479
custody has a criminal record or a record as a delinquent child 1480
for having committed an act that would be a felony or an offense 1481
of violence if committed by an adult or is a fugitive from 1482
justice or wanted by any jurisdiction in this or another state, 1483
the United States, or a foreign country for any offense, the 1484
superintendent at once shall inform the arresting officer, the 1485
officer taking the person into custody, or the chief 1486
administrative officer of the county, multicounty, municipal, 1487
municipal-county, or multicounty-municipal jail or workhouse, 1488
community-based correctional facility, halfway house, 1489
alternative residential facility, or state correctional 1490
institution in which the person or child is in custody of that 1491
fact and give appropriate notice to the proper authorities in 1492
the jurisdiction in which the person is wanted, or, if that 1493
jurisdiction is a foreign country, give appropriate notice to 1494
federal authorities for transmission to the foreign country. The 1495
names, under which each person whose identification is filed is 1496

known, shall be alphabetically indexed by the superintendent. 1497

(B) Division (A) of this section does not apply to a 1498
violinator of a city ordinance unless the officers have reason to 1499
believe that the violator is a past offender or the crime is one 1500
constituting a misdemeanor on the first offense and a felony on 1501
subsequent offenses, or unless it is advisable for the purpose 1502
of subsequent identification. This section does not apply to any 1503
child under eighteen years of age who was not arrested or 1504
otherwise taken into custody for committing an act that would be 1505
a felony or an offense of violence if committed by an adult or 1506
upon probable cause to believe that a child of that age may have 1507
committed an act that would be a felony or an offense of 1508
violence if committed by an adult, except as provided in section 1509
2151.313 of the Revised Code. 1510

(C) (1) For purposes of division (C) of this section, a law 1511
enforcement agency shall be considered to have arrested a person 1512
if any law enforcement officer who is employed by, appointed by, 1513
or serves that agency arrests the person. As used in division 1514
(C) of this section: 1515

(a) "Illegal methamphetamine manufacturing laboratory" has 1516
the same meaning as in section 3745.13 of the Revised Code. 1517

(b) "Methamphetamine or a methamphetamine product" means 1518
methamphetamine, any salt, isomer, or salt of an isomer of 1519
methamphetamine, or any compound, mixture, preparation, or 1520
substance containing methamphetamine or any salt, isomer, or 1521
salt of an isomer of methamphetamine. 1522

(2) Each law enforcement agency that, in any calendar 1523
year, arrests any person for a violation of section 2925.04 of 1524
the Revised Code that is based on the manufacture of 1525

methamphetamine or a methamphetamine product, a violation of 1526
section 2925.041 of the Revised Code that is based on the 1527
possession of chemicals sufficient to produce methamphetamine or 1528
a methamphetamine product, or a violation of any other provision 1529
of Chapter 2925. or 3719. of the Revised Code that is based on 1530
the possession of chemicals sufficient to produce 1531
methamphetamine or a methamphetamine product shall prepare an 1532
annual report covering the calendar year that contains the 1533
information specified in division (C) (3) of this section 1534
relative to all arrests for violations of those sections 1535
committed under those circumstances during that calendar year 1536
and relative to illegal methamphetamine manufacturing 1537
laboratories, dump sites, and chemical caches as specified in 1538
that division and shall send the annual report, not later than 1539
the first day of March in the calendar year following the 1540
calendar year covered by the report, to the bureau of criminal 1541
identification and investigation. 1542

The law enforcement agency shall write any annual report 1543
prepared and filed under this division on the standard forms 1544
furnished by the superintendent of the bureau of criminal 1545
identification and investigation pursuant to division (C) (4) of 1546
this section. The annual report shall be a statistical report, 1547
and nothing in the report or in the information it contains 1548
shall identify, or enable the identification of, any person who 1549
was arrested and whose arrest is included in the information 1550
contained in the report. The annual report in the possession of 1551
the bureau and the information it contains are public records 1552
for the purpose of section 149.43 of the Revised Code. 1553

(3) The annual report prepared and filed by a law 1554
enforcement agency under division (C) (2) of this section shall 1555
contain all of the following information for the calendar year 1556

covered by the report: 1557

(a) The total number of arrests made by the agency in that 1558
calendar year for a violation of section 2925.04 of the Revised 1559
Code that is based on the manufacture of methamphetamine or a 1560
methamphetamine product, a violation of section 2925.041 of the 1561
Revised Code that is based on the possession of chemicals 1562
sufficient to produce methamphetamine or a methamphetamine 1563
product, or a violation of any other provision of Chapter 2925. 1564
or 3719. of the Revised Code that is based on the possession of 1565
chemicals sufficient to produce methamphetamine or a 1566
methamphetamine product; 1567

(b) The total number of illegal methamphetamine 1568
manufacturing laboratories at which one or more of the arrests 1569
reported under division (C) (3) (a) of this section occurred, or 1570
that were discovered in that calendar year within the territory 1571
served by the agency but at which none of the arrests reported 1572
under division (C) (3) (a) of this section occurred; 1573

(c) The total number of dump sites and chemical caches 1574
that are, or that are reasonably believed to be, related to 1575
illegal methamphetamine manufacturing and that were discovered 1576
in that calendar year within the territory served by the agency. 1577

(4) The superintendent of the bureau of criminal 1578
identification and investigation shall prepare and furnish to 1579
each law enforcement agency in this state standard forms for 1580
making the annual reports required by division (C) (2) of this 1581
section. The standard forms that the superintendent prepares 1582
pursuant to this division may be in a tangible format, in an 1583
electronic format, or in both a tangible format and an 1584
electronic format. 1585

(5) The annual report required by division (C) (2) of this section is separate from, and in addition to, any report, materials, or information required under division (A) of this section or under any other provision of sections 109.57 to 109.62 of the Revised Code.

Sec. 109.85. (A) Upon the written request of the governor, the general assembly, the auditor of state, the medicaid director, the director of health, or the director of budget and management, or upon the attorney general's becoming aware of criminal or improper activity related to Chapter 3721. of the Revised Code and the medicaid program, the attorney general shall investigate any criminal or civil violation of law related to Chapter 3721. of the Revised Code or the medicaid program. Investigators appointed by the attorney general to fulfill the purposes of this section may go armed in the same manner as sheriffs and regularly appointed police officers under section 2923.12 of the Revised Code.

(B) When it appears to the attorney general, as a result of an investigation under division (A) of this section, that there is cause to prosecute for the commission of a crime or to pursue a civil remedy, the attorney general may refer the evidence to the prosecuting attorney having jurisdiction of the matter, or to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code, or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code, or the attorney general may initiate and prosecute any necessary criminal or civil actions in any court or tribunal of competent jurisdiction in this state. When proceeding under this section, the attorney general, and any assistant or special counsel designated by the attorney general for that purpose, have all rights, privileges, and

powers of prosecuting attorneys. The attorney general shall have 1617
exclusive supervision and control of all investigations and 1618
prosecutions initiated by the attorney general under this 1619
section. The forfeiture provisions of Chapter 2981. of the 1620
Revised Code apply in relation to any such criminal action 1621
initiated and prosecuted by the attorney general. 1622

(C) Nothing in this section shall prevent a county 1623
prosecuting attorney from investigating and prosecuting criminal 1624
activity related to Chapter 3721. of the Revised Code and the 1625
medicaid program. The forfeiture provisions of Chapter 2981. of 1626
the Revised Code apply in relation to any prosecution of 1627
criminal activity related to the medicaid program undertaken by 1628
the prosecuting attorney. 1629

Sec. 109.86. (A) The attorney general shall investigate 1630
any activity the attorney general has reasonable cause to 1631
believe is in violation of section 2903.34 of the Revised Code. 1632
Upon written request of the governor, the general assembly, the 1633
auditor of state, or the director of health, job and family 1634
services, aging, mental health and addiction services, or 1635
developmental disabilities, the attorney general shall 1636
investigate any activity these persons believe is in violation 1637
of section 2903.34 of the Revised Code. Investigators appointed 1638
by the attorney general to fulfill the purposes of this section 1639
may go armed in the same manner as sheriffs and regularly 1640
appointed police officers under section 2923.12 of the Revised 1641
Code. If after an investigation the attorney general has 1642
probable cause to prosecute for the commission of a crime, the 1643
attorney general shall refer the evidence to the prosecuting 1644
attorney, director of law, or other similar chief legal officer 1645
having jurisdiction over the matter. If the prosecuting attorney 1646
decides to present the evidence to a grand jury, the prosecuting 1647

attorney shall notify the attorney general in writing of the 1648
decision within thirty days after referral of the matter and 1649
shall present the evidence prior to the discharge of the next 1650
regular grand jury. If the director of law or other chief legal 1651
officer decides to prosecute the case, the director or officer 1652
shall notify the attorney general in writing of the decision 1653
within thirty days and shall initiate prosecution within sixty 1654
days after the matter was referred to the director or officer. 1655

(B) If the prosecuting attorney, director of law, or other 1656
chief legal officer fails to notify the attorney general or to 1657
present evidence or initiate prosecution in accordance with 1658
division (A) of this section, the attorney general may present 1659
the evidence to a regular grand jury drawn and impaneled 1660
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 1661
to a special grand jury drawn and impaneled pursuant to section 1662
2939.17 of the Revised Code, or the attorney general may 1663
initiate and prosecute any action in any court or tribunal of 1664
competent jurisdiction in this state. The attorney general, and 1665
any assistant or special counsel designated by the attorney 1666
general, have all the powers of a prosecuting attorney, director 1667
of law, or other chief legal officer when proceeding under this 1668
section. Nothing in this section shall limit or prevent a 1669
prosecuting attorney, director of law, or other chief legal 1670
officer from investigating and prosecuting criminal activity 1671
committed against a resident or patient of a care facility. 1672

Sec. 149.43. (A) As used in this section: 1673

(1) "Public record" means records kept by any public 1674
office, including, but not limited to, state, county, city, 1675
village, township, and school district units, and records 1676
pertaining to the delivery of educational services by an 1677

alternative school in this state kept by the nonprofit or for- 1678
profit entity operating the alternative school pursuant to 1679
section 3313.533 of the Revised Code. "Public record" does not 1680
mean any of the following: 1681

(a) Medical records; 1682

(b) Records pertaining to probation and parole proceedings 1683
or to proceedings related to the imposition of community control 1684
sanctions and post-release control sanctions; 1685

(c) Records pertaining to actions under section 2151.85 1686
and division (C) of section 2919.121 of the Revised Code and to 1687
appeals of actions arising under those sections; 1688

(d) Records pertaining to adoption proceedings, including 1689
the contents of an adoption file maintained by the department of 1690
health under sections 3705.12 to 3705.124 of the Revised Code; 1691

(e) Information in a record contained in the putative 1692
father registry established by section 3107.062 of the Revised 1693
Code, regardless of whether the information is held by the 1694
department of job and family services or, pursuant to section 1695
3111.69 of the Revised Code, the office of child support in the 1696
department or a child support enforcement agency; 1697

(f) Records specified in division (A) of section 3107.52 1698
of the Revised Code; 1699

(g) Trial preparation records; 1700

(h) Confidential law enforcement investigatory records; 1701

(i) Records containing information that is confidential 1702
under section 2710.03 or 4112.05 of the Revised Code; 1703

(j) DNA records stored in the DNA database pursuant to 1704

section 109.573 of the Revised Code;	1705
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1706 1707 1708 1709
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1710 1711 1712 1713
(m) Intellectual property records;	1714
(n) Donor profile records;	1715
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	1716 1717
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	1718 1719 1720 1721 1722 1723
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1724 1725 1726 1727 1728
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1729 1730
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	1731 1732

review conducted pursuant to guidelines established by the 1733
director of health under section 3701.70 of the Revised Code, 1734
records provided to the board or director, statements made by 1735
board members during meetings of the board or by persons 1736
participating in the director's review, and all work products of 1737
the board or director, and in the case of a child fatality 1738
review board, child fatality review data submitted by the board 1739
to the department of health or a national child death review 1740
database, other than the report prepared pursuant to division 1741
(A) of section 307.626 of the Revised Code; 1742

(t) Records provided to and statements made by the 1743
executive director of a public children services agency or a 1744
prosecuting attorney acting pursuant to section 5153.171 of the 1745
Revised Code other than the information released under that 1746
section; 1747

(u) Test materials, examinations, or evaluation tools used 1748
in an examination for licensure as a nursing home administrator 1749
that the board of executives of long-term services and supports 1750
administers under section 4751.04 of the Revised Code or 1751
contracts under that section with a private or government entity 1752
to administer; 1753

(v) Records the release of which is prohibited by state or 1754
federal law; 1755

(w) Proprietary information of or relating to any person 1756
that is submitted to or compiled by the Ohio venture capital 1757
authority created under section 150.01 of the Revised Code; 1758

(x) Financial statements and data any person submits for 1759
any purpose to the Ohio housing finance agency or the 1760
controlling board in connection with applying for, receiving, or 1761

accounting for financial assistance from the agency, and 1762
information that identifies any individual who benefits directly 1763
or indirectly from financial assistance from the agency; 1764

(y) Records listed in section 5101.29 of the Revised Code; 1765

(z) Discharges recorded with a county recorder under 1766
section 317.24 of the Revised Code, as specified in division (B) 1767
(2) of that section; 1768

(aa) Usage information including names and addresses of 1769
specific residential and commercial customers of a municipally 1770
owned or operated public utility; 1771

(bb) Records described in division (C) of section 187.04 1772
of the Revised Code that are not designated to be made available 1773
to the public as provided in that division; 1774

(cc) Information and records that are made confidential, 1775
privileged, and not subject to disclosure under divisions (B) 1776
and (C) of section 2949.221 of the Revised Code; 1777

(dd) Personal information, as defined in section 149.45 of 1778
the Revised Code. 1779

(2) "Confidential law enforcement investigatory record" 1780
means any record that pertains to a law enforcement matter of a 1781
criminal, quasi-criminal, civil, or administrative nature, but 1782
only to the extent that the release of the record would create a 1783
high probability of disclosure of any of the following: 1784

(a) The identity of a suspect who has not been charged 1785
with the offense to which the record pertains, or of an 1786
information source or witness to whom confidentiality has been 1787
reasonably promised; 1788

(b) Information provided by an information source or 1789

witness to whom confidentiality has been reasonably promised, 1790
which information would reasonably tend to disclose the source's 1791
or witness's identity; 1792

(c) Specific confidential investigatory techniques or 1793
procedures or specific investigatory work product; 1794

(d) Information that would endanger the life or physical 1795
safety of law enforcement personnel, a crime victim, a witness, 1796
or a confidential information source. 1797

(3) "Medical record" means any document or combination of 1798
documents, except births, deaths, and the fact of admission to 1799
or discharge from a hospital, that pertains to the medical 1800
history, diagnosis, prognosis, or medical condition of a patient 1801
and that is generated and maintained in the process of medical 1802
treatment. 1803

(4) "Trial preparation record" means any record that 1804
contains information that is specifically compiled in reasonable 1805
anticipation of, or in defense of, a civil or criminal action or 1806
proceeding, including the independent thought processes and 1807
personal trial preparation of an attorney. 1808

(5) "Intellectual property record" means a record, other 1809
than a financial or administrative record, that is produced or 1810
collected by or for faculty or staff of a state institution of 1811
higher learning in the conduct of or as a result of study or 1812
research on an educational, commercial, scientific, artistic, 1813
technical, or scholarly issue, regardless of whether the study 1814
or research was sponsored by the institution alone or in 1815
conjunction with a governmental body or private concern, and 1816
that has not been publicly released, published, or patented. 1817

(6) "Donor profile record" means all records about donors 1818

or potential donors to a public institution of higher education 1819
except the names and reported addresses of the actual donors and 1820
the date, amount, and conditions of the actual donation. 1821

(7) "Peace officer, parole officer, probation officer, 1822
bailiff, prosecuting attorney, assistant prosecuting attorney, 1823
correctional employee, community-based correctional facility 1824
employee, youth services employee, firefighter, EMT, or 1825
investigator of the bureau of criminal identification and 1826
investigation residential and familial information" means any 1827
information that discloses any of the following about a peace 1828
officer, parole officer, probation officer, bailiff, prosecuting 1829
attorney, assistant prosecuting attorney, correctional employee, 1830
community-based correctional facility employee, youth services 1831
employee, firefighter, EMT, or investigator of the bureau of 1832
criminal identification and investigation: 1833

(a) The address of the actual personal residence of a 1834
peace officer, parole officer, probation officer, bailiff, 1835
assistant prosecuting attorney, correctional employee, 1836
community-based correctional facility employee, youth services 1837
employee, firefighter, EMT, or an investigator of the bureau of 1838
criminal identification and investigation, except for the state 1839
or political subdivision in which the peace officer, parole 1840
officer, probation officer, bailiff, assistant prosecuting 1841
attorney, correctional employee, community-based correctional 1842
facility employee, youth services employee, firefighter, EMT, or 1843
investigator of the bureau of criminal identification and 1844
investigation resides; 1845

(b) Information compiled from referral to or participation 1846
in an employee assistance program; 1847

(c) The social security number, the residential telephone 1848

number, any bank account, debit card, charge card, or credit 1849
card number, or the emergency telephone number of, or any 1850
medical information pertaining to, a peace officer, parole 1851
officer, probation officer, bailiff, prosecuting attorney, 1852
assistant prosecuting attorney, correctional employee, 1853
community-based correctional facility employee, youth services 1854
employee, firefighter, EMT, or investigator of the bureau of 1855
criminal identification and investigation; 1856

(d) The name of any beneficiary of employment benefits, 1857
including, but not limited to, life insurance benefits, provided 1858
to a peace officer, parole officer, probation officer, bailiff, 1859
prosecuting attorney, assistant prosecuting attorney, 1860
correctional employee, community-based correctional facility 1861
employee, youth services employee, firefighter, EMT, or 1862
investigator of the bureau of criminal identification and 1863
investigation by the peace officer's, parole officer's, 1864
probation officer's, bailiff's, prosecuting attorney's, 1865
assistant prosecuting attorney's, correctional employee's, 1866
community-based correctional facility employee's, youth services 1867
employee's, firefighter's, EMT's, or investigator of the bureau 1868
of criminal identification and investigation's employer; 1869

(e) The identity and amount of any charitable or 1870
employment benefit deduction made by the peace officer's, parole 1871
officer's, probation officer's, bailiff's, prosecuting 1872
attorney's, assistant prosecuting attorney's, correctional 1873
employee's, community-based correctional facility employee's, 1874
youth services employee's, firefighter's, EMT's, or investigator 1875
of the bureau of criminal identification and investigation's 1876
employer from the peace officer's, parole officer's, probation 1877
officer's, bailiff's, prosecuting attorney's, assistant 1878
prosecuting attorney's, correctional employee's, community-based 1879

correctional facility employee's, youth services employee's, 1880
firefighter's, EMT's, or investigator of the bureau of criminal 1881
identification and investigation's compensation unless the 1882
amount of the deduction is required by state or federal law; 1883

(f) The name, the residential address, the name of the 1884
employer, the address of the employer, the social security 1885
number, the residential telephone number, any bank account, 1886
debit card, charge card, or credit card number, or the emergency 1887
telephone number of the spouse, a former spouse, or any child of 1888
a peace officer, parole officer, probation officer, bailiff, 1889
prosecuting attorney, assistant prosecuting attorney, 1890
correctional employee, community-based correctional facility 1891
employee, youth services employee, firefighter, EMT, or 1892
investigator of the bureau of criminal identification and 1893
investigation; 1894

(g) A photograph of a peace officer who holds a position 1895
or has an assignment that may include undercover or plain 1896
clothes positions or assignments as determined by the peace 1897
officer's appointing authority. 1898

As used in divisions (A) (7) and (B) (9) of this section, 1899
"peace officer" has the same meaning as in section 109.71 of the 1900
Revised Code and also includes the superintendent and troopers 1901
of the state highway patrol; it does not include the sheriff of 1902
a county or a supervisory employee who, in the absence of the 1903
sheriff, is authorized to stand in for, exercise the authority 1904
of, and perform the duties of the sheriff. 1905

As used in divisions (A) (7) and (B) (9) of this section, 1906
"correctional employee" means any employee of the department of 1907
rehabilitation and correction who in the course of performing 1908
the employee's job duties has or has had contact with inmates 1909

and persons under supervision. 1910

As used in divisions (A) (7) and (B) (9) of this section, 1911
"youth services employee" means any employee of the department 1912
of youth services who in the course of performing the employee's 1913
job duties has or has had contact with children committed to the 1914
custody of the department of youth services. 1915

As used in divisions (A) (7) and (B) (9) of this section, 1916
"firefighter" means any regular, paid or volunteer, member of a 1917
lawfully constituted fire department of a municipal corporation, 1918
township, fire district, or village. 1919

As used in divisions (A) (7) and (B) (9) of this section, 1920
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1921
emergency medical services for a public emergency medical 1922
service organization. "Emergency medical service organization," 1923
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1924
in section 4765.01 of the Revised Code. 1925

As used in divisions (A) (7) and (B) (9) of this section, 1926
"investigator of the bureau of criminal identification and 1927
investigation" has the meaning defined in section 2903.11 of the 1928
Revised Code. 1929

(8) "Information pertaining to the recreational activities 1930
of a person under the age of eighteen" means information that is 1931
kept in the ordinary course of business by a public office, that 1932
pertains to the recreational activities of a person under the 1933
age of eighteen years, and that discloses any of the following: 1934

(a) The address or telephone number of a person under the 1935
age of eighteen or the address or telephone number of that 1936
person's parent, guardian, custodian, or emergency contact 1937
person; 1938

(b) The social security number, birth date, or 1939
photographic image of a person under the age of eighteen; 1940

(c) Any medical record, history, or information pertaining 1941
to a person under the age of eighteen; 1942

