

As Reported by the House State Government Committee

131st General Assembly

Regular Session

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Sub. S. B. No. 227

Senator Bacon

Cosponsors: Senators Coley, Eklund, Faber, Hughes, Jones, Obhof, Patton, Seitz

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
1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 3
1345.031, 1345.07, 1345.21, 1345.23, 1345.24, 4
1345.43, 1345.44, 1349.43, 1716.02, 1716.05, 5
1716.07, 2329.07, 2743.191, 2743.56, 2743.68, 6
2743.71, 2746.02, 2901.01, 2953.32, 2981.13, and 7
5302.221, to enact sections 9.28, 177.05, 8
1331.17, and 2945.63, and to repeal section 9
1331.05 of the Revised Code to make various 10
changes to the laws governing the duties and 11
functions of the Attorney General and to modify 12
judgment dormancy law. 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, 1331.01, 1331.04, 15
1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 1345.21, 1345.23, 16
1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 1716.05, 1716.07, 17
2329.07, 2743.191, 2743.56, 2743.68, 2743.71, 2746.02, 2901.01, 18
2953.32, 2981.13, and 5302.221 be amended and sections 9.28, 19

177.05, 1331.17, and 2945.63 of the Revised Code be enacted to 20
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~~ 259
~~the Revised Code, the attorney general shall ensure that the~~ 260
~~training programs and seminars are accredited by the commission~~ 261
~~on continuing legal education established by the supreme court.~~ 262

(C) The attorney general shall not charge any elected 263
official or the appropriate designee of any elected official any 264
fee for attending the training programs and seminars that the 265
attorney general conducts under this section. The attorney 266
general may allow the attendance of any other interested persons 267
at any of the training programs or seminars that the attorney 268
general conducts under this section and shall not charge the 269
person any fee for attending the training program or seminar. 270

(D) In addition to developing, providing, and certifying 271
training programs and seminars as required under division (B) of 272
this section, the attorney general may contract with one or more 273
other state agencies, political subdivisions, or other public or 274
private entities to conduct the training programs and seminars 275
for elected officials or their appropriate designees under this 276
section. The contract may provide for the attendance of any 277
other interested persons at any of the training programs or 278
seminars conducted by the contracting state agency, political 279
subdivision, or other public or private entity. The contracting 280
state agency, political subdivision, or other public or private 281
entity may charge an elected official, an elected official's 282
appropriate designee, or an interested person a registration fee 283
for attending the training program or seminar conducted by that 284
contracting agency, political subdivision, or entity pursuant to 285
a contract entered into under this division. The attorney 286
general shall determine a reasonable amount for the registration 287
fee based on the actual and necessary expenses associated with 288

the training programs and seminars. If the contracting state 289
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. 983
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(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. 986
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(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: 990
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(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 1001
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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, 4725.501, 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 under that section. 1122
The superintendent shall conduct the criminal records check in 1123
the manner described in division (B) of this section to 1124
determine whether any information exists that indicates that the 1125
person who is the subject of the request previously has been 1126
convicted 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 1255
offense. 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. 177.05. A law enforcement trust fund shall be established by the organized crime investigations commission for the purpose of receiving reimbursement of expenses the organized crime investigations commission incurred in the investigation of the criminal activity through a task force.

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

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

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

(B) "Public office" means any state agency, public

institution, political subdivision, or other organized body, 1615
office, agency, institution, or entity established by the laws 1616
of this state for the exercise of any function of government. 1617
"Public office" does not include the nonprofit corporation 1618
formed under section 187.01 of the Revised Code. 1619

(C) (1) "Trust" is a combination of capital, skill, or acts 1620
by two or more persons for any of the following purposes: 1621

~~(1)~~ (a) To create or carry out restrictions in trade or 1622
commerce; 1623

~~(2)~~ (b) To limit or reduce the production, or increase or 1624
reduce the price of merchandise or a commodity; 1625

~~(3)~~ (c) To prevent competition in manufacturing, making, 1626
transportation, sale, or purchase of merchandise, produce, or a 1627
commodity; 1628

~~(4)~~ (d) To fix at a standard or figure, whereby its price 1629
to the public or consumer is in any manner controlled or 1630
established, an article or commodity of merchandise, produce, or 1631
commerce intended for sale, barter, use, or consumption in this 1632
state; 1633

~~(5)~~ (e) To make, enter into, execute, or carry out 1634
contracts, obligations, or agreements of any kind by which they 1635
bind or have bound themselves not to sell, dispose of, or 1636
transport an article or commodity, or an article of trade, use, 1637
merchandise, commerce, or consumption below a common standard 1638
figure or fixed value, or by which they agree in any manner to 1639
keep the price of such article, commodity, or transportation at 1640
a fixed or graduated figure, or by which they shall in any 1641
manner establish or settle the price of an article, commodity, 1642
or transportation between them or themselves and others, so as 1643

directly or indirectly to preclude a free and unrestricted 1644
competition among themselves, purchasers, or consumers in the 1645
sale or transportation of such article or commodity, or by which 1646
they agree to pool, combine, or directly or indirectly unite any 1647
interests which they have connected with the sale or 1648
transportation of such article or commodity, that its price 1649
might in any manner be affected; 1650

~~(6)-(f)~~ To refuse to buy from, sell to, or trade with any 1651
person because such person appears on a blacklist issued by, or 1652
is being boycotted by, any foreign corporate or governmental 1653
entity. 1654

(2) "Trust" also means a combination of capital, skill, or 1655
acts by two or more bidders or potential bidders, or one or more 1656
bidders or potential bidders and any person affiliated with a 1657
public office, to restrain or prevent competition in the letting 1658
or awarding of any public contract in derogation of any statute, 1659
ordinance, or rule requiring the use of competitive bidding or 1660
selection in the letting or awarding of the public contract. 1661

(3) "Trust," as defined in this section, does not include 1662
bargaining by a labor organization in negotiating or effecting 1663
contracts with an employer or employer group with reference to 1664
minimum payment to any member of the labor organization for any 1665
motor vehicles owned, driven, and used exclusively by such 1666
member in the performance of ~~his~~ the member's duties of 1667
employment pursuant to a collective bargaining agreement between 1668
the labor organization and the employer or employer group. 1669

(4) A trust as defined in this division ~~(B) of this~~ 1670
~~section~~ is unlawful and void. 1671

Sec. 1331.04. ~~A violation of sections 1331.01 to 1331.14,~~ 1672

~~inclusive, of the Revised Code, Every combination, contract, or~~ 1673
~~agreement in the form of a trust is declared to be a~~ 1674
~~conspiracy against trade and illegal.~~ No person shall engage in such 1675
conspiracy or take part therein, or aid or advise in its 1676
commission, or, as principal, manager, director, agent, servant, 1677
or employer, or in any other capacity, knowingly carry out any 1678
of the stipulations, purposes, prices, or rates, or furnish any 1679
information to assist in carrying out such purposes, or orders 1680
thereunder, or in pursuance thereof, or in any manner violate 1681
~~said sections 1331.01 to 1331.14 of the Revised Code.~~ Each day's 1682
violation of this section is a separate offense. 1683

Sec. 1331.17. In carrying out official duties, the 1684
attorney general shall not disclose publicly the facts developed 1685
in an investigation conducted pursuant to this chapter unless 1686
the matter has become a matter of public record in enforcement 1687
proceedings, in public hearings, or other official proceedings, 1688
or unless the person from whom the information has been obtained 1689
consents to the public disclosure. 1690

Sec. 1331.99. (A) (1) Whoever violates section 1331.04 of 1691
the Revised Code is guilty of conspiracy against trade. Except 1692
as provided in division (A) (2) of this section, a conspiracy 1693
against trade is a felony of the fifth degree. 1694

(2) If any of the following conditions apply, the 1695
conspiracy against trade is a felony of the fourth degree: 1696

(a) The amount of the contract or the amount of the sale 1697
of commodities or services involved is seven thousand five 1698
hundred dollars or more. 1699

(b) The conspiracy against trade relates to a contract 1700
with or the sale of commodities or services to or from a local, 1701

state, or federal governmental entity. 1702

(c) The contract or sale of commodities or services 1703
involves, in whole or in part, funding to or from a local, 1704
state, or federal governmental entity. 1705

(B) Whoever violates section 1331.02 or 1331.05 of the 1706
Revised Code is guilty of a felony of the fifth degree. 1707

~~(B)~~ (C) Whoever violates section 1331.04 or division (L) 1708
of section 1331.16 of the Revised Code is guilty of a 1709
misdemeanor of the first degree. 1710

~~(C)~~ (D) Whoever violates section 1331.15 of the Revised 1711
Code is guilty of a misdemeanor of the second degree. 1712

Sec. 1345.02. (A) No supplier shall commit an unfair or 1713
deceptive act or practice in connection with a consumer 1714
transaction. Such an unfair or deceptive act or practice by a 1715
supplier violates this section whether it occurs before, during, 1716
or after the transaction. 1717

(B) Without limiting the scope of division (A) of this 1718
section, the act or practice of a supplier in representing any 1719
of the following is deceptive: 1720

(1) That the subject of a consumer transaction has 1721
sponsorship, approval, performance characteristics, accessories, 1722
uses, or benefits that it does not have; 1723

(2) That the subject of a consumer transaction is of a 1724
particular standard, quality, grade, style, prescription, or 1725
model, if it is not; 1726

(3) That the subject of a consumer transaction is new, or 1727
unused, if it is not; 1728

(4) That the subject of a consumer transaction is	1729
available to the consumer for a reason that does not exist;	1730
(5) That the subject of a consumer transaction has been	1731
supplied in accordance with a previous representation, if it has	1732
not, except that the act of a supplier in furnishing similar	1733
merchandise of equal or greater value as a good faith substitute	1734
does not violate this section;	1735
(6) That the subject of a consumer transaction will be	1736
supplied in greater quantity than the supplier intends;	1737
(7) That replacement or repair is needed, if it is not;	1738
(8) That a specific price advantage exists, if it does	1739
not;	1740
(9) That the supplier has a sponsorship, approval, or	1741
affiliation that the supplier does not have;	1742
(10) That a consumer transaction involves or does not	1743
involve a warranty, a disclaimer of warranties or other rights,	1744
remedies, or obligations if the representation is false.	1745
(C) In construing division (A) of this section, the court	1746
shall give due consideration and great weight to federal trade	1747
commission orders, trade regulation rules and guides, and the	1748
federal courts' interpretations of subsection 45 (a) (1) of the	1749
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A.	1750
41, as amended.	1751
(D) No supplier shall offer to a consumer or represent	1752
that a consumer will receive a rebate, discount, or other	1753
benefit as an inducement for entering into a consumer	1754
transaction in return for giving the supplier the names of	1755
prospective consumers, or otherwise helping the supplier to	1756

enter into other consumer transactions, if earning the benefit 1757
is contingent upon an event occurring after the consumer enters 1758
into the transaction. 1759

(E) (1) No supplier, in connection with a consumer 1760
transaction involving natural gas service or public 1761
telecommunications service to a consumer in this state, shall 1762
request or submit, or cause to be requested or submitted, a 1763
change in the consumer's provider of natural gas service or 1764
public telecommunications service, without first obtaining, or 1765
causing to be obtained, the verified consent of the consumer. 1766
For the purpose of this division and with respect to public 1767
telecommunications service only, the procedures necessary for 1768
verifying the consent of a consumer shall be those prescribed by 1769
rule by the public utilities commission for public 1770
telecommunications service under division (D) of section 4905.72 1771
of the Revised Code. Also, for the purpose of this division, the 1772
act, omission, or failure of any officer, agent, or other 1773
individual, acting for or employed by another person, while 1774
acting within the scope of that authority or employment, is the 1775
act or failure of that other person. 1776

(2) Consistent with the exclusion, under 47 C.F.R. 1777
64.1100(a) (3), of commercial mobile radio service providers from 1778
the verification requirements adopted in 47 C.F.R. 64.1100, 1779
64.1150, 64.1160, 64.1170, 64.1180, and 64.1190 by the federal 1780
communications commission, division (E) (1) of this section does 1781
not apply to a provider of commercial mobile radio service 1782
insofar as such provider is engaged in the provision of 1783
commercial mobile radio service. However, when that exclusion no 1784
longer is in effect, division (E) (1) of this section shall apply 1785
to such a provider. 1786