(d) Any additional information sought or required about a 1943
person under the age of eighteen for the purpose of allowing 1944
that person to participate in any recreational activity 1945
conducted or sponsored by a public office or to use or obtain 1946
admission privileges to any recreational facility owned or 1947
operated by a public office. 1948

(9) "Community control sanction" has the same meaning as 1949
in section 2929.01 of the Revised Code. 1950

(10) "Post-release control sanction" has the same meaning 1951
as in section 2967.01 of the Revised Code. 1952

(11) "Redaction" means obscuring or deleting any 1953
information that is exempt from the duty to permit public 1954
inspection or copying from an item that otherwise meets the 1955
definition of a "record" in section 149.011 of the Revised Code. 1956

(12) "Designee" and "elected official" have the same 1957
meanings as in section 109.43 of the Revised Code. 1958

(B) (1) Upon request and subject to division (B) (8) of this 1959
section, all public records responsive to the request shall be 1960
promptly prepared and made available for inspection to any 1961
person at all reasonable times during regular business hours. 1962
Subject to division (B) (8) of this section, upon request, a 1963
public office or person responsible for public records shall 1964
make copies of the requested public record available at cost and 1965
within a reasonable period of time. If a public record contains 1966
information that is exempt from the duty to permit public 1967

inspection or to copy the public record, the public office or 1968
the person responsible for the public record shall make 1969
available all of the information within the public record that 1970
is not exempt. When making that public record available for 1971
public inspection or copying that public record, the public 1972
office or the person responsible for the public record shall 1973
notify the requester of any redaction or make the redaction 1974
plainly visible. A redaction shall be deemed a denial of a 1975
request to inspect or copy the redacted information, except if 1976
federal or state law authorizes or requires a public office to 1977
make the redaction. 1978

(2) To facilitate broader access to public records, a 1979
public office or the person responsible for public records shall 1980
organize and maintain public records in a manner that they can 1981
be made available for inspection or copying in accordance with 1982
division (B) of this section. A public office also shall have 1983
available a copy of its current records retention schedule at a 1984
location readily available to the public. If a requester makes 1985
an ambiguous or overly broad request or has difficulty in making 1986
a request for copies or inspection of public records under this 1987
section such that the public office or the person responsible 1988
for the requested public record cannot reasonably identify what 1989
public records are being requested, the public office or the 1990
person responsible for the requested public record may deny the 1991
request but shall provide the requester with an opportunity to 1992
revise the request by informing the requester of the manner in 1993
which records are maintained by the public office and accessed 1994
in the ordinary course of the public office's or person's 1995
duties. 1996

(3) If a request is ultimately denied, in part or in 1997
whole, the public office or the person responsible for the 1998

requested public record shall provide the requester with an 1999
explanation, including legal authority, setting forth why the 2000
request was denied. If the initial request was provided in 2001
writing, the explanation also shall be provided to the requester 2002
in writing. The explanation shall not preclude the public office 2003
or the person responsible for the requested public record from 2004
relying upon additional reasons or legal authority in defending 2005
an action commenced under division (C) of this section. 2006

(4) Unless specifically required or authorized by state or 2007
federal law or in accordance with division (B) of this section, 2008
no public office or person responsible for public records may 2009
limit or condition the availability of public records by 2010
requiring disclosure of the requester's identity or the intended 2011
use of the requested public record. Any requirement that the 2012
requester disclose the requestor's identity or the intended use 2013
of the requested public record constitutes a denial of the 2014
request. 2015

(5) A public office or person responsible for public 2016
records may ask a requester to make the request in writing, may 2017
ask for the requester's identity, and may inquire about the 2018
intended use of the information requested, but may do so only 2019
after disclosing to the requester that a written request is not 2020
mandatory and that the requester may decline to reveal the 2021
requester's identity or the intended use and when a written 2022
request or disclosure of the identity or intended use would 2023
benefit the requester by enhancing the ability of the public 2024
office or person responsible for public records to identify, 2025
locate, or deliver the public records sought by the requester. 2026

(6) If any person chooses to obtain a copy of a public 2027
record in accordance with division (B) of this section, the 2028

public office or person responsible for the public record may 2029
require that person to pay in advance the cost involved in 2030
providing the copy of the public record in accordance with the 2031
choice made by the person seeking the copy under this division. 2032
The public office or the person responsible for the public 2033
record shall permit that person to choose to have the public 2034
record duplicated upon paper, upon the same medium upon which 2035
the public office or person responsible for the public record 2036
keeps it, or upon any other medium upon which the public office 2037
or person responsible for the public record determines that it 2038
reasonably can be duplicated as an integral part of the normal 2039
operations of the public office or person responsible for the 2040
public record. When the person seeking the copy makes a choice 2041
under this division, the public office or person responsible for 2042
the public record shall provide a copy of it in accordance with 2043
the choice made by the person seeking the copy. Nothing in this 2044
section requires a public office or person responsible for the 2045
public record to allow the person seeking a copy of the public 2046
record to make the copies of the public record. 2047

(7) Upon a request made in accordance with division (B) of 2048
this section and subject to division (B)(6) of this section, a 2049
public office or person responsible for public records shall 2050
transmit a copy of a public record to any person by United 2051
States mail or by any other means of delivery or transmission 2052
within a reasonable period of time after receiving the request 2053
for the copy. The public office or person responsible for the 2054
public record may require the person making the request to pay 2055
in advance the cost of postage if the copy is transmitted by 2056
United States mail or the cost of delivery if the copy is 2057
transmitted other than by United States mail, and to pay in 2058
advance the costs incurred for other supplies used in the 2059

mailing, delivery, or transmission. 2060

Any public office may adopt a policy and procedures that 2061
it will follow in transmitting, within a reasonable period of 2062
time after receiving a request, copies of public records by 2063
United States mail or by any other means of delivery or 2064
transmission pursuant to this division. A public office that 2065
adopts a policy and procedures under this division shall comply 2066
with them in performing its duties under this division. 2067

In any policy and procedures adopted under this division, 2068
a public office may limit the number of records requested by a 2069
person that the office will transmit by United States mail to 2070
ten per month, unless the person certifies to the office in 2071
writing that the person does not intend to use or forward the 2072
requested records, or the information contained in them, for 2073
commercial purposes. For purposes of this division, "commercial" 2074
shall be narrowly construed and does not include reporting or 2075
gathering news, reporting or gathering information to assist 2076
citizen oversight or understanding of the operation or 2077
activities of government, or nonprofit educational research. 2078

(8) A public office or person responsible for public 2079
records is not required to permit a person who is incarcerated 2080
pursuant to a criminal conviction or a juvenile adjudication to 2081
inspect or to obtain a copy of any public record concerning a 2082
criminal investigation or prosecution or concerning what would 2083
be a criminal investigation or prosecution if the subject of the 2084
investigation or prosecution were an adult, unless the request 2085
to inspect or to obtain a copy of the record is for the purpose 2086
of acquiring information that is subject to release as a public 2087
record under this section and the judge who imposed the sentence 2088
or made the adjudication with respect to the person, or the 2089

judge's successor in office, finds that the information sought 2090
in the public record is necessary to support what appears to be 2091
a justiciable claim of the person. 2092

(9) (a) Upon written request made and signed by a 2093
journalist on or after December 16, 1999, a public office, or 2094
person responsible for public records, having custody of the 2095
records of the agency employing a specified peace officer, 2096
parole officer, probation officer, bailiff, prosecuting 2097
attorney, assistant prosecuting attorney, correctional employee, 2098
community-based correctional facility employee, youth services 2099
employee, firefighter, EMT, or investigator of the bureau of 2100
criminal identification and investigation shall disclose to the 2101
journalist the address of the actual personal residence of the 2102
peace officer, parole officer, probation officer, bailiff, 2103
prosecuting attorney, assistant prosecuting attorney, 2104
correctional employee, community-based correctional facility 2105
employee, youth services employee, firefighter, EMT, or 2106
investigator of the bureau of criminal identification and 2107
investigation and, if the peace officer's, parole officer's, 2108
probation officer's, bailiff's, prosecuting attorney's, 2109
assistant prosecuting attorney's, correctional employee's, 2110
community-based correctional facility employee's, youth services 2111
employee's, firefighter's, EMT's, or investigator of the bureau 2112
of criminal identification and investigation's spouse, former 2113
spouse, or child is employed by a public office, the name and 2114
address of the employer of the peace officer's, parole 2115
officer's, probation officer's, bailiff's, prosecuting 2116
attorney's, assistant prosecuting attorney's, correctional 2117
employee's, community-based correctional facility employee's, 2118
youth services employee's, firefighter's, EMT's, or investigator 2119
of the bureau of criminal identification and investigation's 2120

spouse, former spouse, or child. The request shall include the 2121
journalist's name and title and the name and address of the 2122
journalist's employer and shall state that disclosure of the 2123
information sought would be in the public interest. 2124

(b) Division (B) (9) (a) of this section also applies to 2125
journalist requests for customer information maintained by a 2126
municipally owned or operated public utility, other than social 2127
security numbers and any private financial information such as 2128
credit reports, payment methods, credit card numbers, and bank 2129
account information. 2130

(c) As used in division (B) (9) of this section, 2131
"journalist" means a person engaged in, connected with, or 2132
employed by any news medium, including a newspaper, magazine, 2133
press association, news agency, or wire service, a radio or 2134
television station, or a similar medium, for the purpose of 2135
gathering, processing, transmitting, compiling, editing, or 2136
disseminating information for the general public. 2137

(C) (1) If a person allegedly is aggrieved by the failure 2138
of a public office or the person responsible for public records 2139
to promptly prepare a public record and to make it available to 2140
the person for inspection in accordance with division (B) of 2141
this section or by any other failure of a public office or the 2142
person responsible for public records to comply with an 2143
obligation in accordance with division (B) of this section, the 2144
person allegedly aggrieved may commence a mandamus action to 2145
obtain a judgment that orders the public office or the person 2146
responsible for the public record to comply with division (B) of 2147
this section, that awards court costs and reasonable attorney's 2148
fees to the person that instituted the mandamus action, and, if 2149
applicable, that includes an order fixing statutory damages 2150

under division (C) (1) of this section. The mandamus action may 2151
be commenced in the court of common pleas of the county in which 2152
division (B) of this section allegedly was not complied with, in 2153
the supreme court pursuant to its original jurisdiction under 2154
Section 2 of Article IV, Ohio Constitution, or in the court of 2155
appeals for the appellate district in which division (B) of this 2156
section allegedly was not complied with pursuant to its original 2157
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2158

If a requestor transmits a written request by hand 2159
delivery or certified mail to inspect or receive copies of any 2160
public record in a manner that fairly describes the public 2161
record or class of public records to the public office or person 2162
responsible for the requested public records, except as 2163
otherwise provided in this section, the requestor shall be 2164
entitled to recover the amount of statutory damages set forth in 2165
this division if a court determines that the public office or 2166
the person responsible for public records failed to comply with 2167
an obligation in accordance with division (B) of this section. 2168

The amount of statutory damages shall be fixed at one 2169
hundred dollars for each business day during which the public 2170
office or person responsible for the requested public records 2171
failed to comply with an obligation in accordance with division 2172
(B) of this section, beginning with the day on which the 2173
requester files a mandamus action to recover statutory damages, 2174
up to a maximum of one thousand dollars. The award of statutory 2175
damages shall not be construed as a penalty, but as compensation 2176
for injury arising from lost use of the requested information. 2177
The existence of this injury shall be conclusively presumed. The 2178
award of statutory damages shall be in addition to all other 2179
remedies authorized by this section. 2180

The court may reduce an award of statutory damages or not 2181
award statutory damages if the court determines both of the 2182
following: 2183

(a) That, based on the ordinary application of statutory 2184
law and case law as it existed at the time of the conduct or 2185
threatened conduct of the public office or person responsible 2186
for the requested public records that allegedly constitutes a 2187
failure to comply with an obligation in accordance with division 2188
(B) of this section and that was the basis of the mandamus 2189
action, a well-informed public office or person responsible for 2190
the requested public records reasonably would believe that the 2191
conduct or threatened conduct of the public office or person 2192
responsible for the requested public records did not constitute 2193
a failure to comply with an obligation in accordance with 2194
division (B) of this section; 2195

(b) That a well-informed public office or person 2196
responsible for the requested public records reasonably would 2197
believe that the conduct or threatened conduct of the public 2198
office or person responsible for the requested public records 2199
would serve the public policy that underlies the authority that 2200
is asserted as permitting that conduct or threatened conduct. 2201

(2) (a) If the court issues a writ of mandamus that orders 2202
the public office or the person responsible for the public 2203
record to comply with division (B) of this section and 2204
determines that the circumstances described in division (C) (1) 2205
of this section exist, the court shall determine and award to 2206
the relator all court costs. 2207

(b) If the court renders a judgment that orders the public 2208
office or the person responsible for the public record to comply 2209
with division (B) of this section, the court may award 2210

reasonable attorney's fees subject to reduction as described in 2211
division (C) (2) (c) of this section. The court shall award 2212
reasonable attorney's fees, subject to reduction as described in 2213
division (C) (2) (c) of this section when either of the following 2214
applies: 2215

(i) The public office or the person responsible for the 2216
public records failed to respond affirmatively or negatively to 2217
the public records request in accordance with the time allowed 2218
under division (B) of this section. 2219

(ii) The public office or the person responsible for the 2220
public records promised to permit the relator to inspect or 2221
receive copies of the public records requested within a 2222
specified period of time but failed to fulfill that promise 2223
within that specified period of time. 2224

(c) Court costs and reasonable attorney's fees awarded 2225
under this section shall be construed as remedial and not 2226
punitive. Reasonable attorney's fees shall include reasonable 2227
fees incurred to produce proof of the reasonableness and amount 2228
of the fees and to otherwise litigate entitlement to the fees. 2229
The court may reduce an award of attorney's fees to the relator 2230
or not award attorney's fees to the relator if the court 2231
determines both of the following: 2232

(i) That, based on the ordinary application of statutory 2233
law and case law as it existed at the time of the conduct or 2234
threatened conduct of the public office or person responsible 2235
for the requested public records that allegedly constitutes a 2236
failure to comply with an obligation in accordance with division 2237
(B) of this section and that was the basis of the mandamus 2238
action, a well-informed public office or person responsible for 2239
the requested public records reasonably would believe that the 2240

conduct or threatened conduct of the public office or person 2241
responsible for the requested public records did not constitute 2242
a failure to comply with an obligation in accordance with 2243
division (B) of this section; 2244

(ii) That a well-informed public office or person 2245
responsible for the requested public records reasonably would 2246
believe that the conduct or threatened conduct of the public 2247
office or person responsible for the requested public records as 2248
described in division (C) (2) (c) (i) of this section would serve 2249
the public policy that underlies the authority that is asserted 2250
as permitting that conduct or threatened conduct. 2251

(D) Chapter 1347. of the Revised Code does not limit the 2252
provisions of this section. 2253

(E) (1) To ensure that all employees of public offices are 2254
appropriately educated about a public office's obligations under 2255
division (B) of this section, all elected officials or their 2256
appropriate designees shall attend training approved by the 2257
attorney general as provided in section 109.43 of the Revised 2258
Code. In addition, all public offices shall adopt a public 2259
records policy in compliance with this section for responding to 2260
public records requests. In adopting a public records policy 2261
under this division, a public office may obtain guidance from 2262
the model public records policy developed and provided to the 2263
public office by the attorney general under section 109.43 of 2264
the Revised Code. Except as otherwise provided in this section, 2265
the policy may not limit the number of public records that the 2266
public office will make available to a single person, may not 2267
limit the number of public records that it will make available 2268
during a fixed period of time, and may not establish a fixed 2269
period of time before it will respond to a request for 2270

inspection or copying of public records, unless that period is 2271
less than eight hours. 2272

(2) The public office shall distribute the public records 2273
policy adopted by the public office under division (E) (1) of 2274
this section to the employee of the public office who is the 2275
records custodian or records manager or otherwise has custody of 2276
the records of that office. The public office shall require that 2277
employee to acknowledge receipt of the copy of the public 2278
records policy. The public office shall create a poster that 2279
describes its public records policy and shall post the poster in 2280
a conspicuous place in the public office and in all locations 2281
where the public office has branch offices. The public office 2282
may post its public records policy on the internet web site of 2283
the public office if the public office maintains an internet web 2284
site. A public office that has established a manual or handbook 2285
of its general policies and procedures for all employees of the 2286
public office shall include the public records policy of the 2287
public office in the manual or handbook. 2288

(F) (1) The bureau of motor vehicles may adopt rules 2289
pursuant to Chapter 119. of the Revised Code to reasonably limit 2290
the number of bulk commercial special extraction requests made 2291
by a person for the same records or for updated records during a 2292
calendar year. The rules may include provisions for charges to 2293
be made for bulk commercial special extraction requests for the 2294
actual cost of the bureau, plus special extraction costs, plus 2295
ten per cent. The bureau may charge for expenses for redacting 2296
information, the release of which is prohibited by law. 2297

(2) As used in division (F) (1) of this section: 2298

(a) "Actual cost" means the cost of depleted supplies, 2299
records storage media costs, actual mailing and alternative 2300

delivery costs, or other transmitting costs, and any direct 2301
equipment operating and maintenance costs, including actual 2302
costs paid to private contractors for copying services. 2303

(b) "Bulk commercial special extraction request" means a 2304
request for copies of a record for information in a format other 2305
than the format already available, or information that cannot be 2306
extracted without examination of all items in a records series, 2307
class of records, or database by a person who intends to use or 2308
forward the copies for surveys, marketing, solicitation, or 2309
resale for commercial purposes. "Bulk commercial special 2310
extraction request" does not include a request by a person who 2311
gives assurance to the bureau that the person making the request 2312
does not intend to use or forward the requested copies for 2313
surveys, marketing, solicitation, or resale for commercial 2314
purposes. 2315

(c) "Commercial" means profit-seeking production, buying, 2316
or selling of any good, service, or other product. 2317

(d) "Special extraction costs" means the cost of the time 2318
spent by the lowest paid employee competent to perform the task, 2319
the actual amount paid to outside private contractors employed 2320
by the bureau, or the actual cost incurred to create computer 2321
programs to make the special extraction. "Special extraction 2322
costs" include any charges paid to a public agency for computer 2323
or records services. 2324

(3) For purposes of divisions (F) (1) and (2) of this 2325
section, "surveys, marketing, solicitation, or resale for 2326
commercial purposes" shall be narrowly construed and does not 2327
include reporting or gathering news, reporting or gathering 2328
information to assist citizen oversight or understanding of the 2329
operation or activities of government, or nonprofit educational 2330

research. 2331

Sec. 177.05. A law enforcement trust fund shall be 2332
established by the organized crime investigations commission for 2333
the purpose of receiving reimbursement of expenses the organized 2334
crime investigations commission incurred in the investigation of 2335
the criminal activity through a task force. 2336

There is hereby created in the state treasury the 2337
organized crime law enforcement trust fund. The fund shall 2338
consist of moneys paid to the treasurer of the state for 2339
purposes of this section. All investment earnings on moneys in 2340
the fund shall be credited to the fund. The organized crime 2341
investigations commission shall use the moneys in the fund to 2342
purchase, replace, update, or maintain equipment used by task 2343
forces or law enforcement agencies for the purpose of 2344
investigating organized criminal activity. The organized crime 2345
law enforcement trust fund shall not be used to meet the 2346
operating costs of the organized crime commission. 2347

Sec. 1331.01. As used in sections 1331.01 to 1331.14 of 2348
the Revised Code: 2349

(A) "Person" includes corporations, partnerships, and 2350
associations existing under or authorized by any state or 2351
territory of the United States, and solely for the purpose of 2352
the definition of division ~~(B)~~ (C) of this section, a foreign 2353
governmental entity. 2354

(B) "Public office" means any state agency, public 2355
institution, political subdivision, or other organized body, 2356
office, agency, institution, or entity established by the laws 2357
of this state for the exercise of any function of government. 2358
"Public office" does not include the nonprofit corporation 2359

formed under section 187.01 of the Revised Code. 2360

(C) (1) "Trust" is a combination of capital, skill, or acts 2361
by two or more persons for any of the following purposes: 2362

~~(1)~~ (a) To create or carry out restrictions in trade or 2363
commerce; 2364

~~(2)~~ (b) To limit or reduce the production, or increase or 2365
reduce the price of merchandise or a commodity; 2366

~~(3)~~ (c) To prevent competition in manufacturing, making, 2367
transportation, sale, or purchase of merchandise, produce, or a 2368
commodity; 2369

~~(4)~~ (d) To fix at a standard or figure, whereby its price 2370
to the public or consumer is in any manner controlled or 2371
established, an article or commodity of merchandise, produce, or 2372
commerce intended for sale, barter, use, or consumption in this 2373
state; 2374

~~(5)~~ (e) To make, enter into, execute, or carry out 2375
contracts, obligations, or agreements of any kind by which they 2376
bind or have bound themselves not to sell, dispose of, or 2377
transport an article or commodity, or an article of trade, use, 2378
merchandise, commerce, or consumption below a common standard 2379
figure or fixed value, or by which they agree in any manner to 2380
keep the price of such article, commodity, or transportation at 2381
a fixed or graduated figure, or by which they shall in any 2382
manner establish or settle the price of an article, commodity, 2383
or transportation between them or themselves and others, so as 2384
directly or indirectly to preclude a free and unrestricted 2385
competition among themselves, purchasers, or consumers in the 2386
sale or transportation of such article or commodity, or by which 2387
they agree to pool, combine, or directly or indirectly unite any 2388

interests which they have connected with the sale or 2389
transportation of such article or commodity, that its price 2390
might in any manner be affected; 2391

~~(6)~~ (f) To refuse to buy from, sell to, or trade with any 2392
person because such person appears on a blacklist issued by, or 2393
is being boycotted by, any foreign corporate or governmental 2394
entity. 2395

(2) "Trust" also means a combination of capital, skill, or 2396
acts by two or more bidders or potential bidders, or one or more 2397
bidders or potential bidders and any person affiliated with a 2398
public office, to restrain or prevent competition in the letting 2399
or awarding of any public contract in derogation of any statute, 2400
ordinance, or rule requiring the use of competitive bidding or 2401
selection in the letting or awarding of the public contract. 2402

(3) "Trust," as defined in this section, does not include 2403
bargaining by a labor organization in negotiating or effecting 2404
contracts with an employer or employer group with reference to 2405
minimum payment to any member of the labor organization for any 2406
motor vehicles owned, driven, and used exclusively by such 2407
member in the performance of ~~his~~ the member's duties of 2408
employment pursuant to a collective bargaining agreement between 2409
the labor organization and the employer or employer group. 2410

(4) A trust as defined in this division ~~(B) of this~~ 2411
~~section~~ is unlawful and void. 2412

Sec. 1331.04. ~~A violation of sections 1331.01 to 1331.14,~~ 2413
~~inclusive, of the Revised Code, Every combination, contract, or~~ 2414
~~agreement in the form of a trust is declared to be a conspiracy~~ 2415
~~against trade and illegal. No person shall engage in such~~ 2416
~~conspiracy or take part therein, or aid or advise in its~~ 2417

commission, or, as principal, manager, director, agent, servant, 2418
or employer, or in any other capacity, knowingly carry out any 2419
of the stipulations, purposes, prices, or rates, or furnish any 2420
information to assist in carrying out such purposes, or orders 2421
thereunder, or in pursuance thereof, or in any manner violate 2422
~~said~~ sections 1331.01 to 1331.14 of the Revised Code. Each day's 2423
violation of this section is a separate offense. 2424

Sec. 1331.17. In carrying out official duties, the 2425
attorney general shall not disclose publicly the facts developed 2426
in an investigation conducted pursuant to this chapter unless 2427
the matter has become a matter of public record in enforcement 2428
proceedings, in public hearings, or other official proceedings, 2429
or unless the person from whom the information has been obtained 2430
consents to the public disclosure. 2431

Sec. 1331.99. (A) (1) Whoever violates section 1331.04 of 2432
the Revised Code is guilty of conspiracy against trade. Except 2433
as provided in division (A) (2) of this section, a conspiracy 2434
against trade is a felony of the fifth degree. 2435

(2) If any of the following conditions apply, the 2436
conspiracy against trade is a felony of the fourth degree: 2437

(a) The amount of the contract or the amount of the sale 2438
of commodities or services involved is seven thousand five 2439
hundred dollars or more. 2440

(b) The conspiracy against trade relates to a contract 2441
with or the sale of commodities or services to or from a local, 2442
state, or federal governmental entity. 2443

(c) The contract or sale of commodities or services 2444
involves, in whole or in part, funding to or from a local, 2445
state, or federal governmental entity. 2446

~~(B)~~ (B) Whoever violates section 1331.02 ~~or 1331.05~~ of the Revised Code is guilty of a felony of the fifth degree. 2447
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~~(B)~~ (C) Whoever violates ~~section 1331.04~~ or division (L) of section 1331.16 of the Revised Code is guilty of a misdemeanor of the first degree. 2449
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~~(C)~~ (D) Whoever violates section 1331.15 of the Revised Code is guilty of a misdemeanor of the second degree. 2452
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Sec. 1345.02. (A) No supplier shall commit an unfair or deceptive act or practice in connection with a consumer transaction. Such an unfair or deceptive act or practice by a supplier violates this section whether it occurs before, during, or after the transaction. 2454
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(B) Without limiting the scope of division (A) of this section, the act or practice of a supplier in representing any of the following is deceptive: 2459
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(1) That the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have; 2462
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(2) That the subject of a consumer transaction is of a particular standard, quality, grade, style, prescription, or model, if it is not; 2465
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(3) That the subject of a consumer transaction is new, or unused, if it is not; 2468
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(4) That the subject of a consumer transaction is available to the consumer for a reason that does not exist; 2470
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(5) That the subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not, except that the act of a supplier in furnishing similar 2472
2473
2474

merchandise of equal or greater value as a good faith substitute	2475
does not violate this section;	2476
(6) That the subject of a consumer transaction will be	2477
supplied in greater quantity than the supplier intends;	2478
(7) That replacement or repair is needed, if it is not;	2479
(8) That a specific price advantage exists, if it does	2480
not;	2481
(9) That the supplier has a sponsorship, approval, or	2482
affiliation that the supplier does not have;	2483
(10) That a consumer transaction involves or does not	2484
involve a warranty, a disclaimer of warranties or other rights,	2485
remedies, or obligations if the representation is false.	2486
(C) In construing division (A) of this section, the court	2487
shall give due consideration and great weight to federal trade	2488
commission orders, trade regulation rules and guides, and the	2489
federal courts' interpretations of subsection 45 (a) (1) of the	2490
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A.	2491
41, as amended.	2492
(D) No supplier shall offer to a consumer or represent	2493
that a consumer will receive a rebate, discount, or other	2494
benefit as an inducement for entering into a consumer	2495
transaction in return for giving the supplier the names of	2496
prospective consumers, or otherwise helping the supplier to	2497
enter into other consumer transactions, if earning the benefit	2498
is contingent upon an event occurring after the consumer enters	2499
into the transaction.	2500
(E) (1) No supplier, in connection with a consumer	2501
transaction involving natural gas service or public	2502

telecommunications service to a consumer in this state, shall 2503
request or submit, or cause to be requested or submitted, a 2504
change in the consumer's provider of natural gas service or 2505
public telecommunications service, without first obtaining, or 2506
causing to be obtained, the verified consent of the consumer. 2507
For the purpose of this division and with respect to public 2508
telecommunications service only, the procedures necessary for 2509
verifying the consent of a consumer shall be those prescribed by 2510
rule by the public utilities commission for public 2511
telecommunications service under division (D) of section 4905.72 2512
of the Revised Code. Also, for the purpose of this division, the 2513
act, omission, or failure of any officer, agent, or other 2514
individual, acting for or employed by another person, while 2515
acting within the scope of that authority or employment, is the 2516
act or failure of that other person. 2517

(2) Consistent with the exclusion, under 47 C.F.R. 2518
64.1100(a) (3), of commercial mobile radio service providers from 2519
the verification requirements adopted in 47 C.F.R. 64.1100, 2520
64.1150, 64.1160, 64.1170, 64.1180, and 64.1190 by the federal 2521
communications commission, division (E) (1) of this section does 2522
not apply to a provider of commercial mobile radio service 2523
insofar as such provider is engaged in the provision of 2524
commercial mobile radio service. However, when that exclusion no 2525
longer is in effect, division (E) (1) of this section shall apply 2526
to such a provider. 2527

(3) The attorney general may initiate criminal proceedings 2528
for a prosecution under division (C) of section 1345.99 of the 2529
Revised Code by presenting evidence of criminal violations to 2530
the prosecuting attorney of any county in which the offense may 2531
be prosecuted. If the prosecuting attorney does not prosecute 2532
the violations, or at the request of the prosecuting attorney, 2533

the attorney general may proceed in the prosecution with all the 2534
rights, privileges, and powers conferred by law on prosecuting 2535
attorneys, including the power to appear before grand juries and 2536
to interrogate witnesses before grand juries. 2537

(F) Concerning a consumer transaction in connection with a 2538
residential mortgage, and without limiting the scope of division 2539
(A) or (B) of this section, the act of a supplier in doing 2540
either of the following is deceptive: 2541

(1) Knowingly failing to provide disclosures required 2542
under state and federal law; 2543

(2) Knowingly providing a disclosure that includes a 2544
material misrepresentation. 2545

(G) Without limiting the scope of division (A) of this 2546
section, the failure of a supplier to obtain or maintain any 2547
registration, license, bond, or insurance required by state law 2548
or local ordinance for the supplier to engage in the supplier's 2549
trade or profession is an unfair or deceptive act or practice. 2550

Sec. 1345.03. (A) No supplier shall commit an 2551
unconscionable act or practice in connection with a consumer 2552
transaction. Such an unconscionable act or practice by a 2553
supplier violates this section whether it occurs before, during, 2554
or after the transaction. 2555

(B) In determining whether an act or practice is 2556
unconscionable, the following circumstances shall be taken into 2557
consideration: 2558

(1) Whether the supplier has knowingly taken advantage of 2559
the inability of the consumer reasonably to protect the 2560
consumer's interests because of the consumer's physical or 2561
mental infirmities, ignorance, illiteracy, or inability to 2562

understand the language of an agreement;	2563
(2) Whether the supplier knew at the time the consumer	2564
transaction was entered into that the price was substantially in	2565
excess of the price at which similar property or services were	2566
readily obtainable in similar consumer transactions by like	2567
consumers;	2568
(3) Whether the supplier knew at the time the consumer	2569
transaction was entered into of the inability of the consumer to	2570
receive a substantial benefit from the subject of the consumer	2571
transaction;	2572
(4) Whether the supplier knew at the time the consumer	2573
transaction was entered into that there was no reasonable	2574
probability of payment of the obligation in full by the	2575
consumer;	2576
(5) Whether the supplier required the consumer to enter	2577
into a consumer transaction on terms the supplier knew were	2578
substantially one-sided in favor of the supplier;	2579
(6) Whether the supplier knowingly made a misleading	2580
statement of opinion on which the consumer was likely to rely to	2581
the consumer's detriment;	2582
(7) Whether the supplier has, without justification,	2583
refused to make a refund in cash or by check for a returned item	2584
that was purchased with cash or by check, unless the supplier	2585
had conspicuously posted in the establishment at the time of the	2586
sale a sign stating the supplier's refund policy.	2587
(C) This section does not apply to a consumer transaction	2588
in connection with <u>the origination of</u> a residential mortgage.	2589
Sec. 1345.031. (A) No supplier shall commit an	2590

unconscionable act or practice concerning a consumer transaction 2591
in connection with the origination of a residential mortgage. 2592
Such an unconscionable act or practice by a supplier violates 2593
this section whether it occurs before, during, or after the 2594
transaction. 2595

(B) For purposes of division (A) of this section, the 2596
following acts or practices of a supplier in connection with 2597
such a transaction are unconscionable: 2598

(1) Arranging for or making a mortgage loan that provides 2599
for an interest rate applicable after default that is higher 2600
than the interest rate that applies before default, excluding 2601
rates of interest for judgments applicable to the mortgage loan 2602
under section 1343.02 or 1343.03 of the Revised Code and also 2603
excluding interest rate changes in a variable rate loan 2604
transaction otherwise consistent with the provisions of the loan 2605
documents; 2606

(2) Engaging in a pattern or practice of providing 2607
consumer transactions to consumers based predominantly on the 2608
supplier's realization of the foreclosure or liquidation value 2609
of the consumer's collateral without regard to the consumer's 2610
ability to repay the loan in accordance with its terms, provided 2611
that the supplier may use any reasonable method to determine a 2612
borrower's ability to repay; 2613

(3) Making a consumer transaction that permits the 2614
creditor to demand repayment of the outstanding balance of a 2615
mortgage loan, in advance of the original maturity date unless 2616
the creditor does so in good faith due to the consumer's failure 2617
to abide by the material terms of the loan. 2618

(4) Knowingly replacing, refinancing, or consolidating a 2619

zero interest rate or other low-rate mortgage loan made by a 2620
governmental or nonprofit lender with another loan unless the 2621
current holder of the loan consents in writing to the 2622
refinancing and the consumer presents written certification from 2623
~~a third-party~~ third-party nonprofit organization counselor 2624
approved by the United States department of housing and urban 2625
development or the superintendent of financial institutions that 2626
the consumer received counseling on the advisability of the loan 2627
transaction. For purposes of division (B) (4) of this section, a 2628
"low-rate mortgage loan" means a mortgage loan that carries a 2629
current interest rate two percentage points or more below the 2630
current yield on United States treasury securities with a 2631
comparable maturity. If the loan's current interest rate is 2632
either a discounted introductory rate or a rate that 2633
automatically steps up over time, the fully indexed rate or the 2634
fully stepped-up rate, as applicable, shall be used, in lieu of 2635
the current rate, to determine whether a loan is a low-rate 2636
mortgage loan. 2637

(5) Instructing the consumer to ignore the supplier's 2638
written information regarding the interest rate and dollar value 2639
of points because they would be lower for the consumer's 2640
consumer transaction; 2641

(6) Recommending or encouraging a consumer to default on a 2642
mortgage or any consumer transaction or revolving credit loan 2643
agreement~~r~~. This practice also shall constitute an 2644
unconscionable act or practice in connection with a consumer 2645
transaction under section 1345.03 of the Revised Code. 2646

(7) Charging a late fee more than once with respect to a 2647
single late payment. If a late payment fee is deducted from a 2648
payment made on the loan and such deduction causes a subsequent 2649

default on a subsequent payment, no late payment fee may be 2650
imposed for such default. If a late payment fee has been imposed 2651
once with respect to a particular late payment, no such fee may 2652
be imposed with respect to any future payment that would have 2653
been timely and sufficient but for the previous default. This 2654
practice also shall constitute an unconscionable act or practice 2655
in connection with a consumer transaction under section 1345.03 2656
of the Revised Code. 2657

(8) Failing to disclose to the consumer at the closing of 2658
the consumer transaction that a consumer is not required to 2659
complete a consumer transaction merely because the consumer has 2660
received prior estimates of closing costs or has signed an 2661
application and should not close a loan transaction that 2662
contains different terms and conditions than those the consumer 2663
was promised; 2664

(9) Arranging for or making a consumer transaction that 2665
includes terms under which more than two periodic payments 2666
required under the consumer transaction are consolidated and 2667
paid in advance from the loan proceeds provided to the consumer; 2668

(10) Knowingly compensating, instructing, inducing, 2669
coercing, or intimidating, or attempting to compensate, 2670
instruct, induce, coerce, or intimidate, a person licensed or 2671
certified under Chapter 4763. of the Revised Code for the 2672
purpose of corrupting or improperly influencing the independent 2673
judgment of the person with respect to the value of the dwelling 2674
offered as security for repayment of a mortgage loan; 2675

(11) Financing, directly or indirectly, any credit, life, 2676
disability, or unemployment insurance premiums, any other life 2677
or health insurance premiums, or any debt collection agreement. 2678
Insurance premiums calculated and paid on a monthly basis shall 2679

not be considered financed by the lender. 2680

(12) Knowingly or intentionally engaging in the act or 2681
practice of "flipping" a mortgage loan. "Flipping" a mortgage 2682
loan is making a mortgage loan that refinances an existing 2683
mortgage loan when the new loan does not have reasonable, 2684
tangible net benefit to the consumer considering all of the 2685
circumstances, including the terms of both the new and 2686
refinanced loans, the cost of the new loan, and the consumer's 2687
circumstances. This provision applies regardless of whether the 2688
interest rate, points, fees, and charges paid or payable by the 2689
consumer in connection with the refinancing exceed any 2690
thresholds specified in any section of the Revised Code. 2691

(13) Knowingly taking advantage of the inability of the 2692
consumer to reasonably protect the consumer's interests because 2693
of the consumer's known physical or mental infirmities or 2694
illiteracy; 2695

(14) Entering into the consumer transaction knowing there 2696
was no reasonable probability of payment of the obligation by 2697
the consumer; 2698

(15) Attempting to enforce, by means not limited to a 2699
court action, a prepayment penalty in violation of division (C) 2700
(2) of section 1343.011 of the Revised Code~~r~~. This practice also 2701
shall constitute an unconscionable act or practice in connection 2702
with a consumer transaction under section 1345.03 of the Revised 2703
Code. 2704

(16) Engaging in an act or practice deemed unconscionable 2705
by rules adopted by the attorney general pursuant to division 2706
(B) (2) of section 1345.05 of the Revised Code. 2707

(C) (1) Any unconscionable arbitration clause, 2708

unconscionable clause requiring the consumer to pay the 2709
supplier's attorney's fees, or unconscionable liquidated damages 2710
clause included in a mortgage loan contract is unenforceable. 2711

(2) No supplier shall do either of the following: 2712

(a) Attempt to enforce, by means not limited to a court 2713
action, any clause described in division (C)(1) of this section; 2714

(b) By referring to such a clause, attempt to induce the 2715
consumer to take any action desired by the supplier. 2716

Sec. 1345.07. (A) If the attorney general, by the attorney 2717
general's own inquiries or as a result of complaints, has 2718
reasonable cause to believe that a supplier has engaged or is 2719
engaging in an act or practice that violates this chapter, and 2720
that the action would be in the public interest, the attorney 2721
general may bring any of the following: 2722

(1) An action to obtain a declaratory judgment that the 2723
act or practice violates section 1345.02, 1345.03, or 1345.031 2724
of the Revised Code; 2725

(2) (a) An action, with notice as required by Civil Rule 2726
65, to obtain a temporary restraining order, preliminary 2727
injunction, or permanent injunction to restrain the act or 2728
practice. If the attorney general shows by a preponderance of 2729
the evidence that the supplier has violated or is violating 2730
section 1345.02, 1345.03, or 1345.031 of the Revised Code, the 2731
court may issue a temporary restraining order, preliminary 2732
injunction, or permanent injunction to restrain and prevent the 2733
act or practice. 2734

(b) (i) Except as provided in division (A)(2)(b)(ii) of 2735
this section, on motion of the attorney general, or on its own 2736
motion, the court may impose a civil penalty of not more than 2737

five thousand dollars for each day of violation of a temporary 2738
restraining order, preliminary injunction, or permanent 2739
injunction issued under this section, if the supplier received 2740
notice of the action. The civil penalties shall be paid as 2741
provided in division (G) of this section. 2742

(ii) If the court issues under this section a temporary 2743
restraining order, preliminary injunction, or permanent 2744
injunction to restrain and prevent an act or practice that is a 2745
violation of section 1345.02 and division (A) of section 1349.81 2746
of the Revised Code, on motion of the attorney general, or on 2747
its own motion, the court may impose a civil penalty of not less 2748
than five thousand dollars and not more than fifteen thousand 2749
dollars for each day of violation of the temporary restraining 2750
order, preliminary injunction, or permanent injunction, if the 2751
supplier received notice of the action. The civil penalties 2752
shall be paid as provided in division (G) of this section. 2753

(c) Upon the commencement of an action under division (A) 2754
(2) of this section against a supplier who operates under a 2755
license, permit, certificate, commission, or other authorization 2756
issued by the supreme court or by a board, commission, 2757
department, division, or other agency of this state, the 2758
attorney general shall immediately notify the supreme court or 2759
agency that such an action has been commenced against the 2760
supplier. 2761

(3) A class action under Civil Rule 23, as amended, on 2762
behalf of consumers who have engaged in consumer transactions in 2763
this state for damage caused by: 2764

(a) An act or practice enumerated in division (B) ~~or (D)~~ 2765
or (G) of section 1345.02 of the Revised Code; 2766

(b) Violation of a rule adopted under division (B) (2) of 2767
section 1345.05 of the Revised Code before the consumer 2768
transaction on which the action is based; 2769

(c) An act or practice determined by a court of this state 2770
to violate section 1345.02, 1345.03, or 1345.031 of the Revised 2771
Code and committed after the decision containing the 2772
determination has been made available for public inspection 2773
under division (A) (3) of section 1345.05 of the Revised Code. 2774

(B) On motion of the attorney general and without bond, in 2775
the attorney general's action under this section, the court may 2776
make appropriate orders, including appointment of a referee or a 2777
receiver, for sequestration of assets, to reimburse consumers 2778
found to have been damaged, to carry out a transaction in 2779
accordance with a consumer's reasonable expectations, to strike 2780
or limit the application of unconscionable clauses of contracts 2781
so as to avoid an unconscionable result, or to grant other 2782
appropriate relief. The court may assess the expenses of a 2783
referee or receiver against the supplier. 2784

(C) Any moneys or property recovered by the attorney 2785
general in an action under this section that cannot with due 2786
diligence within five years be restored by a referee to 2787
consumers shall be unclaimed funds reportable under Chapter 169. 2788
of the Revised Code. 2789

(D) In addition to the other remedies provided in this 2790
section, if the violation is an act or practice that was 2791
declared to be unfair, deceptive, or unconscionable by rule 2792
adopted pursuant to division (B) (2) of section 1345.05 of the 2793
Revised Code before the consumer transaction on which the action 2794
is based occurred or an act or practice that was determined by a 2795
court of this state to violate section 1345.02, 1345.03, or 2796

1345.031 of the Revised Code and committed after the decision 2797
containing the court's determination was made available for 2798
public inspection pursuant to division (A) (3) of section 1345.05 2799
of the Revised Code, the attorney general may request and the 2800
court may impose a civil penalty of not more than twenty-five 2801
thousand dollars against the supplier. The civil penalties shall 2802
be paid as provided in division (G) of this section. 2803

(E) No action may be brought by the attorney general under 2804
this section to recover for a transaction more than two years 2805
after the occurrence of a violation. 2806

(F) If a court determines that provision has been made for 2807
reimbursement or other appropriate corrective action, insofar as 2808
practicable, with respect to all consumers damaged by a 2809
violation, or in any other appropriate case, the attorney 2810
general, with court approval, may terminate enforcement 2811
proceedings brought by the attorney general upon acceptance of 2812
an assurance from the supplier of voluntary compliance with 2813
Chapter 1345. of the Revised Code, with respect to the alleged 2814
violation. The assurance shall be filed with the court and 2815
entered as a consent judgment. Except as provided in division 2816
(A) of section 1345.10 of the Revised Code, a consent judgment 2817
is not evidence of prior violation of such chapter. Disregard of 2818
the terms of a consent judgment entered upon an assurance shall 2819
be treated as a violation of an injunction issued under this 2820
section. 2821