(3) The attorney general may initiate criminal proceedings 1787
for a prosecution under division (C) of section 1345.99 of the 1788
Revised Code by presenting evidence of criminal violations to 1789
the prosecuting attorney of any county in which the offense may 1790
be prosecuted. If the prosecuting attorney does not prosecute 1791
the violations, or at the request of the prosecuting attorney, 1792
the attorney general may proceed in the prosecution with all the 1793
rights, privileges, and powers conferred by law on prosecuting 1794
attorneys, including the power to appear before grand juries and 1795
to interrogate witnesses before grand juries. 1796

(F) Concerning a consumer transaction in connection with a 1797
residential mortgage, and without limiting the scope of division 1798
(A) or (B) of this section, the act of a supplier in doing 1799
either of the following is deceptive: 1800

(1) Knowingly failing to provide disclosures required 1801
under state and federal law; 1802

(2) Knowingly providing a disclosure that includes a 1803
material misrepresentation. 1804

(G) Without limiting the scope of division (A) of this 1805
section, the failure of a supplier to obtain or maintain any 1806
registration, license, bond, or insurance required by state law 1807
or local ordinance for the supplier to engage in the supplier's 1808
trade or profession is an unfair or deceptive act or practice. 1809

Sec. 1345.03. (A) No supplier shall commit an 1810
unconscionable act or practice in connection with a consumer 1811
transaction. Such an unconscionable act or practice by a 1812
supplier violates this section whether it occurs before, during, 1813
or after the transaction. 1814

(B) In determining whether an act or practice is 1815

unconscionable, the following circumstances shall be taken into 1816
consideration: 1817

(1) Whether the supplier has knowingly taken advantage of 1818
the inability of the consumer reasonably to protect the 1819
consumer's interests because of the consumer's physical or 1820
mental infirmities, ignorance, illiteracy, or inability to 1821
understand the language of an agreement; 1822

(2) Whether the supplier knew at the time the consumer 1823
transaction was entered into that the price was substantially in 1824
excess of the price at which similar property or services were 1825
readily obtainable in similar consumer transactions by like 1826
consumers; 1827

(3) Whether the supplier knew at the time the consumer 1828
transaction was entered into of the inability of the consumer to 1829
receive a substantial benefit from the subject of the consumer 1830
transaction; 1831

(4) Whether the supplier knew at the time the consumer 1832
transaction was entered into that there was no reasonable 1833
probability of payment of the obligation in full by the 1834
consumer; 1835

(5) Whether the supplier required the consumer to enter 1836
into a consumer transaction on terms the supplier knew were 1837
substantially one-sided in favor of the supplier; 1838

(6) Whether the supplier knowingly made a misleading 1839
statement of opinion on which the consumer was likely to rely to 1840
the consumer's detriment; 1841

(7) Whether the supplier has, without justification, 1842
refused to make a refund in cash or by check for a returned item 1843
that was purchased with cash or by check, unless the supplier 1844

had conspicuously posted in the establishment at the time of the 1845
sale a sign stating the supplier's refund policy. 1846

(C) This section does not apply to a consumer transaction 1847
in connection with the origination of a residential mortgage. 1848

Sec. 1345.031. (A) No supplier shall commit an 1849
unconscionable act or practice concerning a consumer transaction 1850
in connection with the origination of a residential mortgage. 1851
Such an unconscionable act or practice by a supplier violates 1852
this section whether it occurs before, during, or after the 1853
transaction. 1854

(B) For purposes of division (A) of this section, the 1855
following acts or practices of a supplier in connection with 1856
such a transaction are unconscionable: 1857

(1) Arranging for or making a mortgage loan that provides 1858
for an interest rate applicable after default that is higher 1859
than the interest rate that applies before default, excluding 1860
rates of interest for judgments applicable to the mortgage loan 1861
under section 1343.02 or 1343.03 of the Revised Code and also 1862
excluding interest rate changes in a variable rate loan 1863
transaction otherwise consistent with the provisions of the loan 1864
documents; 1865

(2) Engaging in a pattern or practice of providing 1866
consumer transactions to consumers based predominantly on the 1867
supplier's realization of the foreclosure or liquidation value 1868
of the consumer's collateral without regard to the consumer's 1869
ability to repay the loan in accordance with its terms, provided 1870
that the supplier may use any reasonable method to determine a 1871
borrower's ability to repay; 1872

(3) Making a consumer transaction that permits the 1873

creditor to demand repayment of the outstanding balance of a 1874
mortgage loan, in advance of the original maturity date unless 1875
the creditor does so in good faith due to the consumer's failure 1876
to abide by the material terms of the loan. 1877

(4) Knowingly replacing, refinancing, or consolidating a 1878
zero interest rate or other low-rate mortgage loan made by a 1879
governmental or nonprofit lender with another loan unless the 1880
current holder of the loan consents in writing to the 1881
refinancing and the consumer presents written certification from 1882
a ~~third-party~~ third-party nonprofit organization counselor 1883
approved by the United States department of housing and urban 1884
development or the superintendent of financial institutions that 1885
the consumer received counseling on the advisability of the loan 1886
transaction. For purposes of division (B) (4) of this section, a 1887
"low-rate mortgage loan" means a mortgage loan that carries a 1888
current interest rate two percentage points or more below the 1889
current yield on United States treasury securities with a 1890
comparable maturity. If the loan's current interest rate is 1891
either a discounted introductory rate or a rate that 1892
automatically steps up over time, the fully indexed rate or the 1893
fully stepped-up rate, as applicable, shall be used, in lieu of 1894
the current rate, to determine whether a loan is a low-rate 1895
mortgage loan. 1896

(5) Instructing the consumer to ignore the supplier's 1897
written information regarding the interest rate and dollar value 1898
of points because they would be lower for the consumer's 1899
consumer transaction; 1900

(6) Recommending or encouraging a consumer to default on a 1901
mortgage or any consumer transaction or revolving credit loan 1902
agreement. This practice also shall constitute an 1903

unconscionable act or practice in connection with a consumer 1904
transaction under section 1345.03 of the Revised Code. 1905

(7) Charging a late fee more than once with respect to a 1906
single late payment. If a late payment fee is deducted from a 1907
payment made on the loan and such deduction causes a subsequent 1908
default on a subsequent payment, no late payment fee may be 1909
imposed for such default. If a late payment fee has been imposed 1910
once with respect to a particular late payment, no such fee may 1911
be imposed with respect to any future payment that would have 1912
been timely and sufficient but for the previous default. This 1913
practice also shall constitute an unconscionable act or practice 1914
in connection with a consumer transaction under section 1345.03 1915
of the Revised Code. 1916

(8) Failing to disclose to the consumer at the closing of 1917
the consumer transaction that a consumer is not required to 1918
complete a consumer transaction merely because the consumer has 1919
received prior estimates of closing costs or has signed an 1920
application and should not close a loan transaction that 1921
contains different terms and conditions than those the consumer 1922
was promised; 1923

(9) Arranging for or making a consumer transaction that 1924
includes terms under which more than two periodic payments 1925
required under the consumer transaction are consolidated and 1926
paid in advance from the loan proceeds provided to the consumer; 1927

(10) Knowingly compensating, instructing, inducing, 1928
coercing, or intimidating, or attempting to compensate, 1929
instruct, induce, coerce, or intimidate, a person licensed or 1930
certified under Chapter 4763. of the Revised Code for the 1931
purpose of corrupting or improperly influencing the independent 1932
judgment of the person with respect to the value of the dwelling 1933

offered as security for repayment of a mortgage loan; 1934

(11) Financing, directly or indirectly, any credit, life, 1935
disability, or unemployment insurance premiums, any other life 1936
or health insurance premiums, or any debt collection agreement. 1937
Insurance premiums calculated and paid on a monthly basis shall 1938
not be considered financed by the lender. 1939

(12) Knowingly or intentionally engaging in the act or 1940
practice of "flipping" a mortgage loan. "Flipping" a mortgage 1941
loan is making a mortgage loan that refinances an existing 1942
mortgage loan when the new loan does not have reasonable, 1943
tangible net benefit to the consumer considering all of the 1944
circumstances, including the terms of both the new and 1945
refinanced loans, the cost of the new loan, and the consumer's 1946
circumstances. This provision applies regardless of whether the 1947
interest rate, points, fees, and charges paid or payable by the 1948
consumer in connection with the refinancing exceed any 1949
thresholds specified in any section of the Revised Code. 1950

(13) Knowingly taking advantage of the inability of the 1951
consumer to reasonably protect the consumer's interests because 1952
of the consumer's known physical or mental infirmities or 1953
illiteracy; 1954

(14) Entering into the consumer transaction knowing there 1955
was no reasonable probability of payment of the obligation by 1956
the consumer; 1957

(15) Attempting to enforce, by means not limited to a 1958
court action, a prepayment penalty in violation of division (C) 1959
(2) of section 1343.011 of the Revised Code~~r~~. This practice also 1960
shall constitute an unconscionable act or practice in connection 1961
with a consumer transaction under section 1345.03 of the Revised 1962

<u>Code.</u>	1963
(16) Engaging in an act or practice deemed unconscionable	1964
by rules adopted by the attorney general pursuant to division	1965
(B) (2) of section 1345.05 of the Revised Code.	1966
(C) (1) Any unconscionable arbitration clause,	1967
unconscionable clause requiring the consumer to pay the	1968
supplier's attorney's fees, or unconscionable liquidated damages	1969
clause included in a mortgage loan contract is unenforceable.	1970
(2) No supplier shall do either of the following:	1971
(a) Attempt to enforce, by means not limited to a court	1972
action, any clause described in division (C) (1) of this section;	1973
(b) By referring to such a clause, attempt to induce the	1974
consumer to take any action desired by the supplier.	1975
Sec. 1345.07. (A) If the attorney general, by the attorney	1976
general's own inquiries or as a result of complaints, has	1977
reasonable cause to believe that a supplier has engaged or is	1978
engaging in an act or practice that violates this chapter, and	1979
that the action would be in the public interest, the attorney	1980
general may bring any of the following:	1981
(1) An action to obtain a declaratory judgment that the	1982
act or practice violates section 1345.02, 1345.03, or 1345.031	1983
of the Revised Code;	1984
(2) (a) An action, with notice as required by Civil Rule	1985
65, to obtain a temporary restraining order, preliminary	1986
injunction, or permanent injunction to restrain the act or	1987
practice. If the attorney general shows by a preponderance of	1988
the evidence that the supplier has violated or is violating	1989
section 1345.02, 1345.03, or 1345.031 of the Revised Code, the	1990

court may issue a temporary restraining order, preliminary injunction, or permanent injunction to restrain and prevent the act or practice. 1991
1992
1993

(b) (i) Except as provided in division (A) (2) (b) (ii) of this section, on motion of the attorney general, or on its own motion, the court may impose a civil penalty of not more than five thousand dollars for each day of violation of a temporary restraining order, preliminary injunction, or permanent injunction issued under this section, if the supplier received notice of the action. The civil penalties shall be paid as provided in division (G) of this section. 1994
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(ii) If the court issues under this section a temporary restraining order, preliminary injunction, or permanent injunction to restrain and prevent an act or practice that is a violation of section 1345.02 and division (A) of section 1349.81 of the Revised Code, on motion of the attorney general, or on its own motion, the court may impose a civil penalty of not less than five thousand dollars and not more than fifteen thousand dollars for each day of violation of the temporary restraining order, preliminary injunction, or permanent injunction, if the supplier received notice of the action. The civil penalties shall be paid as provided in division (G) of this section. 2002
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(c) Upon the commencement of an action under division (A) (2) of this section against a supplier who operates under a license, permit, certificate, commission, or other authorization issued by the supreme court or by a board, commission, department, division, or other agency of this state, the attorney general shall immediately notify the supreme court or agency that such an action has been commenced against the supplier. 2013
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(3) A class action under Civil Rule 23, as amended, on 2021
behalf of consumers who have engaged in consumer transactions in 2022
this state for damage caused by: 2023

(a) An act or practice enumerated in division (B) ~~or (D)~~ or (G) 2024
of section 1345.02 of the Revised Code; 2025