(G) Civil penalties ordered pursuant to divisions (A) and 2822
(D) of this section shall be paid as follows: one-fourth of the 2823
amount to the treasurer of the county in which the action is 2824
brought and three-fourths to the consumer protection enforcement 2825
fund created by section 1345.51 of the Revised Code. 2826

(H) The remedies available to the attorney general under 2827
this section are cumulative and concurrent, and the exercise of 2828
one remedy by the attorney general does not preclude or require 2829
the exercise of any other remedy. The attorney general is not 2830
required to use any procedure set forth in section 1345.06 of 2831
the Revised Code prior to the exercise of any remedy set forth 2832
in this section. 2833

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of 2834
the Revised Code: 2835

(A) "Home solicitation sale" means a sale of consumer 2836
goods or services in which the seller or a person acting for the 2837
seller engages in a personal solicitation of the sale at a 2838
residence of the buyer, including solicitations in response to 2839
or following an invitation by the buyer, and the buyer's 2840
agreement or offer to purchase is there given to the seller or a 2841
person acting for the seller, or in which the buyer's agreement 2842
or offer to purchase is made at a place other than the seller's 2843
place of business. It does not include a transaction or 2844
transactions in which: 2845

(1) The total purchase price to be paid by the buyer, 2846
whether under single or multiple contracts, is less than twenty- 2847
five dollars; 2848

(2) The transaction was conducted and consummated entirely 2849
by mail or by telephone if initiated by the buyer, and without 2850
any other contact between the seller or the seller's 2851
representative prior to the delivery of goods or performance of 2852
the service; 2853

(3) The final agreement is made pursuant to prior 2854
negotiations in the course of a visit by the buyer to a retail 2855

business establishment having a fixed permanent location where 2856
the goods are exhibited or the services are offered for sale on 2857
a continuing basis; 2858

(4) The buyer initiates the contact between the parties 2859
for the purpose of negotiating a purchase and the seller has a 2860
business establishment at a fixed location in this state where 2861
the goods or services involved in the transaction are regularly 2862
offered or exhibited for sale. 2863

Advertisements by such a seller in newspapers, magazines, 2864
catalogues, radio, or television do not constitute the seller 2865
initiation of the contact. 2866

(5) The buyer initiates the contact between the parties, 2867
the goods or services are needed to meet a bona fide immediate 2868
personal emergency of the buyer which will jeopardize the 2869
welfare, health, or safety of natural persons, or endanger 2870
property which the buyer owns or for which the buyer is 2871
responsible, and the buyer furnishes the seller with a separate, 2872
dated, and signed statement in the buyer's handwriting 2873
describing the situation requiring immediate remedy and 2874
expressly acknowledging and waiving the right to cancel the sale 2875
within three business days; 2876

(6) The buyer has initiated the contact between the 2877
parties and specifically requested the seller to visit the 2878
buyer's home for the purpose of repairing or performing 2879
maintenance upon the buyer's personal property. If, in the 2880
course of such a visit, the seller sells the buyer additional 2881
services or goods other than replacement parts necessarily used 2882
in performing the maintenance or in making the repairs, the sale 2883
of those additional goods or services does not fall within this 2884
exclusion. 2885

(7) The buyer is accorded the right of rescission by the	2886
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C.	2887
1635, or regulations adopted pursuant to it.	2888
(B) "Sale" includes a lease or rental.	2889
(C) "Seller" includes a lessor or anyone offering goods	2890
for rent.	2891
(D) "Buyer" includes a lessee or anyone who gives a	2892
consideration for the privilege of using goods.	2893
(E) "Consumer goods or services" means goods or services	2894
purchased, leased, or rented primarily for personal, family, or	2895
household purposes, including courses or instruction or training	2896
regardless of the purpose for which they are taken.	2897
(F) "Consumer goods or services" does not include goods or	2898
services pertaining to any of the following:	2899
(1) Sales or rentals of real property by a real estate	2900
broker or salesperson, or by a foreign real estate dealer or	2901
salesperson, who is licensed by the Ohio real estate commission	2902
under Chapter 4735. of the Revised Code;	2903
(2) The sale of securities or commodities by a broker-	2904
dealer registered with the securities and exchange commission;	2905
(3) The sale of securities or commodities by a securities	2906
dealer or salesperson licensed by the division of securities	2907
under Chapter 1707. of the Revised Code;	2908
(4) The sale of insurance by a person licensed by the	2909
superintendent of insurance;	2910
(5) Goods sold or services provided by automobile dealers	2911
and salespersons licensed by the registrar of motor vehicles	2912

under Chapter 4517. of the Revised Code; 2913

(6) The sale of property at an auction by an auctioneer 2914
licensed by the department of agriculture under Chapter 4707. of 2915
the Revised Code. 2916

(G) "Purchase price" means the total cumulative price of 2917
the consumer goods or services, including all interest and 2918
service charges. 2919

(H) "Place of business" means the main office, or a 2920
permanent branch office or permanent local address of a seller. 2921

(I) "Business day" means any calendar day except Sunday, 2922
or the following business holidays: New Year's day, Martin 2923
Luther King day, Presidents' day, Memorial day, Independence 2924
day, Labor day, Columbus day, Veterans day, Thanksgiving day, 2925
and Christmas day. 2926

Sec. 1345.23. (A) Every home solicitation sale shall be 2927
evidenced by a written agreement or offer to purchase in the 2928
same language as that principally used in the oral sales 2929
presentation and shall contain the name and address of the 2930
seller. The seller shall present the writing to the buyer and 2931
obtain the buyer's signature to it. The writing shall state the 2932
date on which the buyer actually signs. The seller shall leave 2933
with the buyer a copy of the writing which has been signed by 2934
the seller and complies with division (B) of this section. 2935

(B) In connection with every home ~~solicitation~~ solicitation 2936
sale: 2937

(1) The following statement shall appear clearly and 2938
conspicuously on the copy of the contract left with the buyer in 2939
bold-face type of the minimum size of ten points, in 2940
substantially the following form and in immediate proximity to 2941

the space reserved in the contract for the signature of the 2942
buyer: "You, the buyer, may cancel this transaction at any time 2943
prior to midnight of the third ~~business~~ business day after the 2944
date of this transaction. See the attached notice of 2945
cancellation for an explanation of this right." 2946

(2) A completed form, in duplicate, captioned "notice of 2947
cancellation", shall be attached to the contract signed by the 2948
buyer and be easily detachable, and shall contain in ten-point, 2949
bold-face type, the following information and statements in the 2950
same language as that used in the contract: 2951

NOTICE OF CANCELLATION 2952

(enter date of transaction) 2953

..... 2954

(Date) 2955

You may cancel this transaction, without any penalty or 2956
obligation, within three business days from the above date. 2957

If you cancel, any property traded in, any payments made by you 2958
under the contract or sale, and any negotiable instrument 2959
executed by you will be returned within ten business days 2960
following receipt by the seller of your cancellation notice, and 2961
any security interest arising out of the transaction will be 2962
cancelled. 2963

If you cancel, you must make available to the seller at your 2964
residence, in substantially as good condition as when received, 2965
any goods delivered to you under this contract or sale; or you 2966
may if you wish, comply with the instructions of the seller 2967
regarding the return shipment of the goods at the seller's 2968
expense and risk. 2969

If you do make the goods available to the seller and the seller 2970
does not pick them up within twenty days of the date of your 2971
notice of cancellation, you may retain or dispose of the goods 2972
without any further obligation. If you fail to make the goods 2973
available to the seller, or if you agree to return the goods to 2974
the seller and fail to do so, then you remain liable for 2975
performance of all obligations under the contract. 2976

To cancel this transaction, mail, with return receipt requested, 2977
or deliver, in person or manually, a signed and dated copy of 2978
this cancellation notice or any other written notice of 2979
cancellation, or send ~~a telegram~~ notice by facsimile 2980
transmission or electronic mail, to (Name of 2981
seller), at (address, electronic mail address, 2982
or facsimile number of seller's place of business) not later 2983
than midnight of (Date) 2984

I hereby cancel this transaction. 2985

..... 2986

Date 2987

(Buyer's signature) 2988

..... 2989

(3) Before furnishing copies of the notice of cancellation 2990
to the buyer, the seller shall complete both copies by entering 2991
the name of the seller, the address, electronic mail address, or 2992
facsimile number of the seller's place of business, the date of 2993
the transaction which is the date the buyer signed the contract 2994
and the date, not earlier than the third business day following 2995
the date of the transaction, by which the buyer may give notice 2996
of cancellation. 2997

(4) A home solicitation sales contract which contains the notice of buyer's right to cancel and notice of cancellation in the form and language provided in the federal trade commission's trade regulation rule providing a cooling-off period for door-to-door sales shall be deemed to comply with the requirements of divisions (B) (1), (2), and (3) of this section with respect to the form and language of such notices so long as the federal trade commission language provides at least equal information to the consumer concerning ~~his~~ the consumer's right to cancel as is required by divisions (B) (1), (2), and (3) of this section.

(C) Until the seller has complied with divisions (A) and (B) of this section the buyer may cancel the home solicitation sale by ~~notifying~~ delivering to the seller by ~~mailing,~~ delivering, or telegraphing certified mail, return receipt requested, personal or manual delivery, facsimile transmission, or electronic mail, written notice to the seller of ~~his~~ the buyer's intention to cancel. The three--day period prescribed by section 1345.22 of the Revised Code begins to run from the time the seller complies with divisions (A) and (B) of this section.

(D) In connection with any home solicitation sale, no seller shall:

(1) Include in any home solicitation sales contract, any confession of judgment or any waiver of any rights to which the buyer is entitled under this section, including specifically ~~his~~ the buyer's right to cancel the sale in accordance with this section.

(2) Fail to inform each buyer orally, at the time ~~he signs~~ of signing the contract for the goods or services, of ~~his~~ the buyer's right to cancel.

(3) Misrepresent in any manner the buyer's right to cancel.	3027 3028
(4) Fail or refuse to honor any valid notice of cancellation by a buyer and within ten business days after receipt of such notice to:	3029 3030 3031
(a) Refund all payments made under the contract or sale;	3032
(b) Return any goods or property traded in, in substantially as good condition as when received by the seller;	3033 3034
(c) Cancel and return any note, negotiable instrument, or other evidence of indebtedness executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to reflect the termination of any security interest or lien created under the sale or offer to purchase.	3035 3036 3037 3038 3039 3040
(5) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract for the goods or services was signed.	3041 3042 3043 3044
(6) Fail to notify the buyer, within ten business days of receipt of the buyer's notice of cancellation, whether the seller intends to repossess or abandon any shipped or delivered goods.	3045 3046 3047 3048
Sec. 1345.24. In a home solicitation sale, the seller shall retain, for the period in which an action to enforce the sale could be commenced, any notice of cancellation made pursuant to section 1345.22 of the Revised Code. The seller shall also retain the any envelope in which any a notice of cancellation is sent or delivered. If the date of delivery is not indicated or recorded on the notice of cancellation or on	3049 3050 3051 3052 3053 3054 3055

the envelope, the seller shall record the date of delivery on 3056
the notice of cancellation. 3057

Sec. 1345.43. ~~(A)~~—In addition to any right otherwise to 3058
revoke an offer or to terminate or cancel a sale or contract, 3059
the buyer has the right to cancel a prepaid entertainment 3060
contract until midnight of the third business day after the date 3061
on which the first service under the contract is available, and 3062
if the facility or service that is the subject of the contract 3063
is not available at the time that the buyer signs the contract, 3064
the buyer has until midnight of the seventh business day after 3065
the date on which the first service under the contract is 3066
available to cancel the contract. Cancellation is evidenced by 3067
the buyer giving written notice of cancellation to the seller at 3068
the address of any facility available for use by the buyer under 3069
the contract, the seller's electronic mail address, or the 3070
seller's facsimile number. The buyer shall deliver the notice by 3071
~~telegram,~~ manual delivery, personal delivery, or by certified 3072
mail delivery, return receipt requested, electronic mail, or 3073
facsimile transmission. Notice of cancellation by certified mail 3074
delivery shall be effective upon the date of post marking. 3075
~~Telegram~~ Electronic mail delivery is effective when the ~~telegram~~ 3076
electronic mail is ~~ordered~~ sent to the seller's electronic mail 3077
address. Facsimile delivery is effective when the facsimile is 3078
sent to the seller's facsimile number and the consumer has 3079
received confirmation of the facsimile transmission. Manual 3080
delivery or personal delivery is effective when delivered to the 3081
seller or to the seller's address, whichever comes first. Notice 3082
of cancellation need not take a particular form and is 3083
sufficient if it indicates, by any form of written expression, 3084
the intention of the buyer not to be bound by the contract. 3085
Notice of the buyer's right to cancel must appear on all notes 3086

or other evidence of indebtedness given pursuant to any prepaid 3087
entertainment contract. 3088

Sec. 1345.44. (A) Every prepaid entertainment contract 3089
shall state the date on which the buyer actually signs. The 3090
seller shall give the buyer a copy of the contract that has been 3091
signed by the seller and complies with division (B) of this 3092
section. 3093

(B) All of the following apply to any prepaid 3094
entertainment contract: 3095

(1) A completed form, in duplicate, captioned "notice of 3096
cancellation," shall be attached to the contract signed by the 3097
buyer and be easily detachable and shall contain in ten-point 3098
boldface type, the following statement: 3099

"NOTICE OF CANCELLATION 3100

(Enter date of contract) 3101

..... 3102

(Date) 3103

You may cancel this contract for any reason at any time 3104
prior to midnight of the third business day after the date on 3105
which the first service under the contract is available, and if 3106
the facility or services that is the subject of the contract is 3107
not available when you sign the contract, you may cancel the 3108
contract at any time prior to midnight of the seventh business 3109
day after the date on which you receive your first service under 3110
the contract. If you cancel within this period, the seller must 3111
send you a full refund of any money you have paid, except that a 3112
reasonable expense fee not to exceed ten dollars may be charged 3113
if you have received your first service under the contract. The 3114

seller must also cancel and return to you within twenty business 3115
days any papers that you have signed. 3116

To cancel this contract you must deliver in person, 3117
manually, ~~or~~ by certified mail, return receipt requested, or by 3118
facsimile transmission, the signed and dated copy of this 3119
cancellation notice or any other written notice of cancellation, 3120
or send ~~a telegram~~ an electronic mail message, to (name of 3121
seller), at (the address of any facility of the seller available 3122
for use by ~~you~~ the buyer, the seller's facsimile number, or the 3123
seller's electronic mail address) not later than midnight of the 3124
third business day after the date on which the first service 3125
under the contract is available, and if the facility or service 3126
that is the subject of the contract is not available when the 3127
contract was signed, not later than midnight of the seventh 3128
business day after the date on which the first service under the 3129
contract is available. 3130

I hereby cancel this contract. 3131

..... 3132

(Date) 3133

..... 3134

(Buyer's signature)" 3135

(2) Before furnishing copies of the notice of cancellation 3136
to the buyer, the seller shall complete both copies by entering 3137
the name of the seller, the address of the ~~seller's place of~~ 3138
~~business~~ facility available for use by the buyer, the seller's 3139
facsimile number, or the seller's electronic mail address, and 3140
the date of the contract. 3141

(C) Until the seller has complied with this section, the 3142

buyer may cancel the contract by delivering to the seller by 3143
certified mail, personal or manual delivery, facsimile 3144
transmission, or ~~telegraphing~~ electronic mail, written notice to 3145
the seller of ~~his~~ the buyer's intention to cancel. The period 3146
within which the buyer may cancel the contract prescribed by 3147
this section begins to run from the time ~~of~~ the seller complies 3148
with divisions (A) and (B) of this section. 3149

(D) In any prepaid entertainment contract no seller shall: 3150

(1) Include in any contract, any confession of judgment or 3151
any waiver of any rights to which the buyer is entitled under 3152
this section, including specifically ~~his~~ the right to cancel the 3153
contract in accordance with this section; 3154

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 3155
of signing the contract, of ~~his~~ the right to cancel; 3156

(3) Misrepresent in any manner the buyer's right to 3157
cancel; 3158

(4) Fail or refuse to honor any valid notice of 3159
cancellation by a buyer and within ten business days after 3160
receipt of the notice to: 3161

(a) Refund all payments made under the contract, except 3162
that if the buyer has received ~~his~~ the buyer's first service 3163
under the contract the seller may retain or bill the buyer for 3164
ten dollars; 3165

(b) Cancel and return any note, negotiable instrument, or 3166
other evidence of indebtedness executed by the buyer in 3167
connection with the contract and take any action necessary to 3168
reflect the termination of any security interest or lien created 3169
under the contract; 3170

(c) Notify the buyer if the seller intends to repossess or 3171
abandon any evidence of membership or other goods provided to 3172
the buyer by the seller pursuant to the contract. 3173

(E) If there is in effect an earlier prepaid entertainment 3174
contract, this section and section 1345.43 of the Revised Code 3175
apply to a transaction in which the seller and the buyer enter 3176
into a new prepaid entertainment contract, or a modification of 3177
the earlier contract. 3178

Sec. 1349.43. (A) As used in this section, "loan officer," 3179
"mortgage broker," and "nonbank mortgage lender" have the same 3180
meanings as in section 1345.01 of the Revised Code. 3181

(B) The department of commerce shall establish and 3182
maintain an electronic database accessible through the internet 3183
that contains information on all of the following: 3184

(1) The enforcement actions taken by the superintendent of 3185
financial institutions for each violation of or failure to 3186
comply with any provision of sections 1322.01 to 1322.12 of the 3187
Revised Code, upon final disposition of the action; 3188

(2) The enforcement actions taken by the attorney general 3189
under Chapter 1345. of the Revised Code against loan officers, 3190
mortgage brokers, and nonbank mortgage lenders, upon final 3191
disposition of each action; 3192

(3) All judgments by courts of this state, concerning 3193
which appellate remedies have been exhausted or lost by the 3194
expiration of the time for appeal, finding either of the 3195
following: 3196

(a) A violation of any provision of sections 1322.01 to 3197
1322.12 of the Revised Code; 3198

(b) That specific acts or practices by a loan officer, 3199
mortgage broker, or nonbank mortgage lender violate section 3200
1345.02, 1345.03, or 1345.031 of the Revised Code. 3201

(C) The attorney general shall ~~submit to notify the~~ 3202
~~department, on the first day of each January, April, July, and~~ 3203
~~October, a list~~ of all enforcement actions and judgments 3204
described in divisions (B) (2) and (3) (b) of this section. 3205

(D) The department may adopt rules in accordance with 3206
Chapter 119. of the Revised Code that are necessary to implement 3207
this section. 3208

(E) The electronic database maintained by the department 3209
in accordance with this section shall not include information 3210
that, pursuant to section 1322.061 of the Revised Code, is 3211
confidential. 3212

Sec. 1716.02. (A) Every charitable organization, except 3213
those exempted under section 1716.03 of the Revised Code, that 3214
intends to solicit contributions in this state by any means or 3215
have contributions solicited in this state on its behalf by any 3216
other person, charitable organization, commercial co-venturer, 3217
or professional solicitor, or that participates in a charitable 3218
sales promotion, prior to engaging in any of these activities 3219
and annually thereafter, shall file a registration statement 3220
with the attorney general upon a form prescribed by the attorney 3221
general. Each chapter, branch, or affiliate of a charitable 3222
organization that is required to file a registration statement 3223
under this section either shall file a separate registration 3224
statement or report the necessary information to its parent 3225
charitable organization that then shall file a consolidated 3226
registration statement. The annual registration statement shall 3227
be refiled on or before the fifteenth day of the fifth calendar 3228

month after the close of each fiscal year in which the 3229
charitable organization solicited in this state, or by the date 3230
of any applicable extension of the federal filing date, 3231
whichever is later. No charitable organization that is required 3232
to register under this chapter prior to registration, shall 3233
solicit contributions in this state by any means, have 3234
contributions solicited in this state on its behalf by any other 3235
person, charitable organization, commercial co-venturer, or 3236
professional solicitor, or participate in a charitable sales 3237
promotion. 3238

(B) The registration statement shall be signed and sworn 3239
to under penalties of perjury by the treasurer or chief fiscal 3240
officer of the charitable organization and shall contain the 3241
following information: 3242

(1) The name of the charitable organization, the purpose 3243
for which it is organized, and the name or names under which it 3244
intends to solicit contributions; 3245

(2) The address and telephone number of the principal 3246
place of business of the charitable organization and the address 3247
and telephone number of every office, chapter, branch, or 3248
affiliate of the charitable organization located in this state 3249
or, if the charitable organization does not maintain an office 3250
in this state, the name, address, and telephone number of the 3251
person that has custody of its financial records; 3252

(3) The names and addresses of the officers, directors, 3253
trustees, and executive personnel of the charitable 3254
organization; 3255

(4) The annual financial report of the charitable 3256
organization for the immediately preceding fiscal year as 3257

required under section 1716.04 of the Revised Code; 3258

(5) The last day of the fiscal year for the charitable 3259
organization; 3260

(6) A statement of whether the charitable organization is 3261
registered with or otherwise authorized by any other 3262
governmental authority in this state or another state to solicit 3263
contributions; 3264

(7) A statement of whether the charitable organization has 3265
had its registration or authority denied, suspended, revoked, or 3266
enjoined by any court or other governmental authority in this 3267
state or another state; 3268

(8) A statement of whether the charitable organization 3269
intends to solicit contributions from the public directly by 3270
using its own resources or to have solicitations made on its 3271
behalf through the use of another charitable organization, fund- 3272
raising counsel, professional solicitors, or commercial co- 3273
venturers; 3274

(9) The names, addresses, and the telephone numbers of any 3275
other charitable organization, fund-raising counsel, 3276
professional solicitors, and commercial co-venturers who act or 3277
will act on behalf of the charitable organization, together with 3278
a statement setting forth the specific terms of the arrangements 3279
for salaries, bonuses, commissions, expenses, or other 3280
remunerations to be paid the other charitable organization, 3281
fund-raising counsel, professional solicitors, and commercial 3282
co-venturers. If any of the information required by division (B) 3283
(9) of this section is not available at the time of 3284
registration, that information shall be submitted to the 3285
attorney general at a later date but before any solicitation 3286

occurs.	3287
(10) The charitable purpose or purposes for which the contributions to be solicited will be used;	3288 3289
(11) The names, addresses, and telephone numbers of the persons within the charitable organization that will have final responsibility for the custody of the contributions;	3290 3291 3292
(12) The names of the persons within the charitable organization that will be responsible for the final distribution of the contributions;	3293 3294 3295
(13) The period of time during which, and the counties in which, the solicitation is planned to be conducted;	3296 3297
(14) A schedule of the activities carried on by the charitable organization in the performance of its purposes;	3298 3299
(15) Any other information that the attorney general may, by rule, require.	3300 3301
(C) (1) With the initial registration only, every charitable organization that is required to register under this chapter also shall file with the attorney general the following:	3302 3303 3304
(a) A copy of the current charter, articles of incorporation, agreement of association, instrument of trust, constitution, or other organizational instrument, and a copy of the bylaws of the charitable organization;	3305 3306 3307 3308
(b) A statement setting forth the place where and the date when the charitable organization was legally established, the form of its organization, and its tax exempt status, with a copy of its federal tax exemption determination letter.	3309 3310 3311 3312
(2) (a) With the next annual registration statement filed	3313

after its adoption, the charitable organization shall file with 3314
the attorney general a copy of any amendment to its 3315
organizational instrument as specified in division (C) (1) (a) of 3316
this section and a copy of any amendment to its bylaws. 3317

(b) Within thirty days after its receipt, the charitable 3318
organization shall file with the attorney general a copy of any 3319
federal tax exemption determination letter or any correspondence 3320
rescinding its tax exempt status that is received after the 3321
initial registration. Not later than thirty days after being 3322
notified by the internal revenue service of any challenge to or 3323
investigation of its continued entitlement to federal tax 3324
exemption, the charitable organization shall notify the attorney 3325
general of this fact. 3326

(D) (1) Except as otherwise provided in division (D) (2) of 3327
this section, every charitable organization that is required to 3328
register under this chapter shall pay the following fees with 3329
each registration: 3330

(a) Fifty dollars, if the contributions received for the 3331
last calendar or fiscal year were five thousand dollars or more 3332
but less than twenty-five thousand dollars; 3333

(b) One hundred dollars, if the contributions received for 3334
the last calendar or fiscal year were twenty-five thousand 3335
dollars or more but less than fifty thousand dollars; 3336

(c) Two hundred dollars, if the contributions received for 3337
the last calendar or fiscal year were fifty thousand dollars or 3338
more. 3339

(2) A charitable organization that is required to register 3340
under this chapter and whose contributions received for the last 3341
calendar or fiscal year were less than five thousand dollars 3342

shall not pay any registration fee. 3343

(3) The amount of registration fees that a charitable 3344
organization is required to pay under division (D) (1) of this 3345
section shall be based on the amount of contributions that it 3346
receives from persons in this state. If, for any reporting year, 3347
a charitable organization cannot determine from its records the 3348
exact amount of contributions it received from persons in this 3349
state, it shall compute the amount of the registration fee upon 3350
the estimated amount of contributions it received from persons 3351
in this state, with the estimated amount to be explained in 3352
writing at the time the registration fee is paid. At the request 3353
of the attorney general, the charitable organization shall 3354
substantiate the estimated amount of contributions it received 3355
from persons in this state. 3356

(4) All registration fees shall be paid into the state 3357
treasury to the credit of the charitable law fund established 3358
under section 109.32 of the Revised Code. 3359

(5) Any charitable organization that fails to pay the fee 3360
required by this section at the time required shall pay an 3361
additional fee of two hundred dollars, except that the attorney 3362
general may waive the two-hundred-dollar fee upon a showing that 3363
the charitable organization failed to pay the fee for filing the 3364
annual registration statement at the time required by this 3365
section for reasons that were beyond the control of the 3366
charitable organization. If the charitable organization is 3367
required to pay an additional fee under section 109.31 of the 3368
Revised Code, the charitable organization is exempt from paying 3369
the additional fee in this section. 3370

Sec. 1716.05. (A) No person shall act as a fund-raising 3371
counsel unless the person first has complied with the 3372

requirements of this chapter and any rules adopted under this 3373
chapter. 3374

(B) Any fund-raising counsel that at any time has custody 3375
of contributions from a solicitation shall do all of the 3376
following: 3377

(1) Register with the attorney general. Applications for 3378
registration or renewal of registration shall be in writing, 3379
under oath, and in the form prescribed by the attorney general, 3380
and shall be accompanied by a fee in the amount of two hundred 3381
dollars. Any corporation, partnership, association, or other 3382
entity that intends to act as a fund-raising counsel may 3383
register for and pay a single fee of two hundred dollars on 3384
behalf of all its members, officers, employees, and agents. In 3385
that case, the names and addresses of all the officers, 3386
employees, and agents of the fund-raising counsel and all other 3387
persons with whom the fund-raising counsel has contracted to 3388
work under its direction shall be listed in the application. The 3389
application shall contain any other information that the 3390
attorney general may require. The registration or renewal of 3391
registration shall be for a period of one year or part of one 3392
year and shall expire on the thirty-first day of March of each 3393
year. All fees prescribed in this division shall be paid into 3394
the state treasury to the credit of the charitable law fund 3395
established under section 109.32 of the Revised Code. 3396

(2) At the time of making an application for registration 3397
or renewal of registration, file with and have approved by the 3398
attorney general a bond in which the fund-raising counsel shall 3399
be the principal obligor, in the sum of twenty-five thousand 3400
dollars, with one or more sureties authorized to do business in 3401
this state. The fund-raising counsel shall maintain the bond in 3402

effect as long as the registration is in effect; however, the 3403
liability of the surety under the bond shall not exceed an all- 3404
time aggregate liability of twenty-five thousand dollars. The 3405
bond, which may be in the form of a rider to a larger blanket 3406
liability bond, shall run to the state and to any person who may 3407
have a cause of action against the principal obligor of the bond 3408
for any liability arising out of a violation by the obligor of 3409
any provision of this chapter or any rule adopted pursuant to 3410
this chapter. 3411

(3) Not later than ninety days after a solicitation 3412
campaign has been completed and on the anniversary of the 3413
commencement of a solicitation campaign lasting more than one 3414
year, furnish an accounting of all contributions collected and 3415
expenses paid, to the charitable organization with which the 3416
fund-raising counsel has contracted. The accounting shall be in 3417
writing and shall be retained by the charitable organization for 3418
three years. The fund-raising counsel shall file a copy of the 3419
accounting with the attorney general not later than seven days 3420
after it is furnished to the charitable organization. 3421

(4) Not later than two days after receipt of each 3422
contribution, deposit the entire amount of the contribution in 3423
an account at a bank or other federally insured financial 3424
institution which shall be in the name of the charitable 3425
organization with which the fund-raising counsel has contracted. 3426
Each contribution collected by the fund-raising counsel shall be 3427
solely in the name of that charitable organization. The 3428
charitable organization shall have sole control of all 3429
withdrawals from the account and the fund-raising counsel shall 3430
not be given the authority to withdraw any deposited funds from 3431
the account. 3432

(5) During each solicitation campaign and for not less than three years after its completion, maintain the following records that shall be made available to the attorney general upon the attorney general's request:

(a) A record of each contribution that at any time is in the custody of the fund-raising counsel, including the name and address of each contributor and the date and amount of the contribution, provided that the attorney general shall not disclose that information except to the extent necessary for investigative or law enforcement purposes;

(b) The location of each bank or financial institution in which the fund-raising counsel has deposited revenue from the solicitation campaign and the account number of each account in which the deposits were made.

(c) Unless otherwise provided in this section, any change in any information filed with the attorney general pursuant to this section shall be reported in writing to the attorney general within seven days after the change occurs.

(d) No person shall serve as a fund-raising counsel, or be a member, officer, employee, or agent of any fund-raising counsel, who has been convicted in the last five years of either of the following:

(1) Any violation of this chapter or any rule adopted under this chapter, or of any charitable solicitation legislation or regulation of a political subdivision of this state or charitable solicitation law of any other jurisdiction that is similar to this chapter;

(2) A felony in this or another state.

(e) The information provided under this section to the

attorney general by a fund-raising counsel shall be included in 3462
the reports and files required to be compiled and maintained by 3463
the attorney general pursuant to divisions (E) and (F) of 3464
section 1716.08 of the Revised Code. 3465

(F) If a fund-raising counsel fails to comply in a timely 3466
or complete manner with any of the requirements under this 3467
section, the fund-raising counsel is liable for and, in addition 3468
to any fee required in this section, shall pay two hundred 3469
dollars for each late filing. Each registration, renewal of 3470
registration, bond, or accounting shall be considered a separate 3471
filing for the purposes of this section. Any fees required by 3472
this section are in addition to, and not in place of, penalties 3473
prescribed in this chapter. 3474

Sec. 1716.07. (A) No professional solicitor shall engage 3475
in any solicitation unless it has complied with the requirements 3476
of this chapter and any rules adopted under this chapter. 3477

(B) Every professional solicitor, before engaging in any 3478
solicitation, shall register with the attorney general. 3479
Applications for registration or renewal of registration shall 3480
be in writing, under oath, and in the form prescribed by the 3481
attorney general, and shall be accompanied by a fee in the 3482
amount of two hundred dollars. Any corporation, partnership, 3483
association, or other entity that intends to act as a 3484
professional solicitor may register for and pay a single fee of 3485
two hundred dollars on behalf of all its members, officers, 3486
employees, agents, and solicitors. In that case, the names and 3487
addresses of all the officers, employees, and agents of the 3488
professional solicitor and all other persons with whom the 3489
professional solicitor has contracted to work under its 3490
direction, including solicitors, shall be listed in the 3491

application or furnished to the attorney general within five 3492
days of the date of employment or contractual arrangement. The 3493
application shall contain any other information that the 3494
attorney general may require. The registration shall be for a 3495
period of one year or part of one year and shall expire on the 3496
thirty-first day of March of each year. Upon application and 3497
payment of the fee specified in this division and filing of the 3498
bond prescribed in division (C) of this section, the 3499
registration may be renewed for additional one-year periods. All 3500
fees prescribed in this division shall be paid into the state 3501
treasury to the credit of the charitable law fund established 3502
under section 109.32 of the Revised Code. 3503

(C) At the time of making an application for registration 3504
or renewal of registration, the professional solicitor shall 3505
file with and have approved by the attorney general a bond in 3506
which the professional solicitor shall be the principal obligor, 3507
in the sum of twenty-five thousand dollars, with one or more 3508
sureties authorized to do business in this state. The 3509
professional solicitor shall maintain the bond in effect as long 3510
as the registration is in effect; however, the liability of the 3511
surety under the bond shall not exceed an all-time aggregate 3512
liability of twenty-five thousand dollars. The bond, which may 3513
be in the form of a rider to a larger blanket liability bond, 3514
shall run to the state and to any person who may have a cause of 3515
action against the principal obligor of the bond for any 3516
liability arising out of a violation by the obligor of any 3517
provision of this chapter or any rule adopted pursuant to this 3518
chapter. 3519

(D) (1) Prior to the commencement of any solicitation, the 3520
professional solicitor shall file all of the following with the 3521
attorney general: 3522

(a) A completed document called "Solicitation Notice" upon 3523
a form prescribed by the attorney general and containing all of 3524
the information specified in division (D) (2) of this section; 3525

(b) A copy of the contract described in division (A) of 3526
section 1716.08 of the Revised Code; 3527

(c) A sworn statement by the charitable organization on 3528
whose behalf the professional solicitor is acting certifying 3529
that the solicitation notice and any accompanying material are 3530
true and correct to the best of its knowledge. 3531

(2) The solicitation notice shall include all of the 3532
following: 3533

(a) The fund-raising methods to be used; 3534

(b) The projected dates when the solicitation will 3535
commence and terminate; 3536

(c) The location and telephone number from where the 3537
solicitation will be conducted if it will be conducted by 3538
telephone; 3539

(d) The name and residence address of each person 3540
responsible for directing and supervising the conduct of the 3541
solicitation campaign; 3542

(e) A statement of whether the professional solicitor will 3543
at any time have custody of any contributions; 3544

(f) A full and fair description of the charitable program 3545
for which the solicitation campaign is being carried out; 3546

(g) The written and signed consent of every charitable 3547
organization on whose behalf the professional solicitor will be 3548
soliciting contributions or whose name will be mentioned during 3549

the solicitation. 3550

(E) Not later than ninety days after a solicitation 3551
campaign has been completed and on the anniversary of the 3552
commencement of a solicitation campaign lasting more than one 3553
year, the professional solicitor shall provide to the charitable 3554
organization and file with the attorney general a financial 3555
report of the campaign, including the gross revenue received and 3556
an itemization of all expenses incurred. The report shall be 3557
completed on a form prescribed by the attorney general and 3558
signed by an authorized official of the professional solicitor 3559
who shall certify under oath that the report is true and 3560
correct. 3561

(F) Each contribution collected by or in the custody of 3562
the professional solicitor shall be solely in the name of the 3563
charitable organization on whose behalf the contribution was 3564
solicited. Not later than two days after receipt of each 3565
contribution, the professional solicitor shall deposit the 3566
entire amount of the contribution in an account at a bank or 3567
other federally insured financial institution, which shall be in 3568
the name of that charitable organization. The charitable 3569
organization shall have sole control of all withdrawals from the 3570
account and the professional solicitor shall not be given the 3571
authority to withdraw any deposited funds from the account. 3572

(G) (1) During each solicitation campaign and for not less 3573
than three years after its completion, the professional 3574
solicitor shall maintain the following records: 3575

(a) The name and, if known to the professional solicitor, 3576
the address and telephone number of each contributor and the 3577
date and amount of the contribution, provided that the attorney 3578
general shall not disclose that information except to the extent 3579

necessary for investigative or law enforcement purposes;	3580
(b) The name and residence address of each employee,	3581
agent, and any other person, however designated, who is involved	3582
in the solicitation, the amount of compensation paid to each,	3583
and the dates on which the payments were made;	3584
(c) A record of all contributions that at any time are in	3585
the custody of the professional solicitor;	3586
(d) A record of all expenses incurred by the professional	3587
solicitor for the payment of which the professional solicitor is	3588
liable;	3589
(e) A record of all expenses incurred by the professional	3590
solicitor for the payment of which the charitable organization	3591
is liable;	3592
(f) The location of each bank or financial institution in	3593
which the professional solicitor has deposited revenue from the	3594
solicitation campaign and the account number of each account in	3595
which the deposits were made;	3596
(g) A copy of each pitch sheet or solicitation script used	3597
during the solicitation campaign;	3598
(h) If a refund of a contribution has been requested, the	3599
name and address of each person requesting the refund, and if a	3600
refund was made, its amount and the date it was made.	3601
(i) Any other record of such information as the attorney	3602
general may require.	3603
(2) If the professional solicitor sells tickets to any	3604
event and represents that the tickets will be donated for use by	3605
another person, the professional solicitor also shall maintain	3606
for the same period as specified in division (G) (1) of this	3607

section the following records: 3608

(a) The name and address of each contributor that 3609
purchases or donates tickets and the number of tickets purchased 3610
or donated by the contributor; 3611

(b) The name and address of each organization that 3612
receives the donated tickets for the use of others, and the 3613
number of tickets received by the organization. 3614

(3) Any of the records described in divisions (G) (1) and 3615
(2) of this section shall be made available to the attorney 3616
general upon the attorney general's request and shall be 3617
furnished to the attorney general within ten days of the 3618
request. 3619

(H) Unless otherwise provided in this section or section 3620
1716.08 of the Revised Code, any change in any information filed 3621
with the attorney general pursuant to this section and section 3622
1716.08 of the Revised Code shall be reported in writing to the 3623
attorney general within seven days after the change occurs. 3624

(I) No person shall serve as a professional solicitor, or 3625
be a member, officer, employee, or agent of any professional 3626
solicitor, who has been convicted in the last five years of 3627
either of the following: 3628

(1) Any violation of this chapter or any rule adopted 3629
under this chapter, or of any charitable solicitation 3630
legislation or regulation of a political subdivision of this 3631
state or charitable solicitation law of any other jurisdiction 3632
that is similar to this chapter; 3633

(2) A felony in this or another state. 3634

(J) If a professional solicitor fails to comply in a 3635

timely or complete manner with any of the requirements under 3636
this section, the professional solicitor is liable for and, in 3637
addition to any fee required in this section, shall pay two 3638
hundred dollars for each late filing. Each registration, renewal 3639
of registration, bond, solicitation notice, contract, sworn 3640
statement, or financial report shall be considered a separate 3641
filing for the purposes of this section. Any fees required by 3642
this section are in addition to, and not in place of, penalties 3643
prescribed in this chapter. 3644

Sec. 2743.191. (A) (1) There is hereby created in the state 3645
treasury the reparations fund, which shall be used only for the 3646
following purposes: 3647

(a) The payment of awards of reparations that are granted 3648
by the attorney general; 3649

(b) The compensation of any personnel needed by the 3650
attorney general to administer sections 2743.51 to 2743.72 of 3651
the Revised Code; 3652

(c) The compensation of witnesses as provided in division 3653
(J) of section 2743.65 of the Revised Code; 3654

(d) Other administrative costs of hearing and determining 3655
claims for an award of reparations by the attorney general; 3656

(e) The costs of administering sections 2907.28 and 3657
2969.01 to 2969.06 of the Revised Code; 3658

(f) The costs of investigation and decision-making as 3659
certified by the attorney general; 3660

(g) The provision of state financial assistance to victim 3661
assistance programs in accordance with sections 109.91 and 3662
109.92 of the Revised Code; 3663

(h) The costs of paying the expenses of sex offense- 3664
related examinations, antibiotics, and HIV post-exposure 3665
prophylaxis pursuant to section 2907.28 of the Revised Code; 3666

(i) The cost of printing and distributing the pamphlet 3667
prepared by the attorney general pursuant to section 109.42 of 3668
the Revised Code; 3669

(j) Subject to division (D) of section 2743.71 of the 3670
Revised Code, the costs associated with the printing and 3671
providing of information cards or other printed materials to law 3672
enforcement agencies and prosecuting authorities and with 3673
publicizing the availability of awards of reparations pursuant 3674
to section 2743.71 of the Revised Code; 3675

(k) The payment of costs of administering a DNA specimen 3676
collection procedure pursuant to sections 2152.74 and 2901.07 of 3677
the Revised Code, of performing DNA analysis of those DNA 3678
specimens, and of entering the resulting DNA records regarding 3679
those analyses into the DNA database pursuant to section 109.573 3680
of the Revised Code; 3681

(l) The payment of actual costs associated with 3682
initiatives by the attorney general for the apprehension, 3683
prosecution, and accountability of offenders, and the enhancing 3684
of services to crime victims. The amount of payments made 3685
pursuant to division (A) (1) (1) of this section during any given 3686
fiscal year shall not exceed five per cent of the balance of the 3687
reparations fund at the close of the immediately previous fiscal 3688
year; 3689

(m) The costs of administering the adult parole 3690
authority's supervision pursuant to division (E) of section 3691
2971.05 of the Revised Code of sexually violent predators who 3692

are sentenced to a prison term pursuant to division (A) (3) of 3693
section 2971.03 of the Revised Code and of offenders who are 3694
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3695
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3696
of that section; 3697

(n) Subject to the limit set forth in those sections, the 3698
costs of the installation and monitoring of an electronic 3699
monitoring device used in the monitoring of a respondent 3700
pursuant to an electronic monitoring order issued by a court 3701
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3702
(b) of section 2903.214 of the Revised Code if the court 3703
determines that the respondent is indigent or used in the 3704
monitoring of an offender pursuant to an electronic monitoring 3705
order issued under division (B) (5) of section 2919.27 of the 3706
Revised Code if the court determines that the offender is 3707
indigent. 3708

(2) All costs paid pursuant to section 2743.70 of the 3709
Revised Code, the portions of license reinstatement fees 3710
mandated by division (F) (2) (b) of section 4511.191 of the 3711
Revised Code to be credited to the fund, the portions of the 3712
proceeds of the sale of a forfeited vehicle specified in 3713
division (C) (2) of section 4503.234 of the Revised Code, 3714
payments collected by the department of rehabilitation and 3715
correction from prisoners who voluntarily participate in an 3716
approved work and training program pursuant to division (C) (8) 3717
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3718
collected by the state pursuant to its right of subrogation 3719
provided in section 2743.72 of the Revised Code shall be 3720
deposited in the fund. 3721

(B) In making an award of reparations, the attorney 3722

general shall render the award against the state. The award 3723
shall be accomplished only through the following procedure, and 3724
the following procedure may be enforced by writ of mandamus 3725
directed to the appropriate official: 3726

(1) The attorney general shall provide for payment of the 3727
claimant or providers in the amount of the award only if the 3728
amount of the award is fifty dollars or more. 3729

(2) The expense shall be charged against all available 3730
unencumbered moneys in the fund. 3731

(3) If sufficient unencumbered moneys do not exist in the 3732
fund, the attorney general shall make application for payment of 3733
the award out of the emergency purposes account or any other 3734
appropriation for emergencies or contingencies, and payment out 3735
of this account or other appropriation shall be authorized if 3736
there are sufficient moneys greater than the sum total of then 3737
pending emergency purposes account requests or requests for 3738
releases from the other appropriations. 3739