(b) Violation of a rule adopted under division (B) (2) of 2026
section 1345.05 of the Revised Code before the consumer 2027
transaction on which the action is based; 2028

(c) An act or practice determined by a court of this state 2029
to violate section 1345.02, 1345.03, or 1345.031 of the Revised 2030
Code and committed after the decision containing the 2031
determination has been made available for public inspection 2032
under division (A) (3) of section 1345.05 of the Revised Code. 2033

(B) On motion of the attorney general and without bond, in 2034
the attorney general's action under this section, the court may 2035
make appropriate orders, including appointment of a referee or a 2036
receiver, for sequestration of assets, to reimburse consumers 2037
found to have been damaged, to carry out a transaction in 2038
accordance with a consumer's reasonable expectations, to strike 2039
or limit the application of unconscionable clauses of contracts 2040
so as to avoid an unconscionable result, or to grant other 2041
appropriate relief. The court may assess the expenses of a 2042
referee or receiver against the supplier. 2043

(C) Any moneys or property recovered by the attorney 2044
general in an action under this section that cannot with due 2045
diligence within five years be restored by a referee to 2046
consumers shall be unclaimed funds reportable under Chapter 169. 2047
of the Revised Code. 2048

(D) In addition to the other remedies provided in this 2049

section, if the violation is an act or practice that was 2050
declared to be unfair, deceptive, or unconscionable by rule 2051
adopted pursuant to division (B) (2) of section 1345.05 of the 2052
Revised Code before the consumer transaction on which the action 2053
is based occurred or an act or practice that was determined by a 2054
court of this state to violate section 1345.02, 1345.03, or 2055
1345.031 of the Revised Code and committed after the decision 2056
containing the court's determination was made available for 2057
public inspection pursuant to division (A) (3) of section 1345.05 2058
of the Revised Code, the attorney general may request and the 2059
court may impose a civil penalty of not more than twenty-five 2060
thousand dollars against the supplier. The civil penalties shall 2061
be paid as provided in division (G) of this section. 2062

(E) No action may be brought by the attorney general under 2063
this section to recover for a transaction more than two years 2064
after the occurrence of a violation. 2065

(F) If a court determines that provision has been made for 2066
reimbursement or other appropriate corrective action, insofar as 2067
practicable, with respect to all consumers damaged by a 2068
violation, or in any other appropriate case, the attorney 2069
general, with court approval, may terminate enforcement 2070
proceedings brought by the attorney general upon acceptance of 2071
an assurance from the supplier of voluntary compliance with 2072
Chapter 1345. of the Revised Code, with respect to the alleged 2073
violation. The assurance shall be filed with the court and 2074
entered as a consent judgment. Except as provided in division 2075
(A) of section 1345.10 of the Revised Code, a consent judgment 2076
is not evidence of prior violation of such chapter. Disregard of 2077
the terms of a consent judgment entered upon an assurance shall 2078
be treated as a violation of an injunction issued under this 2079
section. 2080

(G) Civil penalties ordered pursuant to divisions (A) and 2081
(D) of this section shall be paid as follows: one-fourth of the 2082
amount to the treasurer of the county in which the action is 2083
brought and three-fourths to the consumer protection enforcement 2084
fund created by section 1345.51 of the Revised Code. 2085

(H) The remedies available to the attorney general under 2086
this section are cumulative and concurrent, and the exercise of 2087
one remedy by the attorney general does not preclude or require 2088
the exercise of any other remedy. The attorney general is not 2089
required to use any procedure set forth in section 1345.06 of 2090
the Revised Code prior to the exercise of any remedy set forth 2091
in this section. 2092

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of 2093
the Revised Code: 2094

(A) "Home solicitation sale" means a sale of consumer 2095
goods or services in which the seller or a person acting for the 2096
seller engages in a personal solicitation of the sale at a 2097
residence of the buyer, including solicitations in response to 2098
or following an invitation by the buyer, and the buyer's 2099
agreement or offer to purchase is there given to the seller or a 2100
person acting for the seller, or in which the buyer's agreement 2101
or offer to purchase is made at a place other than the seller's 2102
place of business. It does not include a transaction or 2103
transactions in which: 2104

(1) The total purchase price to be paid by the buyer, 2105
whether under single or multiple contracts, is less than twenty- 2106
five dollars; 2107

(2) The transaction was conducted and consummated entirely 2108
by mail or by telephone if initiated by the buyer, and without 2109

any other contact between the seller or the seller's 2110
representative prior to the delivery of goods or performance of 2111
the service; 2112

(3) The final agreement is made pursuant to prior 2113
negotiations in the course of a visit by the buyer to a retail 2114
business establishment having a fixed permanent location where 2115
the goods are exhibited or the services are offered for sale on 2116
a continuing basis; 2117

(4) The buyer initiates the contact between the parties 2118
for the purpose of negotiating a purchase and the seller has a 2119
business establishment at a fixed location in this state where 2120
the goods or services involved in the transaction are regularly 2121
offered or exhibited for sale. 2122

Advertisements by such a seller in newspapers, magazines, 2123
catalogues, radio, or television do not constitute the seller 2124
initiation of the contact. 2125

(5) The buyer initiates the contact between the parties, 2126
the goods or services are needed to meet a bona fide immediate 2127
personal emergency of the buyer which will jeopardize the 2128
welfare, health, or safety of natural persons, or endanger 2129
property which the buyer owns or for which the buyer is 2130
responsible, and the buyer furnishes the seller with a separate, 2131
dated, and signed statement in the buyer's handwriting 2132
describing the situation requiring immediate remedy and 2133
expressly acknowledging and waiving the right to cancel the sale 2134
within three business days; 2135

(6) The buyer has initiated the contact between the 2136
parties and specifically requested the seller to visit the 2137
buyer's home for the purpose of repairing or performing 2138

maintenance upon the buyer's personal property. If, in the 2139
course of such a visit, the seller sells the buyer additional 2140
services or goods other than replacement parts necessarily used 2141
in performing the maintenance or in making the repairs, the sale 2142
of those additional goods or services does not fall within this 2143
exclusion. 2144

(7) The buyer is accorded the right of rescission by the 2145
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 2146
1635, or regulations adopted pursuant to it. 2147

(B) "Sale" includes a lease or rental. 2148

(C) "Seller" includes a lessor or anyone offering goods 2149
for rent. 2150

(D) "Buyer" includes a lessee or anyone who gives a 2151
consideration for the privilege of using goods. 2152

(E) "Consumer goods or services" means goods or services 2153
purchased, leased, or rented primarily for personal, family, or 2154
household purposes, including courses or instruction or training 2155
regardless of the purpose for which they are taken. 2156

(F) "Consumer goods or services" does not include goods or 2157
services pertaining to any of the following: 2158

(1) Sales or rentals of real property by a real estate 2159
broker or salesperson, or by a foreign real estate dealer or 2160
salesperson, who is licensed by the Ohio real estate commission 2161
under Chapter 4735. of the Revised Code; 2162

(2) The sale of securities or commodities by a broker- 2163
dealer registered with the securities and exchange commission; 2164

(3) The sale of securities or commodities by a securities 2165
dealer or salesperson licensed by the division of securities 2166

under Chapter 1707. of the Revised Code;	2167
(4) The sale of insurance by a person licensed by the superintendent of insurance;	2168 2169
(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;	2170 2171 2172
(6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code.	2173 2174 2175
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	2176 2177 2178
(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.	2179 2180
(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, <u>Martin</u> <u>Luther King day</u> , Presidents' day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day.	2181 2182 2183 2184 2185
Sec. 1345.23. (A) Every home solicitation sale shall be evidenced by a written agreement or offer to purchase in the same language as that principally used in the oral sales presentation and shall contain the name and address of the seller. The seller shall present the writing to the buyer and obtain the buyer's signature to it. The writing shall state the date on which the buyer actually signs. The seller shall leave with the buyer a copy of the writing which has been signed by the seller and complies with division (B) of this section.	2186 2187 2188 2189 2190 2191 2192 2193 2194

(B) In connection with every home ~~solicitation~~ solicitation sale: 2195
2196

(1) The following statement shall appear clearly and 2197
conspicuously on the copy of the contract left with the buyer in 2198
bold-face type of the minimum size of ten points, in 2199
substantially the following form and in immediate proximity to 2200
the space reserved in the contract for the signature of the 2201
buyer: "You, the buyer, may cancel this transaction at any time 2202
prior to midnight of the third ~~business~~ business day after the 2203
date of this transaction. See the attached notice of 2204
cancellation for an explanation of this right." 2205

(2) A completed form, in duplicate, captioned "notice of 2206
cancellation", shall be attached to the contract signed by the 2207
buyer and be easily detachable, and shall contain in ten-point, 2208
bold-face type, the following information and statements in the 2209
same language as that used in the contract: 2210

NOTICE OF CANCELLATION 2211

(enter date of transaction) 2212

..... 2213

(Date) 2214

You may cancel this transaction, without any penalty or 2215
obligation, within three business days from the above date. 2216

If you cancel, any property traded in, any payments made by you 2217
under the contract or sale, and any negotiable instrument 2218
executed by you will be returned within ten business days 2219
following receipt by the seller of your cancellation notice, and 2220
any security interest arising out of the transaction will be 2221
cancelled. 2222

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

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

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

I hereby cancel this transaction.

.....

Date

(Buyer's signature)

.....

(3) Before furnishing copies of the notice of cancellation to the buyer, the seller shall complete both copies by entering

the name of the seller, the address, electronic mail address, or 2251
facsimile number of the seller's place of business, the date of 2252
the transaction which is the date the buyer signed the contract 2253
and the date, not earlier than the third business day following 2254
the date of the transaction, by which the buyer may give notice 2255
of cancellation. 2256

(4) A home solicitation sales contract which contains the 2257
notice of buyer's right to cancel and notice of cancellation in 2258
the form and language provided in the federal trade commission's 2259
trade regulation rule providing a cooling-off period for door- 2260
to-door sales shall be deemed to comply with the requirements of 2261
divisions (B) (1), (2), and (3) of this section with respect to 2262
the form and language of such notices so long as the federal 2263
trade commission language provides at least equal information to 2264
the consumer concerning ~~his~~ the consumer's right to cancel as is 2265
required by divisions (B) (1), (2), and (3) of this section. 2266

(C) Until the seller has complied with divisions (A) and 2267
(B) of this section the buyer may cancel the home solicitation 2268
sale by ~~notifying~~ delivering to the seller by ~~mailing,~~ 2269
~~delivering, or telegraphing~~ certified mail, return receipt 2270
requested, personal or manual delivery, facsimile transmission, 2271
or electronic mail, written notice to the seller of ~~his~~ the 2272
buyer's intention to cancel. The three--day period prescribed by 2273
section 1345.22 of the Revised Code begins to run from the time 2274
the seller complies with divisions (A) and (B) of this section. 2275

(D) In connection with any home solicitation sale, no 2276
seller shall: 2277

(1) Include in any home solicitation sales contract, any 2278
confession of judgment or any waiver of any rights to which the 2279
buyer is entitled under this section, including specifically ~~his~~ 2280

the buyer's right to cancel the sale in accordance with this 2281
section. 2282

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 2283
of signing the contract for the goods or services, ~~of his~~ the 2284
buyer's right to cancel. 2285

(3) Misrepresent in any manner the buyer's right to 2286
cancel. 2287

(4) Fail or refuse to honor any valid notice of 2288
cancellation by a buyer and within ten business days after 2289
receipt of such notice to: 2290

(a) Refund all payments made under the contract or sale; 2291

(b) Return any goods or property traded in, in 2292
substantially as good condition as when received by the seller; 2293

(c) Cancel and return any note, negotiable instrument, or 2294
other evidence of indebtedness executed by the buyer in 2295
connection with the contract or sale and take any action 2296
necessary or appropriate to reflect the termination of any 2297
security interest or lien created under the sale or offer to 2298
purchase. 2299

(5) Negotiate, transfer, sell, or assign any note or other 2300
evidence of indebtedness to a finance company or other third 2301
party prior to midnight of the fifth business day following the 2302
day the contract for the goods or services was signed. 2303

(6) Fail to notify the buyer, within ten business days of 2304
receipt of the buyer's notice of cancellation, whether the 2305
seller intends to repossess or abandon any shipped or delivered 2306
goods. 2307