(4) If sufficient moneys do not exist in the account or 3740
any other appropriation for emergencies or contingencies to pay 3741
the award, the attorney general shall request the general 3742
assembly to make an appropriation sufficient to pay the award, 3743
and no payment shall be made until the appropriation has been 3744
made. The attorney general shall make this appropriation request 3745
during the current biennium and during each succeeding biennium 3746
until a sufficient appropriation is made. If, prior to the time 3747
that an appropriation is made by the general assembly pursuant 3748
to this division, the fund has sufficient unencumbered funds to 3749
pay the award or part of the award, the available funds shall be 3750
used to pay the award or part of the award, and the 3751
appropriation request shall be amended to request only 3752

sufficient funds to pay that part of the award that is unpaid. 3753

(C) The attorney general shall not make payment on a 3754
decision or order granting an award until all appeals have been 3755
determined and all rights to appeal exhausted, except as 3756
otherwise provided in this section. If any party to a claim for 3757
an award of reparations appeals from only a portion of an award, 3758
and a remaining portion provides for the payment of money by the 3759
state, that part of the award calling for the payment of money 3760
by the state and not a subject of the appeal shall be processed 3761
for payment as described in this section. 3762

(D) The attorney general shall prepare itemized bills for 3763
the costs of printing and distributing the pamphlet the attorney 3764
general prepares pursuant to section 109.42 of the Revised Code. 3765
The itemized bills shall set forth the name and address of the 3766
persons owed the amounts set forth in them. 3767

(E) Interest earned on the moneys in the fund shall be 3768
credited to the fund. 3769

(F) As used in this section, "DNA analysis" and "DNA 3770
specimen" have the same meanings as in section 109.573 of the 3771
Revised Code. 3772

Sec. 2743.56. (A) A claim for an award of reparations 3773
shall be commenced by filing an application for an award of 3774
reparations with the attorney general. The application may be 3775
filed by mail. If the application is filed by mail, the post- 3776
marked date of the application shall be considered the filing 3777
date of the application. The application shall be in a form 3778
prescribed by the attorney general and shall include a release 3779
authorizing the attorney general and the court of claims to 3780
obtain any report, document, or information that relates to the 3781

determination of the claim for an award of reparations that is 3782
requested in the application. 3783

(B) All applications for an award of reparations ~~shall~~may 3784
be filed ~~as follows:~~ 3785

~~(1) If the victim of the criminally injurious conduct was 3786
a minor, within two years of the victim's eighteenth birthday or 3787
within two years from the date a complaint, indictment, or 3788
information is filed against the alleged offender, whichever is 3789
later. This division does not require that a complaint, 3790
indictment, or information be filed against an alleged offender 3791
in order for an application for an award of reparations to be 3792
filed pertaining to a victim who was a minor if the application 3793
is filed within two years of the victim's eighteenth birthday, 3794
and does not affect the provisions of section 2743.64 of the 3795
Revised Code. 3796~~

~~(2) If the victim of the criminally injurious conduct was 3797
an adult, at any time after the occurrence of the criminally 3798
injurious conduct. 3799~~

Sec. 2743.71. (A) Any law enforcement agency that 3800
investigates, and any prosecuting attorney, city director of 3801
law, village solicitor, or similar prosecuting authority who 3802
prosecutes, an offense committed in this state shall, upon first 3803
contact with the victim or the victim's family or dependents, 3804
give the victim or the victim's family or dependents a copy of 3805
an information card or other printed material provided by the 3806
attorney general pursuant to division (B) of this section and 3807
explain, upon request, the information on the card or material 3808
to the victim or the victim's family or dependents. 3809

(B) The attorney general shall have printed, and shall 3810

provide to law enforcement agencies, prosecuting attorneys, city 3811
directors of law, village solicitors, and similar prosecuting 3812
authorities, cards or other materials that contain information 3813
explaining awards of reparations. The information on the cards 3814
or other materials shall include, but shall not be limited to, 3815
the following statements: 3816

(1) Awards of reparations are limited to losses that are 3817
caused by physical injury resulting from criminally injurious 3818
conduct; 3819

(2) Reparations applications ~~are required to~~ may be filed 3820
~~within the period provided by division (B)(1) of section 2743.56~~ 3821
~~of the Revised Code if the victim of~~ at any time after the 3822
occurrence of the criminally injurious conduct ~~was a minor;~~ 3823

(3) An attorney who represents an applicant for an award 3824
of reparations cannot charge the applicant for the services 3825
rendered in relation to that representation but is required to 3826
apply to the attorney general for payment for the 3827
representation; 3828

(4) Applications for awards of reparations may be obtained 3829
from the attorney general, law enforcement agencies, and victim 3830
assistance agencies and are to be filed with the attorney 3831
general. 3832

(C) The attorney general may order that a reasonable 3833
amount of money be paid out of the reparations fund, subject to 3834
the limitation imposed by division (D) of this section, for use 3835
by the attorney general to publicize the availability of awards 3836
of reparations. 3837

(D) During any fiscal year, the total expenditure for the 3838
printing and providing of information cards or other materials 3839

pursuant to division (B) of this section and for the publicizing 3840
of the availability of awards of reparations pursuant to 3841
division (C) of this section shall not exceed two per cent of 3842
the total of all court costs deposited, in accordance with 3843
section 2743.70 of the Revised Code, in the reparations fund 3844
during the immediately preceding fiscal year. 3845

Sec. 2746.02. A court of record of this state shall tax as 3846
costs or otherwise require the payment of fees for the following 3847
services rendered, as compensation for the following persons, or 3848
as part of the sentence imposed by the court, or any other of 3849
the following fees that are applicable in a particular case: 3850

(A) In a felony case, financial sanctions, as provided in 3851
section 2929.18 of the Revised Code; 3852

(B) In any criminal case, the costs of prosecution, as 3853
provided in section 2947.23 of the Revised Code; 3854

(C) In a misdemeanor case in which the offender is 3855
sentenced to a jail term, the local detention facility is 3856
covered by a policy adopted by the facility's governing 3857
authority requiring reimbursement for the costs of confinement, 3858
and the offender is presented with an itemized bill pursuant to 3859
section 2929.37 of the Revised Code for such costs, the costs of 3860
confinement, as provided in section 2929.24 of the Revised Code; 3861

(D) In a case in which an offender is sentenced for 3862
endangering children in violation of section 2919.22 of the 3863
Revised Code, the costs of the offender's supervised community 3864
service work, as provided in section 2919.22 of the Revised 3865
Code; 3866

(E) In a case in which a defendant is charged with any of 3867
certain sexual assault or prostitution-related offenses and is 3868

found to be suffering from a venereal disease in an infectious 3869
stage, the cost of medical treatment, as provided in section 3870
2907.27 of the Revised Code; 3871

(F) In a case in which a defendant is charged with 3872
harassment with a bodily substance, the cost of medical testing, 3873
as provided in section 2921.38 of the Revised Code; 3874

(G) In a case in which a defendant is charged with 3875
violating a protection order in violation of section 2919.27 of 3876
the Revised Code or of a municipal ordinance that is 3877
substantially similar to that section, the costs of any 3878
evaluation and preceding examination of the defendant, as 3879
provided in section 2919.271 of the Revised Code; 3880

(H) Presentence psychological or psychiatric reports, as 3881
provided in section 2947.06 of the Revised Code; 3882

(I) In a criminal proceeding, the taking of a deposition 3883
of a person who is imprisoned in a detention facility or state 3884
correctional institution within this state or who is in the 3885
custody of the department of youth services, as provided in 3886
section 2945.47 of the Revised Code; 3887

(J) In a case in which a person is convicted of or pleads 3888
guilty to any offense other than a parking violation or in which 3889
a child is found to be a delinquent child or a juvenile traffic 3890
offender for an act that, if committed by an adult, would be an 3891
offense other than a parking violation, additional costs and 3892
bail, if applicable, as provided in sections 2743.70 and 3893
2949.091 of the Revised Code, but subject to waiver as provided 3894
in section 2949.092 of the Revised Code; 3895

(K) In a case in which a person is convicted of or pleads 3896
guilty to a moving violation or in which a child is found to be 3897

a juvenile traffic offender for an act which, if committed by an adult, would be a moving violation, additional costs and bail, if applicable, as provided in sections 2949.093 and 2949.094 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

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

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

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

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

(3) In a case in which the court issues a protection order against an adult upon a petition alleging that the respondent committed menacing by stalking or a sexually oriented offense, as provided in section 2903.214 of the Revised Code;

(4) In a case in which an offender is convicted of violating a protection order, as provided in section 2919.27 of

the Revised Code; 3927

(5) In a case in which the offender is convicted of any 3928
sexually oriented offense and is a tier III sex offender/child- 3929
victim offender relative to that offense, as provided in section 3930
2929.13 of the Revised Code. 3931

(N) In a proceeding for post-conviction relief, a 3932
transcript, as provided in section 2953.21 of the Revised Code; 3933

(O) In a proceeding for the sealing of a conviction 3934
record, the ~~fee~~fees provided for in section 2953.32 of the 3935
Revised Code. 3936

Sec. 2901.01. (A) As used in the Revised Code: 3937

(1) "Force" means any violence, compulsion, or constraint 3938
physically exerted by any means upon or against a person or 3939
thing. 3940

(2) "Deadly force" means any force that carries a 3941
substantial risk that it will proximately result in the death of 3942
any person. 3943

(3) "Physical harm to persons" means any injury, illness, 3944
or other physiological impairment, regardless of its gravity or 3945
duration. 3946

(4) "Physical harm to property" means any tangible or 3947
intangible damage to property that, in any degree, results in 3948
loss to its value or interferes with its use or enjoyment. 3949
"Physical harm to property" does not include wear and tear 3950
occasioned by normal use. 3951

(5) "Serious physical harm to persons" means any of the 3952
following: 3953

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	3954 3955 3956
(b) Any physical harm that carries a substantial risk of death;	3957 3958
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	3959 3960 3961
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	3962 3963 3964
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	3965 3966 3967
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	3968 3969
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	3970 3971 3972
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	3973 3974 3975
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	3976 3977 3978
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may	3979 3980 3981

exist. 3982

(9) "Offense of violence" means any of the following: 3983

(a) A violation of section 2903.01, 2903.02, 2903.03, 3984
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 3985
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 3986
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 3987
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 3988
2921.34, or 2923.161, of division (A) (1) of section 2903.34, of 3989
division (A) (1), (2), or (3) of section 2911.12, or of division 3990
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 3991
or felonious sexual penetration in violation of former section 3992
2907.12 of the Revised Code; 3993

(b) A violation of an existing or former municipal 3994
ordinance or law of this or any other state or the United 3995
States, substantially equivalent to any section, division, or 3996
offense listed in division (A) (9) (a) of this section; 3997

(c) An offense, other than a traffic offense, under an 3998
existing or former municipal ordinance or law of this or any 3999
other state or the United States, committed purposely or 4000
knowingly, and involving physical harm to persons or a risk of 4001
serious physical harm to persons; 4002

(d) A conspiracy or attempt to commit, or complicity in 4003
committing, any offense under division (A) (9) (a), (b), or (c) of 4004
this section. 4005

(10) (a) "Property" means any property, real or personal, 4006
tangible or intangible, and any interest or license in that 4007
property. "Property" includes, but is not limited to, cable 4008
television service, other telecommunications service, 4009
telecommunications devices, information service, computers, 4010

data, computer software, financial instruments associated with 4011
computers, other documents associated with computers, or copies 4012
of the documents, whether in machine or human readable form, 4013
trade secrets, trademarks, copyrights, patents, and property 4014
protected by a trademark, copyright, or patent. "Financial 4015
instruments associated with computers" include, but are not 4016
limited to, checks, drafts, warrants, money orders, notes of 4017
indebtedness, certificates of deposit, letters of credit, bills 4018
of credit or debit cards, financial transaction authorization 4019
mechanisms, marketable securities, or any computer system 4020
representations of any of them. 4021

(b) As used in division (A) (10) of this section, "trade 4022
secret" has the same meaning as in section 1333.61 of the 4023
Revised Code, and "telecommunications service" and "information 4024
service" have the same meanings as in section 2913.01 of the 4025
Revised Code. 4026

(c) As used in divisions (A) (10) and (13) of this section, 4027
"cable television service," "computer," "computer software," 4028
"computer system," "computer network," "data," and 4029
"telecommunications device" have the same meanings as in section 4030
2913.01 of the Revised Code. 4031

(11) "Law enforcement officer" means any of the following: 4032

(a) A sheriff, deputy sheriff, constable, police officer 4033
of a township or joint police district, marshal, deputy marshal, 4034
municipal police officer, member of a police force employed by a 4035
metropolitan housing authority under division (D) of section 4036
3735.31 of the Revised Code, or state highway patrol trooper; 4037

(b) An officer, agent, or employee of the state or any of 4038
its agencies, instrumentalities, or political subdivisions, upon 4039

whom, by statute, a duty to conserve the peace or to enforce all 4040
or certain laws is imposed and the authority to arrest violators 4041
is conferred, within the limits of that statutory duty and 4042
authority; 4043

(c) A mayor, in the mayor's capacity as chief conservator 4044
of the peace within the mayor's municipal corporation; 4045

(d) A member of an auxiliary police force organized by 4046
county, township, or municipal law enforcement authorities, 4047
within the scope of the member's appointment or commission; 4048

(e) A person lawfully called pursuant to section 311.07 of 4049
the Revised Code to aid a sheriff in keeping the peace, for the 4050
purposes and during the time when the person is called; 4051

(f) A person appointed by a mayor pursuant to section 4052
737.01 of the Revised Code as a special patrolling officer 4053
during riot or emergency, for the purposes and during the time 4054
when the person is appointed; 4055

(g) A member of the organized militia of this state or the 4056
armed forces of the United States, lawfully called to duty to 4057
aid civil authorities in keeping the peace or protect against 4058
domestic violence; 4059

(h) A prosecuting attorney, assistant prosecuting 4060
attorney, secret service officer, or municipal prosecutor; 4061

(i) A veterans' home police officer appointed under 4062
section 5907.02 of the Revised Code; 4063

(j) A member of a police force employed by a regional 4064
transit authority under division (Y) of section 306.35 of the 4065
Revised Code; 4066

(k) A special police officer employed by a port authority 4067

under section 4582.04 or 4582.28 of the Revised Code; 4068

(l) The house of representatives sergeant at arms if the 4069
house of representatives sergeant at arms has arrest authority 4070
pursuant to division (E)(1) of section 101.311 of the Revised 4071
Code and an assistant house of representatives sergeant at arms; 4072

(m) The senate sergeant at arms and an assistant senate 4073
sergeant at arms; 4074

(n) A special police officer employed by a municipal 4075
corporation at a municipal airport, or other municipal air 4076
navigation facility, that has scheduled operations, as defined 4077
in section 119.3 of Title 14 of the Code of Federal Regulations, 4078
14 C.F.R. 119.3, as amended, and that is required to be under a 4079
security program and is governed by aviation security rules of 4080
the transportation security administration of the United States 4081
department of transportation as provided in Parts 1542. and 4082
1544. of Title 49 of the Code of Federal Regulations, as 4083
amended. 4084

(12) "Privilege" means an immunity, license, or right 4085
conferred by law, bestowed by express or implied grant, arising 4086
out of status, position, office, or relationship, or growing out 4087
of necessity. 4088

(13) "Contraband" means any property that is illegal for a 4089
person to acquire or possess under a statute, ordinance, or 4090
rule, or that a trier of fact lawfully determines to be illegal 4091
to possess by reason of the property's involvement in an 4092
offense. "Contraband" includes, but is not limited to, all of 4093
the following: 4094

(a) Any controlled substance, as defined in section 4095
3719.01 of the Revised Code, or any device or paraphernalia; 4096

(b) Any unlawful gambling device or paraphernalia; 4097

(c) Any dangerous ordnance or obscene material. 4098

(14) A person is "not guilty by reason of insanity" 4099
relative to a charge of an offense only if the person proves, in 4100
the manner specified in section 2901.05 of the Revised Code, 4101
that at the time of the commission of the offense, the person 4102
did not know, as a result of a severe mental disease or defect, 4103
the wrongfulness of the person's acts. 4104

(B) (1) (a) Subject to division (B) (2) of this section, as 4105
used in any section contained in Title XXIX of the Revised Code 4106
that sets forth a criminal offense, "person" includes all of the 4107
following: 4108

(i) An individual, corporation, business trust, estate, 4109
trust, partnership, and association; 4110

(ii) An unborn human who is viable. 4111

(b) As used in any section contained in Title XXIX of the 4112
Revised Code that does not set forth a criminal offense, 4113
"person" includes an individual, corporation, business trust, 4114
estate, trust, partnership, and association. 4115

(c) As used in division (B) (1) (a) of this section: 4116

(i) "Unborn human" means an individual organism of the 4117
species Homo sapiens from fertilization until live birth. 4118

(ii) "Viable" means the stage of development of a human 4119
fetus at which there is a realistic possibility of maintaining 4120
and nourishing of a life outside the womb with or without 4121
temporary artificial life-sustaining support. 4122

(2) Notwithstanding division (B) (1) (a) of this section, in 4123

no case shall the portion of the definition of the term "person" 4124
that is set forth in division (B) (1) (a) (ii) of this section be 4125
applied or construed in any section contained in Title XXIX of 4126
the Revised Code that sets forth a criminal offense in any of 4127
the following manners: 4128

(a) Except as otherwise provided in division (B) (2) (a) of 4129
this section, in a manner so that the offense prohibits or is 4130
construed as prohibiting any pregnant woman or her physician 4131
from performing an abortion with the consent of the pregnant 4132
woman, with the consent of the pregnant woman implied by law in 4133
a medical emergency, or with the approval of one otherwise 4134
authorized by law to consent to medical treatment on behalf of 4135
the pregnant woman. An abortion that violates the conditions 4136
described in the immediately preceding sentence may be punished 4137
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4138
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 4139
2903.21, or 2903.22 of the Revised Code, as applicable. An 4140
abortion that does not violate the conditions described in the 4141
second immediately preceding sentence, but that does violate 4142
section 2919.12, division (B) of section 2919.13, or section 4143
2919.151, 2919.17, or 2919.18 of the Revised Code, may be 4144
punished as a violation of section 2919.12, division (B) of 4145
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 4146
Revised Code, as applicable. Consent is sufficient under this 4147
division if it is of the type otherwise adequate to permit 4148
medical treatment to the pregnant woman, even if it does not 4149
comply with section 2919.12 of the Revised Code. 4150

(b) In a manner so that the offense is applied or is 4151
construed as applying to a woman based on an act or omission of 4152
the woman that occurs while she is or was pregnant and that 4153
results in any of the following: 4154

(i) Her delivery of a stillborn baby;	4155
(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;	4156 4157
(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;	4158 4159 4160
(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;	4161 4162
(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.	4163 4164 4165 4166 4167
(C) As used in Title XXIX of the Revised Code:	4168
(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.	4169 4170
(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.	4171 4172 4173
(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.	4174 4175 4176 4177 4178 4179 4180 4181
(4) "School bus" has the same meaning as in section	4182

4511.01 of the Revised Code. 4183

Sec. 2923.02. (A) No person, purposely or knowingly, and 4184
when purpose or knowledge is sufficient culpability for the 4185
commission of an offense, shall engage in conduct that, if 4186
successful, would constitute or result in the offense. 4187

(B) It is no defense to a charge under this section that, 4188
in retrospect, commission of the offense that was the object of 4189
the attempt was either factually or legally impossible under the 4190
attendant circumstances, if that offense could have been 4191
committed had the attendant circumstances been as the actor 4192
believed them to be. 4193

(C) No person who is convicted of committing a specific 4194
offense, of complicity in the commission of an offense, or of 4195
conspiracy to commit an offense shall be convicted of an attempt 4196
to commit the same offense in violation of this section. 4197

(D) It is an affirmative defense to a charge under this 4198
section that the actor abandoned the actor's effort to commit 4199
the offense or otherwise prevented its commission, under 4200
circumstances manifesting a complete and voluntary renunciation 4201
of the actor's criminal purpose. 4202

(E) (1) Whoever violates this section is guilty of an 4203
attempt to commit an offense. An attempt to commit aggravated 4204
murder, murder, or an offense for which the maximum penalty is 4205
imprisonment for life is a felony of the first degree. An 4206
attempt to commit a drug abuse offense for which the penalty is 4207
determined by the amount or number of unit doses of the 4208
controlled substance involved in the drug abuse offense is an 4209
offense of the same degree as the drug abuse offense attempted 4210
would be if that drug abuse offense had been committed and had 4211

involved an amount or number of unit doses of the controlled 4212
substance that is within the next lower range of controlled 4213
substance amounts than was involved in the attempt. An attempt 4214
to commit any other offense is an offense of the next lesser 4215
degree than the offense attempted. In the case of an attempt to 4216
commit an offense other than a violation of Chapter 3734. of the 4217
Revised Code that is not specifically classified, an attempt is 4218
a misdemeanor of the first degree if the offense attempted is a 4219
felony, and a misdemeanor of the fourth degree if the offense 4220
attempted is a misdemeanor. In the case of an attempt to commit 4221
a violation of any provision of Chapter 3734. of the Revised 4222
Code, other than section 3734.18 of the Revised Code, ~~that~~ 4223
~~relates to hazardous wastes,~~ an attempt is a felony punishable 4224
by a fine of not more than twenty-five thousand dollars or 4225
imprisonment for not more than eighteen months, or both. An 4226
attempt to commit a minor misdemeanor, or to engage in 4227
conspiracy, is not an offense under this section. 4228

(2) If a person is convicted of or pleads guilty to 4229
attempted rape and also is convicted of or pleads guilty to a 4230
specification of the type described in section 2941.1418, 4231
2941.1419, or 2941.1420 of the Revised Code, the offender shall 4232
be sentenced to a prison term or term of life imprisonment 4233
pursuant to section 2971.03 of the Revised Code. 4234

(3) In addition to any other sanctions imposed pursuant to 4235
division (E)(1) of this section for an attempt to commit 4236
aggravated murder or murder in violation of division (A) of this 4237
section, if the offender used a motor vehicle as the means to 4238
attempt to commit the offense, the court shall impose upon the 4239
offender a class two suspension of the offender's driver's 4240
license, commercial driver's license, temporary instruction 4241
permit, probationary license, or nonresident operating privilege 4242

as specified in division (A) (2) of section 4510.02 of the Revised Code. 4243
4244

(F) As used in this section: 4245

(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 4246
4247

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 4248
4249

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code: 4250
4251

(A) "Beneficial interest" means any of the following: 4252

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 4253
4254
4255

(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 4256
4257
4258

(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 4259
4260
4261
4262

"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership. 4263
4264
4265

(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and 4266
4267
4268
4269

investigation of any criminal action or in the litigation and 4270
investigation of any civil action, and includes, but is not 4271
limited to, the costs of resources and personnel. 4272

(C) "Enterprise" includes any individual, sole 4273
proprietorship, partnership, limited partnership, corporation, 4274
trust, union, government agency, or other legal entity, or any 4275
organization, association, or group of persons associated in 4276
fact although not a legal entity. "Enterprise" includes illicit 4277
as well as licit enterprises. 4278

(D) "Innocent person" includes any bona fide purchaser of 4279
property that is allegedly involved in a violation of section 4280
2923.32 of the Revised Code, including any person who 4281
establishes a valid claim to or interest in the property in 4282
accordance with division (E) of section 2981.04 of the Revised 4283
Code, and any victim of an alleged violation of that section or 4284
of any underlying offense involved in an alleged violation of 4285
that section. 4286

(E) "Pattern of corrupt activity" means two or more 4287
incidents of corrupt activity, whether or not there has been a 4288
prior conviction, that are related to the affairs of the same 4289
enterprise, are not isolated, and are not so closely related to 4290
each other and connected in time and place that they constitute 4291
a single event. 4292

At least one of the incidents forming the pattern shall 4293
occur on or after January 1, 1986. Unless any incident was an 4294
aggravated murder or murder, the last of the incidents forming 4295
the pattern shall occur within six years after the commission of 4296
any prior incident forming the pattern, excluding any period of 4297
imprisonment served by any person engaging in the corrupt 4298
activity. 4299

For the purposes of the criminal penalties that may be 4300
imposed pursuant to section 2923.32 of the Revised Code, at 4301
least one of the incidents forming the pattern shall constitute 4302
a felony under the laws of this state in existence at the time 4303
it was committed or, if committed in violation of the laws of 4304
the United States or of any other state, shall constitute a 4305
felony under the law of the United States or the other state and 4306
would be a criminal offense under the law of this state if 4307
committed in this state. 4308

(F) "Pecuniary value" means money, a negotiable 4309
instrument, a commercial interest, or anything of value, as 4310
defined in section 1.03 of the Revised Code, or any other 4311
property or service that has a value in excess of one hundred 4312
dollars. 4313

(G) "Person" means any person, as defined in section 1.59 4314
of the Revised Code, and any governmental officer, employee, or 4315
entity. 4316

(H) "Personal property" means any personal property, any 4317
interest in personal property, or any right, including, but not 4318
limited to, bank accounts, debts, corporate stocks, patents, or 4319
copyrights. Personal property and any beneficial interest in 4320
personal property are deemed to be located where the trustee of 4321
the property, the personal property, or the instrument 4322
evidencing the right is located. 4323

(I) "Corrupt activity" means engaging in, attempting to 4324
engage in, conspiring to engage in, or soliciting, coercing, or 4325
intimidating another person to engage in any of the following: 4326

(1) Conduct defined as "racketeering activity" under the 4327
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 4328

1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 4329

(2) Conduct constituting any of the following: 4330

(a) A violation of section 1315.55, 1322.02, 1331.04, 4331
2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 4332
2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I) 4333
(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 4334
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 4335
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 4336
2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 4337
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 4338
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 4339
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 4340
or (F) of section 1707.44; division (A)(1) or (2) of section 4341
2923.20; division (E) or (G) of section 3772.99; division (J)(1) 4342
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 4343
division (C), (D), or (E) of section 4719.07; section 4719.08; 4344
or division (A) of section 4719.09 of the Revised Code. 4345

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 4346
3769.19 of the Revised Code as it existed prior to July 1, 1996, 4347
any violation of section 2915.02 of the Revised Code that occurs 4348
on or after July 1, 1996, and that, had it occurred prior to 4349
that date, would have been a violation of section 3769.11 of the 4350
Revised Code as it existed prior to that date, or any violation 4351
of section 2915.05 of the Revised Code that occurs on or after 4352
July 1, 1996, and that, had it occurred prior to that date, 4353
would have been a violation of section 3769.15, 3769.16, or 4354
3769.19 of the Revised Code as it existed prior to that date. 4355

(c) Any violation of section 2907.21, 2907.22, 2907.31, 4356
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 4357
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 4358

of the Revised Code, any violation of section 2925.11 of the 4359
Revised Code that is a felony of the first, second, third, or 4360
fourth degree and that occurs on or after July 1, 1996, any 4361
violation of section 2915.02 of the Revised Code that occurred 4362
prior to July 1, 1996, any violation of section 2915.02 of the 4363
Revised Code that occurs on or after July 1, 1996, and that, had 4364
it occurred prior to that date, would not have been a violation 4365
of section 3769.11 of the Revised Code as it existed prior to 4366
that date, any violation of section 2915.06 of the Revised Code 4367
as it existed prior to July 1, 1996, or any violation of 4368
division (B) of section 2915.05 of the Revised Code as it exists 4369
on and after July 1, 1996, when the proceeds of the violation, 4370
the payments made in the violation, the amount of a claim for 4371
payment or for any other benefit that is false or deceptive and 4372
that is involved in the violation, or the value of the 4373
contraband or other property illegally possessed, sold, or 4374
purchased in the violation exceeds one thousand dollars, or any 4375
combination of violations described in division (I) (2) (c) of 4376
this section when the total proceeds of the combination of 4377
violations, payments made in the combination of violations, 4378
amount of the claims for payment or for other benefits that is 4379
false or deceptive and that is involved in the combination of 4380
violations, or value of the contraband or other property 4381
illegally possessed, sold, or purchased in the combination of 4382
violations exceeds one thousand dollars; 4383

(d) Any violation of section 5743.112 of the Revised Code 4384
when the amount of unpaid tax exceeds one hundred dollars; 4385

(e) Any violation or combination of violations of section 4386
2907.32 of the Revised Code involving any material or 4387
performance containing a display of bestiality or of sexual 4388
conduct, as defined in section 2907.01 of the Revised Code, that 4389

is explicit and depicted with clearly visible penetration of the 4390
genitals or clearly visible penetration by the penis of any 4391
orifice when the total proceeds of the violation or combination 4392
of violations, the payments made in the violation or combination 4393
of violations, or the value of the contraband or other property 4394
illegally possessed, sold, or purchased in the violation or 4395
combination of violations exceeds one thousand dollars; 4396

(f) Any combination of violations described in division 4397
(I) (2) (c) of this section and violations of section 2907.32 of 4398
the Revised Code involving any material or performance 4399
containing a display of bestiality or of sexual conduct, as 4400
defined in section 2907.01 of the Revised Code, that is explicit 4401
and depicted with clearly visible penetration of the genitals or 4402
clearly visible penetration by the penis of any orifice when the 4403
total proceeds of the combination of violations, payments made 4404
in the combination of violations, amount of the claims for 4405
payment or for other benefits that is false or deceptive and 4406
that is involved in the combination of violations, or value of 4407
the contraband or other property illegally possessed, sold, or 4408
purchased in the combination of violations exceeds one thousand 4409
dollars; 4410

(g) Any violation of section 2905.32 of the Revised Code 4411
to the extent the violation is not based solely on the same 4412
conduct that constitutes corrupt activity pursuant to division 4413
(I) (2) (c) of this section due to the conduct being in violation 4414
of section 2907.21 of the Revised Code; 4415

(h) Any violation of section 3734.02, 3734.03, 3734.05, or 4416
3734.11 of the Revised Code that is a felony. 4417

(3) Conduct constituting a violation of any law of any 4418
state other than this state that is substantially similar to the 4419

conduct described in division (I) (2) of this section, provided 4420
the defendant was convicted of the conduct in a criminal 4421
proceeding in the other state; 4422

(4) Animal or ecological terrorism; 4423

(5) (a) Conduct constituting any of the following: 4424

(i) Organized retail theft; 4425

(ii) Conduct that constitutes one or more violations of 4426
any law of any state other than this state, that is 4427
substantially similar to organized retail theft, and that if 4428
committed in this state would be organized retail theft, if the 4429
defendant was convicted of or pleaded guilty to the conduct in a 4430
criminal proceeding in the other state. 4431

(b) By enacting division (I) (5) (a) of this section, it is 4432
the intent of the general assembly to add organized retail theft 4433
and the conduct described in division (I) (5) (a) (ii) of this 4434
section as conduct constituting corrupt activity. The enactment 4435
of division (I) (5) (a) of this section and the addition by 4436
division (I) (5) (a) of this section of organized retail theft and 4437
the conduct described in division (I) (5) (a) (ii) of this section 4438
as conduct constituting corrupt activity does not limit or 4439
preclude, and shall not be construed as limiting or precluding, 4440
any prosecution for a violation of section 2923.32 of the 4441
Revised Code that is based on one or more violations of section 4442
2913.02 or 2913.51 of the Revised Code, one or more similar 4443
offenses under the laws of this state or any other state, or any 4444
combination of any of those violations or similar offenses, even 4445
though the conduct constituting the basis for those violations 4446
or offenses could be construed as also constituting organized 4447
retail theft or conduct of the type described in division (I) (5) 4448

(a) (ii) of this section. 4449

(J) "Real property" means any real property or any 4450
interest in real property, including, but not limited to, any 4451
lease of, or mortgage upon, real property. Real property and any 4452
beneficial interest in it is deemed to be located where the real 4453
property is located. 4454

(K) "Trustee" means any of the following: 4455

(1) Any person acting as trustee under a trust in which 4456
the trustee holds title to personal or real property; 4457

(2) Any person who holds title to personal or real 4458
property for which any other person has a beneficial interest; 4459

(3) Any successor trustee. 4460

"Trustee" does not include an assignee or trustee for an 4461
insolvent debtor or an executor, administrator, administrator 4462
with the will annexed, testamentary trustee, guardian, or 4463
committee, appointed by, under the control of, or accountable to 4464
a court. 4465

(L) "Unlawful debt" means any money or other thing of 4466
value constituting principal or interest of a debt that is 4467
legally unenforceable in this state in whole or in part because 4468
the debt was incurred or contracted in violation of any federal 4469
or state law relating to the business of gambling activity or 4470
relating to the business of lending money at an usurious rate 4471
unless the creditor proves, by a preponderance of the evidence, 4472
that the usurious rate was not intentionally set and that it 4473
resulted from a good faith error by the creditor, 4474
notwithstanding the maintenance of procedures that were adopted 4475
by the creditor to avoid an error of that nature. 4476

(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to, hunting, fishing, trapping, traveling, camping, the production, preparation, or processing of food or food products, clothing or garment manufacturing, medical research, other research, entertainment, recreation, agriculture, biotechnology, or service activity that involves the use of animals or animal parts.

(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

(O) "Animal or ecological terrorism" means the commission of any felony that involves causing or creating a substantial risk of physical harm to any property of another, the use of a deadly weapon or dangerous ordnance, or purposely, knowingly, or recklessly causing serious physical harm to property and that involves an intent to obstruct, impede, or deter any person from participating in a lawful animal activity, from mining, foresting, harvesting, gathering, or processing natural resources, or from being lawfully present in or on an animal facility or research facility.

(P) "Research facility" means a place, laboratory, institution, medical care facility, government facility, or public or private educational institution in which a scientific test, experiment, or investigation involving the use of animals or other living organisms is lawfully carried out, conducted, or attempted.

(Q) "Organized retail theft" means the theft of retail property with a retail value of one thousand dollars or more from one or more retail establishments with the intent to sell, deliver, or transfer that property to a retail property fence.

(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.

(S) "Retail property fence" means a person who possesses, procures, receives, or conceals retail property that was represented to the person as being stolen or that the person knows or believes to be stolen.

(T) "Retail value" means the full retail value of the retail property. In determining whether the retail value of retail property equals or exceeds one thousand dollars, the value of all retail property stolen from the retail establishment or retail establishments by the same person or persons within any one-hundred-eighty-day period shall be aggregated.

Sec. 2923.32. (A) (1) No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt.

(2) No person, through a pattern of corrupt activity or the collection of an unlawful debt, shall acquire or maintain, directly or indirectly, any interest in, or control of, any enterprise or real property.

(3) No person, who knowingly has received any proceeds derived, directly or indirectly, from a pattern of corrupt activity or the collection of any unlawful debt, shall use or

invest, directly or indirectly, any part of those proceeds, or 4536
any proceeds derived from the use or investment of any of those 4537
proceeds, in the acquisition of any title to, or any right, 4538
interest, or equity in, real property or in the establishment or 4539
operation of any enterprise. 4540

A purchase of securities on the open market with intent to 4541
make an investment, without intent to control or participate in 4542
the control of the issuer, and without intent to assist another 4543
to do so is not a violation of this division, if the securities 4544
of the issuer held after the purchase by the purchaser, the 4545
members of the purchaser's immediate family, and the purchaser's 4546
or the immediate family members' accomplices in any pattern of 4547
corrupt activity or the collection of an unlawful debt do not 4548
aggregate one per cent of the outstanding securities of any one 4549
class of the issuer and do not confer, in law or in fact, the 4550
power to elect one or more directors of the issuer. 4551

(B) (1) Whoever violates this section is guilty of engaging 4552
in a pattern of corrupt activity. Except as otherwise provided 4553
in this division, engaging in corrupt activity is a felony of 4554
the second degree. Except as otherwise provided in this 4555
division, if at least one of the incidents of corrupt activity 4556
is a felony of the first, second, or third degree, aggravated 4557
murder, or murder, if at least one of the incidents was a felony 4558
under the law of this state that was committed prior to July 1, 4559
1996, and that would constitute a felony of the first, second, 4560
or third degree, aggravated murder, or murder if committed on or 4561
after July 1, 1996, or if at least one of the incidents of 4562
corrupt activity is a felony under the law of the United States 4563
or of another state that, if committed in this state on or after 4564
July 1, 1996, would constitute a felony of the first, second, or 4565
third degree, aggravated murder, or murder under the law of this 4566

state, engaging in a pattern of corrupt activity is a felony of 4567
the first degree. If the offender also is convicted of or pleads 4568
guilty to a specification as described in section 2941.1422 of 4569
the Revised Code that was included in the indictment, count in 4570
the indictment, or information charging the offense, engaging in 4571
a pattern of corrupt activity is a felony of the first degree, 4572
and the court shall sentence the offender to a mandatory prison 4573
term as provided in division (B) (7) of section 2929.14 of the 4574
Revised Code and shall order the offender to make restitution as 4575
provided in division (B) (8) of section 2929.18 of the Revised 4576
Code. Notwithstanding any other provision of law, a person may 4577
be convicted of violating the provisions of this section as well 4578
as of a conspiracy to violate one or more of those provisions 4579
under section 2923.01 of the Revised Code. 4580

(2) (a) Notwithstanding the financial sanctions authorized 4581
by section 2929.18 of the Revised Code, the court may do all of 4582
the following with respect to any person who derives pecuniary 4583
value or causes property damage, personal injury other than pain 4584
and suffering, or other loss through or by the violation of this 4585
section: 4586

~~(a)~~ (i) In lieu of the fine authorized by that section, 4587
impose a fine not exceeding the greater of three times the gross 4588
value gained or three times the gross loss caused and order the 4589
clerk of the court to pay the fine into the state treasury to 4590
the credit of the corrupt activity investigation and prosecution 4591
fund, which is hereby created; 4592

~~(b)~~ (ii) In addition to the fine described in division (B) 4593
(2) (a) of this section and the financial sanctions authorized by 4594
section 2929.18 of the Revised Code, order the person to pay 4595
court costs; 4596

~~(e)~~ (iii) In addition to the fine described in division (B) 4597
(2) (a) (i) of this section and the financial sanctions authorized 4598
by section 2929.18 of the Revised Code, order the person to pay 4599
to the state, municipal, or county law enforcement agencies that 4600
handled the investigation and prosecution the costs of 4601
investigation and prosecution that are reasonably incurred. 4602

(b) The court shall hold a hearing to determine the amount 4603
of fine, court costs, and other costs to be imposed under ~~this~~ 4604
division (B) (2) of this section. 4605

(c) The court shall not impose the fine authorized by 4606
division (B) (2) (a) (i) of this section for an incident of corrupt 4607
activity that is predicated on a violation of section 1331.04 of 4608
the Revised Code. 4609

(3) In addition to any other penalty or disposition 4610
authorized or required by law, the court shall order any person 4611
who is convicted of or pleads guilty to a violation of this 4612
section or who is adjudicated delinquent by reason of a 4613
violation of this section to criminally forfeit to the state 4614
under Chapter 2981. of the Revised Code any personal or real 4615
property in which the person has an interest and that was used 4616
in the course of or intended for use in the course of a 4617
violation of this section, or that was derived from or realized 4618
through conduct in violation of this section, including any 4619
property constituting an interest in, means of control over, or 4620
influence over the enterprise involved in the violation and any 4621
property constituting proceeds derived from the violation, 4622
including all of the following: 4623

(a) Any position, office, appointment, tenure, commission, 4624
or employment contract of any kind acquired or maintained by the 4625
person in violation of this section, through which the person, 4626

in violation of this section, conducted or participated in the 4627
conduct of an enterprise, or that afforded the person a source 4628
of influence or control over an enterprise that the person 4629
exercised in violation of this section; 4630

(b) Any compensation, right, or benefit derived from a 4631
position, office, appointment, tenure, commission, or employment 4632
contract described in division (B) (3) (a) of this section that 4633
accrued to the person in violation of this section during the 4634
period of the pattern of corrupt activity; 4635

(c) Any interest in, security of, claim against, or 4636
property or contractual right affording the person a source of 4637
influence or control over the affairs of an enterprise that the 4638
person exercised in violation of this section; 4639

(d) Any amount payable or paid under any contract for 4640
goods or services that was awarded or performed in violation of 4641
this section. 4642

Sec. 2945.63. (A) As used in this section: 4643

(1) "Child pornography" means any obscene material 4644
involving a juvenile, any sexually oriented matter involving a 4645
juvenile, or any material that is harmful to juveniles. 4646

(2) "Juvenile," "harmful to juveniles," "material," and 4647
"performance" have the same meanings as in section 2907.01 of 4648
the Revised Code. 4649

(3) "Sexually oriented matter" has the same meaning as in 4650
section 2919.22 of the Revised Code. 4651

(B) Any child pornography that is offered as evidence or 4652
that comes into the custody or control of the prosecutor or the 4653
court shall remain in the custody or control of the prosecutor 4654

or the court.

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(C) Notwithstanding Rule 16 of the Rules of Criminal Procedure, the court in a criminal proceeding shall deny any request by the defendant to photocopy, photograph, or otherwise reproduce any child pornography if the prosecutor gives the defendant, the defendant's attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial ample opportunity to examine the child pornography at the place where the prosecutor or the court is holding the child pornography.

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Sec. 2953.32. (A) (1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction. Application may be made at the expiration of three years after the offender's final discharge if convicted of a felony, or at the expiration of one year after the offender's final discharge if convicted of a misdemeanor.