Sec. 1345.24. In a home solicitation sale, the seller 2308

shall retain, for the period in which an action to enforce the 2309
sale could be commenced, any notice of cancellation made 2310
pursuant to section 1345.22 of the Revised Code. The seller 2311
shall also retain ~~the any~~ envelope in which ~~any a~~ notice of 2312
cancellation is sent or delivered. If the date of delivery is 2313
not indicated or recorded on the notice of cancellation or on 2314
the envelope, the seller shall record the date of delivery on 2315
the notice of cancellation. 2316

Sec. 1345.43. ~~(A)~~—In addition to any right otherwise to 2317
revoke an offer or to terminate or cancel a sale or contract, 2318
the buyer has the right to cancel a prepaid entertainment 2319
contract until midnight of the third business day after the date 2320
on which the first service under the contract is available, and 2321
if the facility or service that is the subject of the contract 2322
is not available at the time that the buyer signs the contract, 2323
the buyer has until midnight of the seventh business day after 2324
the date on which the first service under the contract is 2325
available to cancel the contract. Cancellation is evidenced by 2326
the buyer giving written notice of cancellation to the seller at 2327
the address of any facility available for use by the buyer under 2328
the contract, the seller's electronic mail address, or the 2329
seller's facsimile number. The buyer shall deliver the notice by 2330
~~telegram,~~ manual delivery, personal delivery, or by certified 2331
mail delivery, return receipt requested, electronic mail, or 2332
facsimile transmission. Notice of cancellation by certified mail 2333
delivery shall be effective upon the date of post marking. 2334
~~Telegram~~ Electronic mail delivery is effective when the ~~telegram~~ 2335
electronic mail is ordered sent to the seller's electronic mail 2336
address. Facsimile delivery is effective when the facsimile is 2337
sent to the seller's facsimile number and the consumer has 2338
received confirmation of the facsimile transmission. Manual 2339

delivery or personal delivery is effective when delivered to the 2340
seller or to the seller's address, whichever comes first. Notice 2341
of cancellation need not take a particular form and is 2342
sufficient if it indicates, by any form of written expression, 2343
the intention of the buyer not to be bound by the contract. 2344
Notice of the buyer's right to cancel must appear on all notes 2345
or other evidence of indebtedness given pursuant to any prepaid 2346
entertainment contract. 2347

Sec. 1345.44. (A) Every prepaid entertainment contract 2348
shall state the date on which the buyer actually signs. The 2349
seller shall give the buyer a copy of the contract that has been 2350
signed by the seller and complies with division (B) of this 2351
section. 2352

(B) All of the following apply to any prepaid 2353
entertainment contract: 2354

(1) A completed form, in duplicate, captioned "notice of 2355
cancellation," shall be attached to the contract signed by the 2356
buyer and be easily detachable and shall contain in ten-point 2357
boldface type, the following statement: 2358

"NOTICE OF CANCELLATION 2359

(Enter date of contract) 2360

..... 2361

(Date) 2362

You may cancel this contract for any reason at any time 2363
prior to midnight of the third business day after the date on 2364
which the first service under the contract is available, and if 2365
the facility or services that is the subject of the contract is 2366
not available when you sign the contract, you may cancel the 2367

contract at any time prior to midnight of the seventh business 2368
day after the date on which you receive your first service under 2369
the contract. If you cancel within this period, the seller must 2370
send you a full refund of any money you have paid, except that a 2371
reasonable expense fee not to exceed ten dollars may be charged 2372
if you have received your first service under the contract. The 2373
seller must also cancel and return to you within twenty business 2374
days any papers that you have signed. 2375

To cancel this contract you must deliver in person, 2376
manually, ~~or~~ by certified mail, return receipt requested, or by 2377
facsimile transmission, the signed and dated copy of this 2378
cancellation notice or any other written notice of cancellation, 2379
or ~~send a telegram~~ an electronic mail message, to (name of 2380
seller), at (the address of any facility of the seller available 2381
for use by ~~you~~ the buyer, the seller's facsimile number, or the 2382
seller's electronic mail address) not later than midnight of the 2383
third business day after the date on which the first service 2384
under the contract is available, and if the facility or service 2385
that is the subject of the contract is not available when the 2386
contract was signed, not later than midnight of the seventh 2387
business day after the date on which the first service under the 2388
contract is available. 2389

I hereby cancel this contract. 2390

..... 2391

(Date) 2392

..... 2393

(Buyer's signature)" 2394

(2) Before furnishing copies of the notice of cancellation 2395
to the buyer, the seller shall complete both copies by entering 2396

the name of the seller, the address of the ~~seller's place of~~ 2397
~~business~~ facility available for use by the buyer, the seller's 2398
facsimile number, or the seller's electronic mail address, and 2399
the date of the contract. 2400

(C) Until the seller has complied with this section, the 2401
buyer may cancel the contract by delivering to the seller by 2402
certified mail, personal or manual delivery, facsimile 2403
transmission, or ~~telegraphing~~ electronic mail, written notice to 2404
the seller of ~~his~~ the buyer's intention to cancel. The period 2405
within which the buyer may cancel the contract prescribed by 2406
this section begins to run from the time ~~of~~ the seller complies 2407
with divisions (A) and (B) of this section. 2408

(D) In any prepaid entertainment contract no seller shall: 2409

(1) Include in any contract, any confession of judgment or 2410
any waiver of any rights to which the buyer is entitled under 2411
this section, including specifically ~~his~~ the right to cancel the 2412
contract in accordance with this section; 2413

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 2414
of signing the contract, of ~~his~~ the right to cancel; 2415

(3) Misrepresent in any manner the buyer's right to 2416
cancel; 2417

(4) Fail or refuse to honor any valid notice of 2418
cancellation by a buyer and within ten business days after 2419
receipt of the notice to: 2420

(a) Refund all payments made under the contract, except 2421
that if the buyer has received ~~his~~ the buyer's first service 2422
under the contract the seller may retain or bill the buyer for 2423
ten dollars; 2424

(b) Cancel and return any note, negotiable instrument, or 2425
other evidence of indebtedness executed by the buyer in 2426
connection with the contract and take any action necessary to 2427
reflect the termination of any security interest or lien created 2428
under the contract; 2429

(c) Notify the buyer if the seller intends to repossess or 2430
abandon any evidence of membership or other goods provided to 2431
the buyer by the seller pursuant to the contract. 2432

(E) If there is in effect an earlier prepaid entertainment 2433
contract, this section and section 1345.43 of the Revised Code 2434
apply to a transaction in which the seller and the buyer enter 2435
into a new prepaid entertainment contract, or a modification of 2436
the earlier contract. 2437

Sec. 1349.43. (A) As used in this section, "loan officer," 2438
"mortgage broker," and "nonbank mortgage lender" have the same 2439
meanings as in section 1345.01 of the Revised Code. 2440

(B) The department of commerce shall establish and 2441
maintain an electronic database accessible through the internet 2442
that contains information on all of the following: 2443

(1) The enforcement actions taken by the superintendent of 2444
financial institutions for each violation of or failure to 2445
comply with any provision of sections 1322.01 to 1322.12 of the 2446
Revised Code, upon final disposition of the action; 2447

(2) The enforcement actions taken by the attorney general 2448
under Chapter 1345. of the Revised Code against loan officers, 2449
mortgage brokers, and nonbank mortgage lenders, upon final 2450
disposition of each action; 2451

(3) All judgments by courts of this state, concerning 2452
which appellate remedies have been exhausted or lost by the 2453

expiration of the time for appeal, finding either of the 2454
following: 2455

(a) A violation of any provision of sections 1322.01 to 2456
1322.12 of the Revised Code; 2457

(b) That specific acts or practices by a loan officer, 2458
mortgage broker, or nonbank mortgage lender violate section 2459
1345.02, 1345.03, or 1345.031 of the Revised Code. 2460

(C) The attorney general shall ~~submit to notify~~ the 2461
department, ~~on the first day of each January, April, July, and~~ 2462
~~October, a list~~ of all enforcement actions and judgments 2463
described in divisions (B) (2) and (3) (b) of this section. 2464

(D) The department may adopt rules in accordance with 2465
Chapter 119. of the Revised Code that are necessary to implement 2466
this section. 2467

(E) The electronic database maintained by the department 2468
in accordance with this section shall not include information 2469
that, pursuant to section 1322.061 of the Revised Code, is 2470
confidential. 2471

Sec. 1716.02. (A) Every charitable organization, except 2472
those exempted under section 1716.03 of the Revised Code, that 2473
intends to solicit contributions in this state by any means or 2474
have contributions solicited in this state on its behalf by any 2475
other person, charitable organization, commercial co-venturer, 2476
or professional solicitor, or that participates in a charitable 2477
sales promotion, prior to engaging in any of these activities 2478
and annually thereafter, shall file a registration statement 2479
with the attorney general upon a form prescribed by the attorney 2480
general. Each chapter, branch, or affiliate of a charitable 2481
organization that is required to file a registration statement 2482

under this section either shall file a separate registration 2483
statement or report the necessary information to its parent 2484
charitable organization that then shall file a consolidated 2485
registration statement. The annual registration statement shall 2486
be refiled on or before the fifteenth day of the fifth calendar 2487
month after the close of each fiscal year in which the 2488
charitable organization solicited in this state, or by the date 2489
of any applicable extension of the federal filing date, 2490
whichever is later. No charitable organization that is required 2491
to register under this chapter prior to registration, shall 2492
solicit contributions in this state by any means, have 2493
contributions solicited in this state on its behalf by any other 2494
person, charitable organization, commercial co-venturer, or 2495
professional solicitor, or participate in a charitable sales 2496
promotion. 2497

(B) The registration statement shall be signed and sworn 2498
to under penalties of perjury by the treasurer or chief fiscal 2499
officer of the charitable organization and shall contain the 2500
following information: 2501

(1) The name of the charitable organization, the purpose 2502
for which it is organized, and the name or names under which it 2503
intends to solicit contributions; 2504

(2) The address and telephone number of the principal 2505
place of business of the charitable organization and the address 2506
and telephone number of every office, chapter, branch, or 2507
affiliate of the charitable organization located in this state 2508
or, if the charitable organization does not maintain an office 2509
in this state, the name, address, and telephone number of the 2510
person that has custody of its financial records; 2511

(3) The names and addresses of the officers, directors, 2512

trustees, and executive personnel of the charitable organization;	2513 2514
(4) The annual financial report of the charitable organization for the immediately preceding fiscal year as required under section 1716.04 of the Revised Code;	2515 2516 2517
(5) The last day of the fiscal year for the charitable organization;	2518 2519
(6) A statement of whether the charitable organization is registered with or otherwise authorized by any other governmental authority in this state or another state to solicit contributions;	2520 2521 2522 2523
(7) A statement of whether the charitable organization has had its registration or authority denied, suspended, revoked, or enjoined by any court or other governmental authority in this state or another state;	2524 2525 2526 2527
(8) A statement of whether the charitable organization intends to solicit contributions from the public directly by using its own resources or to have solicitations made on its behalf through the use of another charitable organization, fund-raising counsel, professional solicitors, or commercial co-venturers;	2528 2529 2530 2531 2532 2533
(9) The names, addresses, and the telephone numbers of any other charitable organization, fund-raising counsel, professional solicitors, and commercial co-venturers who act or will act on behalf of the charitable organization, together with a statement setting forth the specific terms of the arrangements for salaries, bonuses, commissions, expenses, or other remunerations to be paid the other charitable organization, fund-raising counsel, professional solicitors, and commercial	2534 2535 2536 2537 2538 2539 2540 2541

co-venturers. If any of the information required by division (B) 2542
(9) of this section is not available at the time of 2543
registration, that information shall be submitted to the 2544
attorney general at a later date but before any solicitation 2545
occurs. 2546

(10) The charitable purpose or purposes for which the 2547
contributions to be solicited will be used; 2548

(11) The names, addresses, and telephone numbers of the 2549
persons within the charitable organization that will have final 2550
responsibility for the custody of the contributions; 2551

(12) The names of the persons within the charitable 2552
organization that will be responsible for the final distribution 2553
of the contributions; 2554

(13) The period of time during which, and the counties in 2555
which, the solicitation is planned to be conducted; 2556