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(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at any time after the expiration of one year from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

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(B) Upon the filing of an application under this section,

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the court shall set a date for a hearing and shall notify the 4685
prosecutor for the case of the hearing on the application. The 4686
prosecutor may object to the granting of the application by 4687
filing an objection with the court prior to the date set for the 4688
hearing. The prosecutor shall specify in the objection the 4689
reasons for believing a denial of the application is justified. 4690
The court shall direct its regular probation officer, a state 4691
probation officer, or the department of probation of the county 4692
in which the applicant resides to make inquiries and written 4693
reports as the court requires concerning the applicant. If the 4694
applicant was convicted of or pleaded guilty to a violation of 4695
division (A) (2) or (B) of section 2919.21 of the Revised Code, 4696
the probation officer or county department of probation that the 4697
court directed to make inquiries concerning the applicant shall 4698
contact the child support enforcement agency enforcing the 4699
applicant's obligations under the child support order to inquire 4700
about the offender's compliance with the child support order. 4701

(C) (1) The court shall do each of the following: 4702

(a) Determine whether the applicant is an eligible 4703
offender or whether the forfeiture of bail was agreed to by the 4704
applicant and the prosecutor in the case. If the applicant 4705
applies as an eligible offender pursuant to division (A) (1) of 4706
this section and has two or three convictions that result from 4707
the same indictment, information, or complaint, from the same 4708
plea of guilty, or from the same official proceeding, and result 4709
from related criminal acts that were committed within a three- 4710
month period but do not result from the same act or from 4711
offenses committed at the same time, in making its determination 4712
under this division, the court initially shall determine whether 4713
it is not in the public interest for the two or three 4714
convictions to be counted as one conviction. If the court 4715

determines that it is not in the public interest for the two or 4716
three convictions to be counted as one conviction, the court 4717
shall determine that the applicant is not an eligible offender; 4718
if the court does not make that determination, the court shall 4719
determine that the offender is an eligible offender. 4720

(b) Determine whether criminal proceedings are pending 4721
against the applicant; 4722

(c) If the applicant is an eligible offender who applies 4723
pursuant to division (A)(1) of this section, determine whether 4724
the applicant has been rehabilitated to the satisfaction of the 4725
court; 4726

(d) If the prosecutor has filed an objection in accordance 4727
with division (B) of this section, consider the reasons against 4728
granting the application specified by the prosecutor in the 4729
objection; 4730

(e) Weigh the interests of the applicant in having the 4731
records pertaining to the applicant's conviction or bail 4732
forfeiture sealed against the legitimate needs, if any, of the 4733
government to maintain those records. 4734

(2) If the court determines, after complying with division 4735
(C)(1) of this section, that the applicant is an eligible 4736
offender or the subject of a bail forfeiture, that no criminal 4737
proceeding is pending against the applicant, and that the 4738
interests of the applicant in having the records pertaining to 4739
the applicant's conviction or bail forfeiture sealed are not 4740
outweighed by any legitimate governmental needs to maintain 4741
those records, and that the rehabilitation of an applicant who 4742
is an eligible offender applying pursuant to division (A)(1) of 4743
this section has been attained to the satisfaction of the court, 4744

the court, except as provided in divisions (G), (H), or (I) of 4745
this section, shall order all official records of the case that 4746
pertain to the conviction or bail forfeiture sealed and, except 4747
as provided in division (F) of this section, all index 4748
references to the case that pertain to the conviction or bail 4749
forfeiture deleted and, in the case of bail forfeitures, shall 4750
dismiss the charges in the case. The proceedings in the case 4751
that pertain to the conviction or bail forfeiture shall be 4752
considered not to have occurred and the conviction or bail 4753
forfeiture of the person who is the subject of the proceedings 4754
shall be sealed, except that upon conviction of a subsequent 4755
offense, the sealed record of prior conviction or bail 4756
forfeiture may be considered by the court in determining the 4757
sentence or other appropriate disposition, including the relief 4758
provided for in sections 2953.31 to 2953.33 of the Revised Code. 4759

(3) An applicant may request the sealing of the records of 4760
more than one case in a single application under this section. 4761
Upon the filing of an application under this section, the 4762
applicant, unless indigent, shall pay a fee of fifty dollars, 4763
regardless of the number of records the application requests to 4764
have sealed. The court shall pay thirty dollars of the fee into 4765
the state treasury. It shall pay twenty dollars of the fee into 4766
the county general revenue fund if the sealed conviction or bail 4767
forfeiture was pursuant to a state statute, or into the general 4768
revenue fund of the municipal corporation involved if the sealed 4769
conviction or bail forfeiture was pursuant to a municipal 4770
ordinance. 4771

(4) Upon the filing of an application under this section, 4772
the applicant, unless indigent, shall pay a fee that is in 4773
addition to the fee paid under division (C) (3) of this section 4774
and that is established by the attorney general by rules adopted 4775

pursuant to Chapter 119. of the Revised Code. The court shall 4776
pay the fee into the attorney general reimbursement fund. The 4777
court shall not waive the fee unless the court waives all other 4778
fees imposed under this section. 4779

(5) If the court orders the official records pertaining to 4780
the case sealed, the court shall order the applicant to appear 4781
before a sheriff to have the applicant's fingerprints taken 4782
according to the fingerprint system of identification on the 4783
forms furnished by the superintendent of the bureau of criminal 4784
identification and investigation. The sheriff shall forward the 4785
applicant's fingerprints to the court. The court shall forward 4786
the applicant's fingerprints and a copy of the sealing order to 4787
the bureau of criminal identification and investigation. 4788

(D) Inspection of the sealed records included in the order 4789
may be made only by the following persons or for the following 4790
purposes: 4791

(1) By a law enforcement officer or prosecutor, or the 4792
assistants of either, to determine whether the nature and 4793
character of the offense with which a person is to be charged 4794
would be affected by virtue of the person's previously having 4795
been convicted of a crime; 4796

(2) By the parole or probation officer of the person who 4797
is the subject of the records, for the exclusive use of the 4798
officer in supervising the person while on parole or under a 4799
community control sanction or a post-release control sanction, 4800
and in making inquiries and written reports as requested by the 4801
court or adult parole authority; 4802

(3) Upon application by the person who is the subject of 4803
the records, by the persons named in the application; 4804

(4) By a law enforcement officer who was involved in the 4805
case, for use in the officer's defense of a civil action arising 4806
out of the officer's involvement in that case; 4807

(5) By a prosecuting attorney or the prosecuting 4808
attorney's assistants, to determine a defendant's eligibility to 4809
enter a pre-trial diversion program established pursuant to 4810
section 2935.36 of the Revised Code; 4811

(6) By any law enforcement agency or any authorized 4812
employee of a law enforcement agency or by the department of 4813
rehabilitation and correction or department of youth services as 4814
part of a background investigation of a person who applies for 4815
employment with the agency ~~as a law enforcement officer~~ or with 4816
the department ~~as a corrections officer~~; 4817

(7) By any law enforcement agency or any authorized 4818
employee of a law enforcement agency, for the purposes set forth 4819
in, and in the manner provided in, section 2953.321 of the 4820
Revised Code; 4821

(8) By the bureau of criminal identification and 4822
investigation or any authorized employee of the bureau for the 4823
purpose of providing information to a board or person pursuant 4824
to division (F) or (G) of section 109.57 of the Revised Code; 4825

(9) By the bureau of criminal identification and 4826
investigation or any authorized employee of the bureau for the 4827
purpose of performing a criminal history records check on a 4828
person to whom a certificate as prescribed in section 109.77 of 4829
the Revised Code is to be awarded; 4830

(10) By the bureau of criminal identification and 4831
investigation or any authorized employee of the bureau for the 4832
purpose of conducting a criminal records check of an individual 4833

pursuant to division (B) of section 109.572 of the Revised Code 4834
that was requested pursuant to any of the sections identified in 4835
division (B)(1) of that section; 4836

(11) By the bureau of criminal identification and 4837
investigation, an authorized employee of the bureau, a sheriff, 4838
or an authorized employee of a sheriff in connection with a 4839
criminal records check described in section 311.41 of the 4840
Revised Code; 4841

(12) By the attorney general or an authorized employee of 4842
the attorney general or a court for purposes of determining a 4843
person's classification pursuant to Chapter 2950. of the Revised 4844
Code; 4845

(13) By a court, the registrar of motor vehicles, a 4846
prosecuting attorney or the prosecuting attorney's assistants, 4847
or a law enforcement officer for the purpose of assessing points 4848
against a person under section 4510.036 of the Revised Code or 4849
for taking action with regard to points assessed. 4850

When the nature and character of the offense with which a 4851
person is to be charged would be affected by the information, it 4852
may be used for the purpose of charging the person with an 4853
offense. 4854

(E) In any criminal proceeding, proof of any otherwise 4855
admissible prior conviction may be introduced and proved, 4856
notwithstanding the fact that for any such prior conviction an 4857
order of sealing previously was issued pursuant to sections 4858
2953.31 to 2953.36 of the Revised Code. 4859

(F) The person or governmental agency, office, or 4860
department that maintains sealed records pertaining to 4861
convictions or bail forfeitures that have been sealed pursuant 4862

to this section may maintain a manual or computerized index to 4863
the sealed records. The index shall contain only the name of, 4864
and alphanumeric identifiers that relate to, the persons who are 4865
the subject of the sealed records, the word "sealed," and the 4866
name of the person, agency, office, or department that has 4867
custody of the sealed records, and shall not contain the name of 4868
the crime committed. The index shall be made available by the 4869
person who has custody of the sealed records only for the 4870
purposes set forth in divisions (C), (D), and (E) of this 4871
section. 4872

(G) Notwithstanding any provision of this section or 4873
section 2953.33 of the Revised Code that requires otherwise, a 4874
board of education of a city, local, exempted village, or joint 4875
vocational school district that maintains records of an 4876
individual who has been permanently excluded under sections 4877
3301.121 and 3313.662 of the Revised Code is permitted to 4878
maintain records regarding a conviction that was used as the 4879
basis for the individual's permanent exclusion, regardless of a 4880
court order to seal the record. An order issued under this 4881
section to seal the record of a conviction does not revoke the 4882
adjudication order of the superintendent of public instruction 4883
to permanently exclude the individual who is the subject of the 4884
sealing order. An order issued under this section to seal the 4885
record of a conviction of an individual may be presented to a 4886
district superintendent as evidence to support the contention 4887
that the superintendent should recommend that the permanent 4888
exclusion of the individual who is the subject of the sealing 4889
order be revoked. Except as otherwise authorized by this 4890
division and sections 3301.121 and 3313.662 of the Revised Code, 4891
any school employee in possession of or having access to the 4892
sealed conviction records of an individual that were the basis 4893

of a permanent exclusion of the individual is subject to section 4894
2953.35 of the Revised Code. 4895

(H) For purposes of sections 2953.31 to 2953.36 of the 4896
Revised Code, DNA records collected in the DNA database and 4897
fingerprints filed for record by the superintendent of the 4898
bureau of criminal identification and investigation shall not be 4899
sealed unless the superintendent receives a certified copy of a 4900
final court order establishing that the offender's conviction 4901
has been overturned. For purposes of this section, a court order 4902
is not "final" if time remains for an appeal or application for 4903
discretionary review with respect to the order. 4904

(I) The sealing of a record under this section does not 4905
affect the assessment of points under section 4510.036 of the 4906
Revised Code and does not erase points assessed against a person 4907
as a result of the sealed record. 4908

Sec. 2981.13. (A) Except as otherwise provided in this 4909
section, property ordered forfeited as contraband, proceeds, or 4910
an instrumentality pursuant to this chapter shall be disposed 4911
of, used, or sold pursuant to section 2981.12 of the Revised 4912
Code. If the property is to be sold under that section, the 4913
prosecutor shall cause notice of the proposed sale to be given 4914
in accordance with law. 4915

(B) If the contraband or instrumentality forfeited under 4916
this chapter is sold, any moneys acquired from a sale and any 4917
proceeds forfeited under this chapter shall be applied in the 4918
following order: 4919

(1) First, to pay costs incurred in the seizure, storage, 4920
maintenance, security, and sale of the property and in the 4921
forfeiture proceeding; 4922

(2) Second, in a criminal forfeiture case, to satisfy any 4923
restitution ordered to the victim of the offense or, in a civil 4924
forfeiture case, to satisfy any recovery ordered for the person 4925
harmed, unless paid from other assets; 4926

(3) Third, to pay the balance due on any security interest 4927
preserved under this chapter; 4928

(4) Fourth, apply the remaining amounts as follows: 4929

(a) If the forfeiture was ordered by a juvenile court, ten 4930
per cent to one or more community addiction services providers 4931
as specified in division (D) of section 2981.12 of the Revised 4932
Code; 4933

(b) If the forfeiture was ordered in a juvenile court, 4934
ninety per cent, and if the forfeiture was ordered in a court 4935
other than a juvenile court, one hundred per cent to the law 4936
enforcement trust fund of the prosecutor and to the following 4937
fund supporting the law enforcement agency that substantially 4938
conducted the investigation: 4939

(i) The law enforcement trust fund of the county sheriff, 4940
municipal corporation, township, or park district created under 4941
section 511.18 or 1545.01 of the Revised Code; 4942

(ii) The state highway patrol contraband, forfeiture, and 4943
other fund; 4944

(iii) The department of public safety investigative unit 4945
contraband, forfeiture, and other fund; 4946

(iv) The department of taxation enforcement fund; 4947

(v) The board of pharmacy drug law enforcement fund 4948
created by division (B) (1) of section 4729.65 of the Revised 4949
Code; 4950

(vi) The medicaid fraud investigation and prosecution fund;	4951 4952
(vii) <u>The bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund created by section 109.521 of the Revised Code;</u>	4953 4954 4955
<u>(viii)</u> The casino control commission enforcement fund created by section 3772.36 of the Revised Code;	4956 4957
(viii) -(ix) The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;	4958 4959 4960
(ix) -(x) The treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation.	4961 4962 4963
In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.	4964 4965 4966
If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.	4967 4968 4969
(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure.	4970 4971 4972 4973 4974 4975 4976
(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any	4977 4978

remaining amounts pursuant to this section, by the sheriff of 4979
each county, by the legislative authority of each municipal 4980
corporation, by the board of township trustees of each township 4981
that has a township police department, township or joint police 4982
district police force, or office of the constable, and by the 4983
board of park commissioners of each park district created 4984
pursuant to section 511.18 or 1545.01 of the Revised Code that 4985
has a park district police force or law enforcement department, 4986
for the purposes of this section. 4987

There is hereby created in the state treasury the state 4988
highway patrol contraband, forfeiture, and other fund, the 4989
department of public safety investigative unit contraband, 4990
forfeiture, and other fund, the medicaid fraud investigation and 4991
prosecution fund, the department of taxation enforcement fund, 4992
and the peace officer training commission fund, for the purposes 4993
of this section. 4994

Amounts distributed to any municipal corporation, 4995
township, or park district law enforcement trust fund shall be 4996
allocated from the fund by the legislative authority only to the 4997
police department of the municipal corporation, by the board of 4998
township trustees only to the township police department, 4999
township police district police force, or office of the 5000
constable, by the joint police district board only to the joint 5001
police district, and by the board of park commissioners only to 5002
the park district police force or law enforcement department. 5003

(2) (a) No amounts shall be allocated to a fund under this 5004
section or used by an agency unless the agency has adopted a 5005
written internal control policy that addresses the use of moneys 5006
received from the appropriate fund. The appropriate fund shall 5007
be expended only in accordance with that policy and, subject to 5008

the requirements specified in this section, only for the 5009
following purposes: 5010

(i) To pay the costs of protracted or complex 5011
investigations or prosecutions; 5012

(ii) To provide reasonable technical training or 5013
expertise; 5014

(iii) To provide matching funds to obtain federal grants 5015
to aid law enforcement, in the support of DARE programs or other 5016
programs designed to educate adults or children with respect to 5017
the dangers associated with the use of drugs of abuse; 5018

(iv) To pay the costs of emergency action taken under 5019
section 3745.13 of the Revised Code relative to the operation of 5020
an illegal methamphetamine laboratory if the forfeited property 5021
or money involved was that of a person responsible for the 5022
operation of the laboratory; 5023

(v) For other law enforcement purposes that the 5024
superintendent of the state highway patrol, department of public 5025
safety, attorney general, auditor of state, prosecutor, county 5026
sheriff, legislative authority, department of taxation, Ohio 5027
casino control commission, board of township trustees, or board 5028
of park commissioners determines to be appropriate. 5029

(b) The board of pharmacy drug law enforcement fund shall 5030
be expended only in accordance with the written internal control 5031
policy so adopted by the board and only in accordance with 5032
section 4729.65 of the Revised Code, except that it also may be 5033
expended to pay the costs of emergency action taken under 5034
section 3745.13 of the Revised Code relative to the operation of 5035
an illegal methamphetamine laboratory if the forfeited property 5036
or money involved was that of a person responsible for the 5037

operation of the laboratory. 5038

(c) A fund listed in division (B) (4) (b) of this section, 5039
other than the Medicaid fraud investigation and prosecution 5040
fund, shall not be used to meet the operating costs of the 5041
agency, office, or political subdivision that are unrelated to 5042
law enforcement. 5043

(d) Forfeited moneys that are paid into the state treasury 5044
to be deposited into the peace officer training commission fund 5045
shall be used by the commission only to pay the costs of peace 5046
officer training. 5047

(3) Any of the following offices or agencies that receive 5048
amounts under this section during any calendar year shall file a 5049
report with the specified entity, not later than the thirty- 5050
first day of January of the next calendar year, verifying that 5051
the moneys were expended only for the purposes authorized by 5052
this section or other relevant statute and specifying the 5053
amounts expended for each authorized purpose: 5054

(a) Any sheriff or prosecutor shall file the report with 5055
the county auditor. 5056

(b) Any municipal corporation police department shall file 5057
the report with the legislative authority of the municipal 5058
corporation. 5059

(c) Any township police department, township or joint 5060
police district police force, or office of the constable shall 5061
file the report with the board of township trustees of the 5062
township. 5063

(d) Any park district police force or law enforcement 5064
department shall file the report with the board of park 5065
commissioners of the park district. 5066

(e) The superintendent of the state highway patrol, the auditor of state, and the tax commissioner shall file the report with the attorney general.

(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code.

(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the peace officer training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training.

(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall

be determined by the sheriff, prosecutor, department, police 5097
force, or office of the constable after receiving and 5098
considering advice on appropriate community preventive education 5099
programs from the county's board of alcohol, drug addiction, and 5100
mental health services, from the county's alcohol and drug 5101
addiction services board, or through appropriate community 5102
dialogue. 5103

The financial records kept under the internal control 5104
policy shall specify the amount deposited during each calendar 5105
year in the portion of that amount that was used pursuant to 5106
this division, and the programs in connection with which the 5107
portion of that amount was so used. 5108

As used in this division, "community preventive education 5109
programs" include, but are not limited to, DARE programs and 5110
other programs designed to educate adults or children with 5111
respect to the dangers associated with using drugs of abuse. 5112

(E) Upon the sale, under this section or section 2981.12 5113
of the Revised Code, of any property that is required by law to 5114
be titled or registered, the state shall issue an appropriate 5115
certificate of title or registration to the purchaser. If the 5116
state is vested with title and elects to retain property that is 5117
required to be titled or registered under law, the state shall 5118
issue an appropriate certificate of title or registration. 5119

(F) Any failure of a law enforcement officer or agency, 5120
prosecutor, court, or the attorney general to comply with this 5121
section in relation to any property seized does not affect the 5122
validity of the seizure and shall not be considered to be the 5123
basis for suppressing any evidence resulting from the seizure, 5124
provided the seizure itself was lawful. 5125

Sec. 5302.221. (A) As used in this section: 5126

~~"Estate" has the same meaning as in section 5162.21 of the~~ 5127
~~Revised Code.~~ 5128

~~"Medicaid,"~~ "medicaid estate recovery program" means the 5129
program instituted under section 5162.21 of the Revised Code. 5130

(B) The administrator of the medicaid estate recovery 5131
program shall prescribe a form on which a beneficiary of a 5132
transfer on death designation affidavit as provided in section 5133
5302.22 of the Revised Code, who survives the deceased owner of 5134
the real property or an interest in the real property or that is 5135
in existence on the date of death of the deceased owner, or that 5136
beneficiary's representative is to indicate both of the 5137
following: 5138

(1) ~~Whether~~ Which of the following applies to the deceased 5139
~~owner was either of the following:~~ 5140

(a) ~~A decedent subject to the~~ The deceased owner had been 5141
a medicaid estate recovery program recipient. 5142

(b) ~~The spouse of a decedent subject to the~~ deceased owner 5143
had never been a medicaid estate recovery program recipient. 5144

(c) The beneficiary or representative does not know 5145
whether the deceased owner had ever been a medicaid recipient. 5146

(2) ~~Whether the real property or interest in the real~~ 5147
~~property was part of the estate of a decedent subject to the~~ 5148
~~medicaid estate recovery program~~ If the spouse of the deceased 5149
owner died before the owner died, which of the following applies 5150
to the predeceased spouse: 5151

(a) The predeceased spouse had been a medicaid recipient. 5152

(b) The predeceased spouse had never been a medicaid recipient. 5153
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(c) The beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 5155
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(C) The administrator of the medicaid estate recovery program shall make the form prescribed under division (B) of this section available to county recorders. A county recorder shall ~~obtain a properly completed form prescribed under division (B) of this section from the~~ provide a copy of the form to a beneficiary of a transfer on death designation affidavit or the beneficiary's representative and send a copy of the form to the ~~administrator of the medicaid estate recovery program~~ before recording the transfer of the real property or interest in the real property under section 5302.222 of the Revised Code. A beneficiary or beneficiary's representative shall submit a copy of the properly completed form to the administrator of the medicaid estate recovery program if the beneficiary or representative indicates any of the following on the form: 5158
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(1) That the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the deceased owner had ever been a medicaid recipient; 5172
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(2) That the predeceased spouse of the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 5175
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Section 2. That existing sections 9.02, 109.08, 109.081, 109.43, 109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 149.43, 1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 5179
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1345.031, 1345.07, 1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 5182
1349.43, 1716.02, 1716.05, 1716.07, 2743.191, 2743.56, 2743.71, 5183
2746.02, 2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 2981.13, 5184
and 5302.221 and section 1331.05 of the Revised Code are hereby 5185
repealed. 5186

Section 3. The General Assembly, applying the principle 5187
stated in division (B) of section 1.52 of the Revised Code that 5188
amendments are to be harmonized if reasonably capable of 5189
simultaneous operation, finds that the following sections, 5190
presented in this act as composites of the sections as amended 5191
by the acts indicated, are the resulting versions of the 5192
sections in effect prior to the effective date of the sections 5193
as presented in this act: 5194

Section 2923.02 of the Revised Code as amended by both Am. 5195
Sub. H.B. 461 and Am. Sub. S.B. 260 of the 126th General 5196
Assembly. 5197

Section 2923.31 of the Revised Code as amended by both Am. 5198
Sub. H.B. 386 and Am. Sub. H.B. 262 of the 129th General 5199
Assembly. 5200

Section 4. It is the intent of the General Assembly in 5201
amending section 109.08 of the Revised Code to clarify the 5202
meaning of that code section to make clear that it has always 5203
been the General Assembly's intent to give the Attorney General 5204
the discretion to authorize special counsel to use the Attorney 5205
General's official letterhead stationary in connection with the 5206
collection of any certified claims even outside of Chapters 5207
5733., 5739., 5741., and 5747. of the Revised Code. 5208