(14) A schedule of the activities carried on by the 2557
charitable organization in the performance of its purposes; 2558

(15) Any other information that the attorney general may, 2559
by rule, require. 2560

(C) (1) With the initial registration only, every 2561
charitable organization that is required to register under this 2562
chapter also shall file with the attorney general the following: 2563

(a) A copy of the current charter, articles of 2564
incorporation, agreement of association, instrument of trust, 2565
constitution, or other organizational instrument, and a copy of 2566
the bylaws of the charitable organization; 2567

(b) A statement setting forth the place where and the date 2568
when the charitable organization was legally established, the 2569

form of its organization, and its tax exempt status, with a copy 2570
of its federal tax exemption determination letter. 2571

(2) (a) With the next annual registration statement filed 2572
after its adoption, the charitable organization shall file with 2573
the attorney general a copy of any amendment to its 2574
organizational instrument as specified in division (C) (1) (a) of 2575
this section and a copy of any amendment to its bylaws. 2576

(b) Within thirty days after its receipt, the charitable 2577
organization shall file with the attorney general a copy of any 2578
federal tax exemption determination letter or any correspondence 2579
rescinding its tax exempt status that is received after the 2580
initial registration. Not later than thirty days after being 2581
notified by the internal revenue service of any challenge to or 2582
investigation of its continued entitlement to federal tax 2583
exemption, the charitable organization shall notify the attorney 2584
general of this fact. 2585

(D) (1) Except as otherwise provided in division (D) (2) of 2586
this section, every charitable organization that is required to 2587
register under this chapter shall pay the following fees with 2588
each registration: 2589

(a) Fifty dollars, if the contributions received for the 2590
last calendar or fiscal year were five thousand dollars or more 2591
but less than twenty-five thousand dollars; 2592

(b) One hundred dollars, if the contributions received for 2593
the last calendar or fiscal year were twenty-five thousand 2594
dollars or more but less than fifty thousand dollars; 2595

(c) Two hundred dollars, if the contributions received for 2596
the last calendar or fiscal year were fifty thousand dollars or 2597
more. 2598

(2) A charitable organization that is required to register 2599
under this chapter and whose contributions received for the last 2600
calendar or fiscal year were less than five thousand dollars 2601
shall not pay any registration fee. 2602

(3) The amount of registration fees that a charitable 2603
organization is required to pay under division (D) (1) of this 2604
section shall be based on the amount of contributions that it 2605
receives from persons in this state. If, for any reporting year, 2606
a charitable organization cannot determine from its records the 2607
exact amount of contributions it received from persons in this 2608
state, it shall compute the amount of the registration fee upon 2609
the estimated amount of contributions it received from persons 2610
in this state, with the estimated amount to be explained in 2611
writing at the time the registration fee is paid. At the request 2612
of the attorney general, the charitable organization shall 2613
substantiate the estimated amount of contributions it received 2614
from persons in this state. 2615

(4) All registration fees shall be paid into the state 2616
treasury to the credit of the charitable law fund established 2617
under section 109.32 of the Revised Code. 2618

(5) Any charitable organization that fails to pay the fee 2619
required by this section at the time required shall pay an 2620
additional fee of two hundred dollars, except that the attorney 2621
general may waive the two-hundred-dollar fee upon a showing that 2622
the charitable organization failed to pay the fee for filing the 2623
annual registration statement at the time required by this 2624
section for reasons that were beyond the control of the 2625
charitable organization. If the charitable organization is 2626
required to pay an additional fee under section 109.31 of the 2627
Revised Code, the charitable organization is exempt from paying 2628

the additional fee in this section. 2629

Sec. 1716.05. (A) No person shall act as a fund-raising 2630
counsel unless the person first has complied with the 2631
requirements of this chapter and any rules adopted under this 2632
chapter. 2633

(B) Any fund-raising counsel that at any time has custody 2634
of contributions from a solicitation shall do all of the 2635
following: 2636

(1) Register with the attorney general. Applications for 2637
registration or renewal of registration shall be in writing, 2638
under oath, and in the form prescribed by the attorney general, 2639
and shall be accompanied by a fee in the amount of two hundred 2640
dollars. Any corporation, partnership, association, or other 2641
entity that intends to act as a fund-raising counsel may 2642
register for and pay a single fee of two hundred dollars on 2643
behalf of all its members, officers, employees, and agents. In 2644
that case, the names and addresses of all the officers, 2645
employees, and agents of the fund-raising counsel and all other 2646
persons with whom the fund-raising counsel has contracted to 2647
work under its direction shall be listed in the application. The 2648
application shall contain any other information that the 2649
attorney general may require. The registration or renewal of 2650
registration shall be for a period of one year or part of one 2651
year and shall expire on the thirty-first day of March of each 2652
year. All fees prescribed in this division shall be paid into 2653
the state treasury to the credit of the charitable law fund 2654
established under section 109.32 of the Revised Code. 2655

(2) At the time of making an application for registration 2656
or renewal of registration, file with and have approved by the 2657
attorney general a bond in which the fund-raising counsel shall 2658

be the principal obligor, in the sum of twenty-five thousand 2659
dollars, with one or more sureties authorized to do business in 2660
this state. The fund-raising counsel shall maintain the bond in 2661
effect as long as the registration is in effect; however, the 2662
liability of the surety under the bond shall not exceed an all- 2663
time aggregate liability of twenty-five thousand dollars. The 2664
bond, which may be in the form of a rider to a larger blanket 2665
liability bond, shall run to the state and to any person who may 2666
have a cause of action against the principal obligor of the bond 2667
for any liability arising out of a violation by the obligor of 2668
any provision of this chapter or any rule adopted pursuant to 2669
this chapter. 2670

(3) Not later than ninety days after a solicitation 2671
campaign has been completed and on the anniversary of the 2672
commencement of a solicitation campaign lasting more than one 2673
year, furnish an accounting of all contributions collected and 2674
expenses paid, to the charitable organization with which the 2675
fund-raising counsel has contracted. The accounting shall be in 2676
writing and shall be retained by the charitable organization for 2677
three years. The fund-raising counsel shall file a copy of the 2678
accounting with the attorney general not later than seven days 2679
after it is furnished to the charitable organization. 2680

(4) Not later than two days after receipt of each 2681
contribution, deposit the entire amount of the contribution in 2682
an account at a bank or other federally insured financial 2683
institution which shall be in the name of the charitable 2684
organization with which the fund-raising counsel has contracted. 2685
Each contribution collected by the fund-raising counsel shall be 2686
solely in the name of that charitable organization. The 2687
charitable organization shall have sole control of all 2688
withdrawals from the account and the fund-raising counsel shall 2689

not be given the authority to withdraw any deposited funds from 2690
the account. 2691

(5) During each solicitation campaign and for not less 2692
than three years after its completion, maintain the following 2693
records that shall be made available to the attorney general 2694
upon the attorney general's request: 2695

(a) A record of each contribution that at any time is in 2696
the custody of the fund-raising counsel, including the name and 2697
address of each contributor and the date and amount of the 2698
contribution, provided that the attorney general shall not 2699
disclose that information except to the extent necessary for 2700
investigative or law enforcement purposes; 2701

(b) The location of each bank or financial institution in 2702
which the fund-raising counsel has deposited revenue from the 2703
solicitation campaign and the account number of each account in 2704
which the deposits were made. 2705

(C) Unless otherwise provided in this section, any change 2706
in any information filed with the attorney general pursuant to 2707
this section shall be reported in writing to the attorney 2708
general within seven days after the change occurs. 2709

(D) No person shall serve as a fund-raising counsel, or be 2710
a member, officer, employee, or agent of any fund-raising 2711
counsel, who has been convicted in the last five years of either 2712
of the following: 2713

(1) Any violation of this chapter or any rule adopted 2714
under this chapter, or of any charitable solicitation 2715
legislation or regulation of a political subdivision of this 2716
state or charitable solicitation law of any other jurisdiction 2717
that is similar to this chapter; 2718

(2) A felony in this or another state. 2719

(E) The information provided under this section to the 2720
attorney general by a fund-raising counsel shall be included in 2721
the reports and files required to be compiled and maintained by 2722
the attorney general pursuant to divisions (E) and (F) of 2723
section 1716.08 of the Revised Code. 2724

(F) If a fund-raising counsel fails to comply in a timely 2725
or complete manner with any of the requirements under this 2726
section, the fund-raising counsel is liable for and, in addition 2727
to any fee required in this section, shall pay two hundred 2728
dollars for each late filing. Each registration, renewal of 2729
registration, bond, or accounting shall be considered a separate 2730
filing for the purposes of this section. Any fees required by 2731
this section are in addition to, and not in place of, penalties 2732
prescribed in this chapter. 2733

Sec. 1716.07. (A) No professional solicitor shall engage 2734
in any solicitation unless it has complied with the requirements 2735
of this chapter and any rules adopted under this chapter. 2736

(B) Every professional solicitor, before engaging in any 2737
solicitation, shall register with the attorney general. 2738
Applications for registration or renewal of registration shall 2739
be in writing, under oath, and in the form prescribed by the 2740
attorney general, and shall be accompanied by a fee in the 2741
amount of two hundred dollars. Any corporation, partnership, 2742
association, or other entity that intends to act as a 2743
professional solicitor may register for and pay a single fee of 2744
two hundred dollars on behalf of all its members, officers, 2745
employees, agents, and solicitors. In that case, the names and 2746
addresses of all the officers, employees, and agents of the 2747
professional solicitor and all other persons with whom the 2748

professional solicitor has contracted to work under its 2749
direction, including solicitors, shall be listed in the 2750
application or furnished to the attorney general within five 2751
days of the date of employment or contractual arrangement. The 2752
application shall contain any other information that the 2753
attorney general may require. The registration shall be for a 2754
period of one year or part of one year and shall expire on the 2755
thirty-first day of March of each year. Upon application and 2756
payment of the fee specified in this division and filing of the 2757
bond prescribed in division (C) of this section, the 2758
registration may be renewed for additional one-year periods. All 2759
fees prescribed in this division shall be paid into the state 2760
treasury to the credit of the charitable law fund established 2761
under section 109.32 of the Revised Code. 2762

(C) At the time of making an application for registration 2763
or renewal of registration, the professional solicitor shall 2764
file with and have approved by the attorney general a bond in 2765
which the professional solicitor shall be the principal obligor, 2766
in the sum of twenty-five thousand dollars, with one or more 2767
sureties authorized to do business in this state. The 2768
professional solicitor shall maintain the bond in effect as long 2769
as the registration is in effect; however, the liability of the 2770
surety under the bond shall not exceed an all-time aggregate 2771
liability of twenty-five thousand dollars. The bond, which may 2772
be in the form of a rider to a larger blanket liability bond, 2773
shall run to the state and to any person who may have a cause of 2774
action against the principal obligor of the bond for any 2775
liability arising out of a violation by the obligor of any 2776
provision of this chapter or any rule adopted pursuant to this 2777
chapter. 2778

(D) (1) Prior to the commencement of any solicitation, the 2779

professional solicitor shall file all of the following with the attorney general:	2780 2781
(a) A completed document called "Solicitation Notice" upon a form prescribed by the attorney general and containing all of the information specified in division (D)(2) of this section;	2782 2783 2784
(b) A copy of the contract described in division (A) of section 1716.08 of the Revised Code;	2785 2786
(c) A sworn statement by the charitable organization on whose behalf the professional solicitor is acting certifying that the solicitation notice and any accompanying material are true and correct to the best of its knowledge.	2787 2788 2789 2790
(2) The solicitation notice shall include all of the following:	2791 2792
(a) The fund-raising methods to be used;	2793
(b) The projected dates when the solicitation will commence and terminate;	2794 2795
(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;	2796 2797 2798
(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;	2799 2800 2801
(e) A statement of whether the professional solicitor will at any time have custody of any contributions;	2802 2803
(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;	2804 2805
(g) The written and signed consent of every charitable	2806

organization on whose behalf the professional solicitor will be 2807
soliciting contributions or whose name will be mentioned during 2808
the solicitation. 2809

(E) Not later than ninety days after a solicitation 2810
campaign has been completed and on the anniversary of the 2811
commencement of a solicitation campaign lasting more than one 2812
year, the professional solicitor shall provide to the charitable 2813
organization and file with the attorney general a financial 2814
report of the campaign, including the gross revenue received and 2815
an itemization of all expenses incurred. The report shall be 2816
completed on a form prescribed by the attorney general and 2817
signed by an authorized official of the professional solicitor 2818
who shall certify under oath that the report is true and 2819
correct. 2820

(F) Each contribution collected by or in the custody of 2821
the professional solicitor shall be solely in the name of the 2822
charitable organization on whose behalf the contribution was 2823
solicited. Not later than two days after receipt of each 2824
contribution, the professional solicitor shall deposit the 2825
entire amount of the contribution in an account at a bank or 2826
other federally insured financial institution, which shall be in 2827
the name of that charitable organization. The charitable 2828
organization shall have sole control of all withdrawals from the 2829
account and the professional solicitor shall not be given the 2830
authority to withdraw any deposited funds from the account. 2831

(G) (1) During each solicitation campaign and for not less 2832
than three years after its completion, the professional 2833
solicitor shall maintain the following records: 2834

(a) The name and, if known to the professional solicitor, 2835
the address and telephone number of each contributor and the 2836

date and amount of the contribution, provided that the attorney 2837
general shall not disclose that information except to the extent 2838
necessary for investigative or law enforcement purposes; 2839

(b) The name and residence address of each employee, 2840
agent, and any other person, however designated, who is involved 2841
in the solicitation, the amount of compensation paid to each, 2842
and the dates on which the payments were made; 2843

(c) A record of all contributions that at any time are in 2844
the custody of the professional solicitor; 2845

(d) A record of all expenses incurred by the professional 2846
solicitor for the payment of which the professional solicitor is 2847
liable; 2848

(e) A record of all expenses incurred by the professional 2849
solicitor for the payment of which the charitable organization 2850
is liable; 2851

(f) The location of each bank or financial institution in 2852
which the professional solicitor has deposited revenue from the 2853
solicitation campaign and the account number of each account in 2854
which the deposits were made; 2855

(g) A copy of each pitch sheet or solicitation script used 2856
during the solicitation campaign; 2857

(h) If a refund of a contribution has been requested, the 2858
name and address of each person requesting the refund, and if a 2859
refund was made, its amount and the date it was made. 2860

(i) Any other record of such information as the attorney 2861
general may require. 2862

(2) If the professional solicitor sells tickets to any 2863
event and represents that the tickets will be donated for use by 2864

another person, the professional solicitor also shall maintain 2865
for the same period as specified in division (G) (1) of this 2866
section the following records: 2867

(a) The name and address of each contributor that 2868
purchases or donates tickets and the number of tickets purchased 2869
or donated by the contributor; 2870

(b) The name and address of each organization that 2871
receives the donated tickets for the use of others, and the 2872
number of tickets received by the organization. 2873

(3) Any of the records described in divisions (G) (1) and 2874
(2) of this section shall be made available to the attorney 2875
general upon the attorney general's request and shall be 2876
furnished to the attorney general within ten days of the 2877
request. 2878

(H) Unless otherwise provided in this section or section 2879
1716.08 of the Revised Code, any change in any information filed 2880
with the attorney general pursuant to this section and section 2881
1716.08 of the Revised Code shall be reported in writing to the 2882
attorney general within seven days after the change occurs. 2883

(I) No person shall serve as a professional solicitor, or 2884
be a member, officer, employee, or agent of any professional 2885
solicitor, who has been convicted in the last five years of 2886
either of the following: 2887

(1) Any violation of this chapter or any rule adopted 2888
under this chapter, or of any charitable solicitation 2889
legislation or regulation of a political subdivision of this 2890
state or charitable solicitation law of any other jurisdiction 2891
that is similar to this chapter; 2892

(2) A felony in this or another state. 2893

(J) If a professional solicitor fails to comply in a 2894
timely or complete manner with any of the requirements under 2895
this section, the professional solicitor is liable for and, in 2896
addition to any fee required in this section, shall pay two 2897
hundred dollars for each late filing. Each registration, renewal 2898
of registration, bond, solicitation notice, contract, sworn 2899
statement, or financial report shall be considered a separate 2900
filing for the purposes of this section. Any fees required by 2901
this section are in addition to, and not in place of, penalties 2902
prescribed in this chapter. 2903

Sec. 2329.07. (A) As used in this section: 2904

"Aid of execution" means an aid of execution under Chapter 2905
2333. of the Revised Code, including the issuance of an order to 2906
a judgment debtor to appear for examination under section 2907
2333.10 of the Revised Code. 2908

"Certificate of judgment" means a certificate issued by a 2909
clerk of courts in which the judgment was rendered, under the 2910
seal of the court, under section 2329.02 or 2329.04 of the 2911
Revised Code. 2912

"Execution" has the meaning defined in section 2327.01 of 2913
the Revised Code. 2914

"Garnishment" means a proceeding commenced when an order 2915
of garnishment of personal earnings or an order of garnishment 2916
of property other than personal earnings is issued by a court. 2917

For purposes of this section, an order of garnishment of 2918
personal earnings is continuing when regular garnishment 2919
payments are being made in accordance with a judgment debtor's 2920
regular pay schedule. An order of garnishment other than 2921
personal earnings is continuing until the garnishee files an 2922

answer. 2923

"Renewal of the judgment" means the occurrence of any of 2924
the actions set forth under division (B) or (C) of this section. 2925

(B) (1) ~~If neither execution~~ A judgment that is not in 2926
favor of the state is dormant and shall not operate as a lien 2927
against the estate of the judgment debtor unless one of the 2928
following occurs within five years from the date of the judgment 2929
or any renewal of the judgment, whichever is later: 2930

(a) An execution on a judgment rendered in a court of 2931
record or certified to the clerk of the court of common pleas in 2932
the county in which the judgment was rendered is issued, nor a 2933

(b) A certificate of judgment for obtaining a lien upon 2934
lands and tenements is issued and filed, as provided in sections 2935
2329.02 and 2329.04 of the Revised Code, within five years from 2936
the date of the judgment or within five years from the date of 2937
the issuance of the last execution thereon or the issuance and 2938
filing of the last such certificate, whichever is later, then, 2939
unless the judgment is in favor of the state, the judgment shall 2940
be dormant and shall not operate as a lien upon the estate of 2941
the judgment debtor. 2942

(c) An order of garnishment is issued or is continuing, or 2943
until the last garnishment payment is received by the clerk of 2944
courts or the final report is filed by the garnishee, whichever 2945
is later. 2946

(d) A proceeding in aid of execution is commenced or is 2947
continuing. 2948

(2) ~~If the~~ Except as otherwise provided in division (D) of 2949
this section, a judgment is in favor of the state, the judgment 2950
shall not become is dormant and shall not cease to operate as a 2951

lien against the estate of the judgment debtor ~~provided that~~ 2952
~~either unless one of the following occurs within ten years from~~ 2953
~~the date of the judgment, or any renewal of the judgment,~~ 2954
whichever is later: 2955

(a) An execution on the judgment is issued or a. 2956

(b) A certificate of judgment is issued and filed, as 2957
provided in sections 2329.02 and 2329.04 of the Revised Code, 2958
~~within ten years from the date of the judgment or within fifteen~~ 2959
~~years from the date of the issuance of the last execution~~ 2960
~~thereon or the issuance and filing of the last such certificate,~~ 2961
~~whichever is later, except as otherwise provided in division (C)~~ 2962
~~of this section.~~ 2963

(c) An order of garnishment is issued or is continuing, or 2964
until the last garnishment payment is received by the clerk of 2965
courts or the final report and answer is filed by the garnishee, 2966
whichever is later. 2967

(d) A proceeding in aid of execution is commenced or is 2968
continuing. The 2969

The fifteen-year limitation period applies to executions 2970
issued and certificates of judgments issued and filed before, 2971
on, or after the effective date of the amendment of this section 2972
by ~~.....~~H.B. 699 of the 126th general assembly, March 29, 2973
2007. 2974

~~(B)~~ (C) If, in any county other than that in which a 2975
judgment was rendered, the judgment has become a lien by reason 2976
of the filing, in the office of the clerk of the court of common 2977
pleas of that county, of a certificate of the judgment as 2978
provided in sections 2329.02 and 2329.04 of the Revised Code, 2979
~~and if no execution is issued for the enforcement of the~~ 2980

~~judgment within that county, or no further certificate of the~~ 2981
~~judgment is filed in that county, or there has been a renewal of~~ 2982
~~the judgment, except as otherwise provided under division (D) of~~ 2983
~~this section, the judgment shall cease to operate as a lien upon~~ 2984
~~lands and tenements of the judgment debtor within that county,~~ 2985
~~unless one of the following occurs within five years or, if the~~ 2986
~~judgment is in favor of the state, within fifteen years from the~~ 2987
~~date of issuance of the last execution for the enforcement of~~ 2988
~~the judgment within that county or the date of filing of the~~ 2989
~~last certificate in that county, whichever is the later, then~~ 2990
~~the judgment shall cease to operate as a lien upon lands and~~ 2991
~~tenements of the judgment debtor within that county, except as~~ 2992
~~otherwise provided in division (C) of this section:~~ 2993

(1) An execution on a judgment is issued. 2994

(2) A certificate of the judgment is filed in that county. 2995

(3) An order of garnishment is issued or is continuing, or 2996
until the last garnishment payment is received by the clerk of 2997
courts or the final report and answer is filed by the garnishee, 2998
whichever is later. 2999

(4) A proceeding in aid of execution is commenced or is 3000
continuing. The 3001

The fifteen-year limitation period applies to executions 3002
issued and certificates of judgments issued and filed before, 3003
on, or after the effective date of the amendment of this section 3004
by H.B. 699 of the 126th general assembly, March 29, 2007. 3005

~~(C)~~ (D) (1) As used in division ~~(C)~~ (D) of this section, 3006
"interim period" means the period beginning September 26, 2003, 3007
and ending September 27, 2006. 3008

(2) Division ~~(C)~~ (D) of this section applies only to 3009

judgments in favor of the state that are subject to this section 3010
and to which both of the following apply: 3011

(a) The first issuance of execution on the judgment, or a 3012
garnishment or an aid in execution proceeding was commenced or 3013
continuing, or the ~~first issuance and filing of the certificate~~ 3014
of judgment, ~~was issued or issued and filed~~ within the ten-year 3015
period provided in this section before the beginning of the 3016
interim period; 3017

(b) Subsequent issuance of execution on the judgment, or 3018
an order of garnishment or an aid in execution proceeding was 3019
commenced or continuing, or subsequent issuance and filing of 3020
the certificate of judgment would have been required during the 3021
interim period in order to keep the lien from becoming dormant 3022
under this section as this section existed on September 25, 3023
2003, and as if this section as it existed on that date had been 3024
in effect during the interim period. 3025

(3) Such a judgment shall ~~not~~ become dormant and shall ~~not~~ 3026
cease to operate as a lien against the estate of the judgment 3027
debtor ~~if either~~ unless one of the following occurs within 3028
fifteen years after the expiration of the ten-year period 3029
following issuance of the last execution on the judgment or 3030
following the issuance and filing of the last such certificate, 3031
whichever is later: 3032

(a) An execution on the judgment is issued or a. 3033

(b) A certificate of judgment is issued and filed, as 3034
~~provided in sections 2329.02 and 2329.04 of the Revised Code,~~ 3035
~~within fifteen years after the expiration of the ten-year period~~ 3036
~~following issuance of the last execution on the judgment or~~ 3037
~~following the issuance and filing of the last such certificate,~~ 3038

~~whichever is later.~~ 3039

(c) A garnishment proceeding has been commenced or is 3040
continuing or until the last garnishment payment is received by 3041
the clerk of courts or the final report and answer is filed by 3042
the garnishee, whichever is later. 3043

(d) A proceeding in aid of execution is commenced or is 3044
continuing. 3045

Sec. 2743.191. (A) (1) There is hereby created in the state 3046
treasury the reparations fund, which shall be used only for the 3047
following purposes: 3048

(a) The payment of awards of reparations that are granted 3049
by the attorney general; 3050

(b) The compensation of any personnel needed by the 3051
attorney general to administer sections 2743.51 to 2743.72 of 3052
the Revised Code; 3053

(c) The compensation of witnesses as provided in division 3054
(J) of section 2743.65 of the Revised Code; 3055

(d) Other administrative costs of hearing and determining 3056
claims for an award of reparations by the attorney general; 3057

(e) The costs of administering sections 2907.28 and 3058
2969.01 to 2969.06 of the Revised Code; 3059

(f) The costs of investigation and decision-making as 3060
certified by the attorney general; 3061

(g) The provision of state financial assistance to victim 3062
assistance programs in accordance with sections 109.91 and 3063
109.92 of the Revised Code; 3064

(h) The costs of paying the expenses of sex offense- 3065

related examinations, antibiotics, and HIV post-exposure 3066
prophylaxis pursuant to section 2907.28 of the Revised Code; 3067

(i) The cost of printing and distributing the pamphlet 3068
prepared by the attorney general pursuant to section 109.42 of 3069
the Revised Code; 3070

(j) Subject to division (D) of section 2743.71 of the 3071
Revised Code, the costs associated with the printing and 3072
providing of information cards or other printed materials to law 3073
enforcement agencies and prosecuting authorities and with 3074
publicizing the availability of awards of reparations pursuant 3075
to section 2743.71 of the Revised Code; 3076

(k) The payment of costs of administering a DNA specimen 3077
collection procedure pursuant to sections 2152.74 and 2901.07 of 3078
the Revised Code, of performing DNA analysis of those DNA 3079
specimens, and of entering the resulting DNA records regarding 3080
those analyses into the DNA database pursuant to section 109.573 3081
of the Revised Code; 3082

(l) The payment of actual costs associated with 3083
initiatives by the attorney general for the apprehension, 3084
prosecution, and accountability of offenders, and the enhancing 3085
of services to crime victims. The amount of payments made 3086
pursuant to division (A)(1)(1) of this section during any given 3087
fiscal year shall not exceed five per cent of the balance of the 3088
reparations fund at the close of the immediately previous fiscal 3089
year; 3090

(m) The costs of administering the adult parole 3091
authority's supervision pursuant to division (E) of section 3092
2971.05 of the Revised Code of sexually violent predators who 3093
are sentenced to a prison term pursuant to division (A)(3) of 3094

section 2971.03 of the Revised Code and of offenders who are 3095
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3096
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3097
of that section; 3098

(n) Subject to the limit set forth in those sections, the 3099
costs of the installation and monitoring of an electronic 3100
monitoring device used in the monitoring of a respondent 3101
pursuant to an electronic monitoring order issued by a court 3102
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3103
(b) of section 2903.214 of the Revised Code if the court 3104
determines that the respondent is indigent or used in the 3105
monitoring of an offender pursuant to an electronic monitoring 3106
order issued under division (B) (5) of section 2919.27 of the 3107
Revised Code if the court determines that the offender is 3108
indigent. 3109

(2) All costs paid pursuant to section 2743.70 of the 3110
Revised Code, the portions of license reinstatement fees 3111
mandated by division (F) (2) (b) of section 4511.191 of the 3112
Revised Code to be credited to the fund, the portions of the 3113
proceeds of the sale of a forfeited vehicle specified in 3114
division (C) (2) of section 4503.234 of the Revised Code, 3115
payments collected by the department of rehabilitation and 3116
correction from prisoners who voluntarily participate in an 3117
approved work and training program pursuant to division (C) (8) 3118
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3119
collected by the state pursuant to its right of subrogation 3120
provided in section 2743.72 of the Revised Code shall be 3121
deposited in the fund. 3122

(B) In making an award of reparations, the attorney 3123
general shall render the award against the state. The award 3124

shall be accomplished only through the following procedure, and 3125
the following procedure may be enforced by writ of mandamus 3126
directed to the appropriate official: 3127

(1) The attorney general shall provide for payment of the 3128
claimant or providers in the amount of the award only if the 3129
amount of the award is fifty dollars or more. 3130

(2) The expense shall be charged against all available 3131
unencumbered moneys in the fund. 3132

(3) If sufficient unencumbered moneys do not exist in the 3133
fund, the attorney general shall make application for payment of 3134
the award out of the emergency purposes account or any other 3135
appropriation for emergencies or contingencies, and payment out 3136
of this account or other appropriation shall be authorized if 3137
there are sufficient moneys greater than the sum total of then 3138
pending emergency purposes account requests or requests for 3139
releases from the other appropriations. 3140

(4) If sufficient moneys do not exist in the account or 3141
any other appropriation for emergencies or contingencies to pay 3142
the award, the attorney general shall request the general 3143
assembly to make an appropriation sufficient to pay the award, 3144
and no payment shall be made until the appropriation has been 3145
made. The attorney general shall make this appropriation request 3146
during the current biennium and during each succeeding biennium 3147
until a sufficient appropriation is made. If, prior to the time 3148
that an appropriation is made by the general assembly pursuant 3149
to this division, the fund has sufficient unencumbered funds to 3150
pay the award or part of the award, the available funds shall be 3151
used to pay the award or part of the award, and the 3152
appropriation request shall be amended to request only 3153
sufficient funds to pay that part of the award that is unpaid. 3154

(C) The attorney general shall not make payment on a 3155
decision or order granting an award until all appeals have been 3156
determined and all rights to appeal exhausted, except as 3157
otherwise provided in this section. If any party to a claim for 3158
an award of reparations appeals from only a portion of an award, 3159
and a remaining portion provides for the payment of money by the 3160
state, that part of the award calling for the payment of money 3161
by the state and not a subject of the appeal shall be processed 3162
for payment as described in this section. 3163

(D) The attorney general shall prepare itemized bills for 3164
the costs of printing and distributing the pamphlet the attorney 3165
general prepares pursuant to section 109.42 of the Revised Code. 3166
The itemized bills shall set forth the name and address of the 3167
persons owed the amounts set forth in them. 3168

(E) Interest earned on the moneys in the fund shall be 3169
credited to the fund. 3170

(F) As used in this section, "DNA analysis" and "DNA 3171
specimen" have the same meanings as in section 109.573 of the 3172
Revised Code. 3173

Sec. 2743.56. (A) A claim for an award of reparations 3174
shall be commenced by filing an application for an award of 3175
reparations with the attorney general. The application may be 3176
filed by mail. If the application is filed by mail, the post- 3177
marked date of the application shall be considered the filing 3178
date of the application. The application shall be in a form 3179
prescribed by the attorney general and shall include a release 3180
authorizing the attorney general and the court of claims to 3181
obtain any report, document, or information that relates to the 3182
determination of the claim for an award of reparations that is 3183
requested in the application. 3184

(B) All applications for an award of reparations ~~shall~~may
be filed ~~as follows:~~ 3185
3186

~~(1) If the victim of the criminally injurious conduct was
a minor, within two years of the victim's eighteenth birthday or
within two years from the date a complaint, indictment, or
information is filed against the alleged offender, whichever is
later. This division does not require that a complaint,
indictment, or information be filed against an alleged offender
in order for an application for an award of reparations to be
filed pertaining to a victim who was a minor if the application
is filed within two years of the victim's eighteenth birthday,
and does not affect the provisions of section 2743.64 of the
Revised Code.~~ 3187
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~~(2) If the victim of the criminally injurious conduct was
an adult, at any time after the occurrence of the criminally
injurious conduct.~~ 3198
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3200

Sec. 2743.68. A claimant may file a supplemental 3201
reparations application in a claim if the attorney general or 3202
the court of claims, within ~~five~~six years prior to the filing 3203
of the supplemental application, has made any of the following 3204
determinations: 3205

(A) That an award, supplemental award, or installment 3206
award be granted; 3207

(B) That an award, supplemental award, or installment 3208
award be conditioned or denied because of actual or potential 3209
recovery from a collateral source; 3210

(C) That an award, supplemental award, or installment 3211
award be denied because the claimant had not incurred any 3212
economic loss at that time. 3213

Sec. 2743.71. (A) Any law enforcement agency that 3214
investigates, and any prosecuting attorney, city director of 3215
law, village solicitor, or similar prosecuting authority who 3216
prosecutes, an offense committed in this state shall, upon first 3217
contact with the victim or the victim's family or dependents, 3218
give the victim or the victim's family or dependents a copy of 3219
an information card or other printed material provided by the 3220
attorney general pursuant to division (B) of this section and 3221
explain, upon request, the information on the card or material 3222
to the victim or the victim's family or dependents. 3223

(B) The attorney general shall have printed, and shall 3224
provide to law enforcement agencies, prosecuting attorneys, city 3225
directors of law, village solicitors, and similar prosecuting 3226
authorities, cards or other materials that contain information 3227
explaining awards of reparations. The information on the cards 3228
or other materials shall include, but shall not be limited to, 3229
the following statements: 3230

(1) Awards of reparations are limited to losses that are 3231
caused by physical injury resulting from criminally injurious 3232
conduct; 3233

(2) Reparations applications ~~are required to~~ may be filed 3234
~~within the period provided by division (B)(1) of section 2743.56~~ 3235
~~of the Revised Code if the victim of~~ at any time after the 3236
occurrence of the criminally injurious conduct ~~was a minor;~~ 3237

(3) An attorney who represents an applicant for an award 3238
of reparations cannot charge the applicant for the services 3239
rendered in relation to that representation but is required to 3240
apply to the attorney general for payment for the 3241
representation; 3242

(4) Applications for awards of reparations may be obtained 3243
from the attorney general, law enforcement agencies, and victim 3244
assistance agencies and are to be filed with the attorney 3245
general. 3246

(C) The attorney general may order that a reasonable 3247
amount of money be paid out of the reparations fund, subject to 3248
the limitation imposed by division (D) of this section, for use 3249
by the attorney general to publicize the availability of awards 3250
of reparations. 3251

(D) During any fiscal year, the total expenditure for the 3252
printing and providing of information cards or other materials 3253
pursuant to division (B) of this section and for the publicizing 3254
of the availability of awards of reparations pursuant to 3255
division (C) of this section shall not exceed two per cent of 3256
the total of all court costs deposited, in accordance with 3257
section 2743.70 of the Revised Code, in the reparations fund 3258
during the immediately preceding fiscal year. 3259

Sec. 2746.02. A court of record of this state shall tax as 3260
costs or otherwise require the payment of fees for the following 3261
services rendered, as compensation for the following persons, or 3262
as part of the sentence imposed by the court, or any other of 3263
the following fees that are applicable in a particular case: 3264

(A) In a felony case, financial sanctions, as provided in 3265
section 2929.18 of the Revised Code; 3266

(B) In any criminal case, the costs of prosecution, as 3267
provided in section 2947.23 of the Revised Code; 3268

(C) In a misdemeanor case in which the offender is 3269
sentenced to a jail term, the local detention facility is 3270
covered by a policy adopted by the facility's governing 3271

authority requiring reimbursement for the costs of confinement, 3272
and the offender is presented with an itemized bill pursuant to 3273
section 2929.37 of the Revised Code for such costs, the costs of 3274
confinement, as provided in section 2929.24 of the Revised Code; 3275

(D) In a case in which an offender is sentenced for 3276
endangering children in violation of section 2919.22 of the 3277
Revised Code, the costs of the offender's supervised community 3278
service work, as provided in section 2919.22 of the Revised 3279
Code; 3280

(E) In a case in which a defendant is charged with any of 3281
certain sexual assault or prostitution-related offenses and is 3282
found to be suffering from a venereal disease in an infectious 3283
stage, the cost of medical treatment, as provided in section 3284
2907.27 of the Revised Code; 3285

(F) In a case in which a defendant is charged with 3286
harassment with a bodily substance, the cost of medical testing, 3287
as provided in section 2921.38 of the Revised Code; 3288

(G) In a case in which a defendant is charged with 3289
violating a protection order in violation of section 2919.27 of 3290
the Revised Code or of a municipal ordinance that is 3291
substantially similar to that section, the costs of any 3292
evaluation and preceding examination of the defendant, as 3293
provided in section 2919.271 of the Revised Code; 3294

(H) Presentence psychological or psychiatric reports, as 3295
provided in section 2947.06 of the Revised Code; 3296

(I) In a criminal proceeding, the taking of a deposition 3297
of a person who is imprisoned in a detention facility or state 3298
correctional institution within this state or who is in the 3299
custody of the department of youth services, as provided in 3300

section 2945.47 of the Revised Code; 3301

(J) In a case in which a person is convicted of or pleads 3302
guilty to any offense other than a parking violation or in which 3303
a child is found to be a delinquent child or a juvenile traffic 3304
offender for an act that, if committed by an adult, would be an 3305
offense other than a parking violation, additional costs and 3306
bail, if applicable, as provided in sections 2743.70 and 3307
2949.091 of the Revised Code, but subject to waiver as provided 3308
in section 2949.092 of the Revised Code; 3309

(K) In a case in which a person is convicted of or pleads 3310
guilty to a moving violation or in which a child is found to be 3311
a juvenile traffic offender for an act which, if committed by an 3312
adult, would be a moving violation, additional costs and bail, 3313
if applicable, as provided in sections 2949.093 and 2949.094 of 3314
the Revised Code, but subject to waiver as provided in section 3315
2949.092 of the Revised Code; 3316

(L) In a case in which a defendant is convicted of 3317
abandoning a junk vessel or outboard motor without notifying the 3318
appropriate law enforcement officer, the cost incurred by the 3319
state or a political subdivision in disposing of the vessel or 3320
motor, as provided in section 1547.99 of the Revised Code; 3321

(M) The costs of electronic monitoring in the following 3322
cases: 3323

(1) In a misdemeanor case in which the offender is 3324
convicted of any of certain prostitution-related offenses and a 3325
specification under section 2941.1421 of the Revised Code, as 3326
provided in section 2929.24 of the Revised Code; 3327

(2) In a case in which the court issues a criminal 3328
protection order against a minor upon a petition alleging that 3329

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;

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

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

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

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

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

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

(3) "Physical harm to persons" means any injury, illness, 3358
or other physiological impairment, regardless of its gravity or 3359
duration. 3360

(4) "Physical harm to property" means any tangible or 3361
intangible damage to property that, in any degree, results in 3362
loss to its value or interferes with its use or enjoyment. 3363
"Physical harm to property" does not include wear and tear 3364
occasioned by normal use. 3365

(5) "Serious physical harm to persons" means any of the 3366
following: 3367

(a) Any mental illness or condition of such gravity as 3368
would normally require hospitalization or prolonged psychiatric 3369
treatment; 3370

(b) Any physical harm that carries a substantial risk of 3371
death; 3372

(c) Any physical harm that involves some permanent 3373
incapacity, whether partial or total, or that involves some 3374
temporary, substantial incapacity; 3375

(d) Any physical harm that involves some permanent 3376
disfigurement or that involves some temporary, serious 3377
disfigurement; 3378

(e) Any physical harm that involves acute pain of such 3379
duration as to result in substantial suffering or that involves 3380
any degree of prolonged or intractable pain. 3381

(6) "Serious physical harm to property" means any physical 3382
harm to property that does either of the following: 3383

(a) Results in substantial loss to the value of the 3384
property or requires a substantial amount of time, effort, or 3385

money to repair or replace;	3386
(b) Temporarily prevents the use or enjoyment of the	3387
property or substantially interferes with its use or enjoyment	3388
for an extended period of time.	3389
(7) "Risk" means a significant possibility, as contrasted	3390
with a remote possibility, that a certain result may occur or	3391
that certain circumstances may exist.	3392
(8) "Substantial risk" means a strong possibility, as	3393
contrasted with a remote or significant possibility, that a	3394
certain result may occur or that certain circumstances may	3395
exist.	3396
(9) "Offense of violence" means any of the following:	3397
(a) A violation of section 2903.01, 2903.02, 2903.03,	3398
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	3399
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	3400
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	3401
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	3402
2921.34, or 2923.161, <u>of division (A) (1) of section 2903.34,</u> of	3403
division (A) (1), (2), or (3) of section 2911.12, or of division	3404
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code	3405
or felonious sexual penetration in violation of former section	3406
2907.12 of the Revised Code;	3407
(b) A violation of an existing or former municipal	3408
ordinance or law of this or any other state or the United	3409
States, substantially equivalent to any section, division, or	3410
offense listed in division (A) (9) (a) of this section;	3411
(c) An offense, other than a traffic offense, under an	3412
existing or former municipal ordinance or law of this or any	3413
other state or the United States, committed purposely or	3414

knowingly, and involving physical harm to persons or a risk of 3415
serious physical harm to persons; 3416

(d) A conspiracy or attempt to commit, or complicity in 3417
committing, any offense under division (A) (9) (a), (b), or (c) of 3418
this section. 3419

(10) (a) "Property" means any property, real or personal, 3420
tangible or intangible, and any interest or license in that 3421
property. "Property" includes, but is not limited to, cable 3422
television service, other telecommunications service, 3423
telecommunications devices, information service, computers, 3424
data, computer software, financial instruments associated with 3425
computers, other documents associated with computers, or copies 3426
of the documents, whether in machine or human readable form, 3427
trade secrets, trademarks, copyrights, patents, and property 3428
protected by a trademark, copyright, or patent. "Financial 3429
instruments associated with computers" include, but are not 3430
limited to, checks, drafts, warrants, money orders, notes of 3431
indebtedness, certificates of deposit, letters of credit, bills 3432
of credit or debit cards, financial transaction authorization 3433
mechanisms, marketable securities, or any computer system 3434
representations of any of them. 3435

(b) As used in division (A) (10) of this section, "trade 3436
secret" has the same meaning as in section 1333.61 of the 3437
Revised Code, and "telecommunications service" and "information 3438
service" have the same meanings as in section 2913.01 of the 3439
Revised Code. 3440

(c) As used in divisions (A) (10) and (13) of this section, 3441
"cable television service," "computer," "computer software," 3442
"computer system," "computer network," "data," and 3443
"telecommunications device" have the same meanings as in section 3444

2913.01 of the Revised Code.	3445
(11) "Law enforcement officer" means any of the following:	3446
(a) A sheriff, deputy sheriff, constable, police officer	3447
of a township or joint police district, marshal, deputy marshal,	3448
municipal police officer, member of a police force employed by a	3449
metropolitan housing authority under division (D) of section	3450
3735.31 of the Revised Code, or state highway patrol trooper;	3451
(b) An officer, agent, or employee of the state or any of	3452
its agencies, instrumentalities, or political subdivisions, upon	3453
whom, by statute, a duty to conserve the peace or to enforce all	3454
or certain laws is imposed and the authority to arrest violators	3455
is conferred, within the limits of that statutory duty and	3456
authority;	3457
(c) A mayor, in the mayor's capacity as chief conservator	3458
of the peace within the mayor's municipal corporation;	3459
(d) A member of an auxiliary police force organized by	3460
county, township, or municipal law enforcement authorities,	3461
within the scope of the member's appointment or commission;	3462
(e) A person lawfully called pursuant to section 311.07 of	3463
the Revised Code to aid a sheriff in keeping the peace, for the	3464
purposes and during the time when the person is called;	3465
(f) A person appointed by a mayor pursuant to section	3466
737.01 of the Revised Code as a special patrolling officer	3467
during riot or emergency, for the purposes and during the time	3468
when the person is appointed;	3469
(g) A member of the organized militia of this state or the	3470
armed forces of the United States, lawfully called to duty to	3471
aid civil authorities in keeping the peace or protect against	3472

domestic violence;	3473
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	3474 3475
(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	3476 3477
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3478 3479 3480
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3481 3482
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	3483 3484 3485 3486
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	3487 3488
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	3489 3490 3491 3492 3493 3494 3495 3496 3497 3498
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising	3499 3500

out of status, position, office, or relationship, or growing out 3501
of necessity. 3502

(13) "Contraband" means any property that is illegal for a 3503
person to acquire or possess under a statute, ordinance, or 3504
rule, or that a trier of fact lawfully determines to be illegal 3505
to possess by reason of the property's involvement in an 3506
offense. "Contraband" includes, but is not limited to, all of 3507
the following: 3508

(a) Any controlled substance, as defined in section 3509
3719.01 of the Revised Code, or any device or paraphernalia; 3510

(b) Any unlawful gambling device or paraphernalia; 3511

(c) Any dangerous ordnance or obscene material. 3512

(14) A person is "not guilty by reason of insanity" 3513
relative to a charge of an offense only if the person proves, in 3514
the manner specified in section 2901.05 of the Revised Code, 3515
that at the time of the commission of the offense, the person 3516
did not know, as a result of a severe mental disease or defect, 3517
the wrongfulness of the person's acts. 3518

(B) (1) (a) Subject to division (B) (2) of this section, as 3519
used in any section contained in Title XXIX of the Revised Code 3520
that sets forth a criminal offense, "person" includes all of the 3521
following: 3522

(i) An individual, corporation, business trust, estate, 3523
trust, partnership, and association; 3524

(ii) An unborn human who is viable. 3525

(b) As used in any section contained in Title XXIX of the 3526
Revised Code that does not set forth a criminal offense, 3527
"person" includes an individual, corporation, business trust, 3528

estate, trust, partnership, and association.	3529
(c) As used in division (B) (1) (a) of this section:	3530
(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.	3531 3532
(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.	3533 3534 3535 3536
(2) Notwithstanding division (B) (1) (a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B) (1) (a) (ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:	3537 3538 3539 3540 3541 3542
(a) Except as otherwise provided in division (B) (2) (a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section	3543 3544 3545 3546 3547 3548 3549 3550 3551 3552 3553 3554 3555 3556 3557

2919.151, 2919.17, or 2919.18 of the Revised Code, may be 3558
punished as a violation of section 2919.12, division (B) of 3559
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 3560
Revised Code, as applicable. Consent is sufficient under this 3561
division if it is of the type otherwise adequate to permit 3562
medical treatment to the pregnant woman, even if it does not 3563
comply with section 2919.12 of the Revised Code. 3564

(b) In a manner so that the offense is applied or is 3565
construed as applying to a woman based on an act or omission of 3566
the woman that occurs while she is or was pregnant and that 3567
results in any of the following: 3568

(i) Her delivery of a stillborn baby; 3569

(ii) Her causing, in any other manner, the death in utero 3570
of a viable, unborn human that she is carrying; 3571

(iii) Her causing the death of her child who is born alive 3572
but who dies from one or more injuries that are sustained while 3573
the child is a viable, unborn human; 3574

(iv) Her causing her child who is born alive to sustain 3575
one or more injuries while the child is a viable, unborn human; 3576

(v) Her causing, threatening to cause, or attempting to 3577
cause, in any other manner, an injury, illness, or other 3578
physiological impairment, regardless of its duration or gravity, 3579
or a mental illness or condition, regardless of its duration or 3580
gravity, to a viable, unborn human that she is carrying. 3581

(C) As used in Title XXIX of the Revised Code: 3582

(1) "School safety zone" consists of a school, school 3583
building, school premises, school activity, and school bus. 3584

(2) "School," "school building," and "school premises" 3585

have the same meanings as in section 2925.01 of the Revised Code. 3586
3587

(3) "School activity" means any activity held under the 3588
auspices of a board of education of a city, local, exempted 3589
village, joint vocational, or cooperative education school 3590
district; a governing authority of a community school 3591
established under Chapter 3314. of the Revised Code; a governing 3592
board of an educational service center, or the governing body of 3593
a school for which the state board of education prescribes 3594
minimum standards under section 3301.07 of the Revised Code. 3595

(4) "School bus" has the same meaning as in section 3596
4511.01 of the Revised Code. 3597

Sec. 2945.63. (A) As used in this section: 3598

(1) "Child pornography" means any obscene material 3599
involving a juvenile, any sexually oriented matter involving a 3600
juvenile, or any material that is harmful to juveniles. 3601

(2) "Juvenile," "harmful to juveniles," "material," and 3602
"performance" have the same meanings as in section 2907.01 of 3603
the Revised Code. 3604

(3) "Sexually oriented matter" has the same meaning as in 3605
section 2919.22 of the Revised Code. 3606

(B) Any child pornography that is offered as evidence or 3607
that comes into the custody or control of the prosecutor or the 3608
court shall remain in the custody or control of the prosecutor 3609
or the court. 3610

(C) Notwithstanding Rule 16 of the Rules of Criminal 3611
Procedure, the court in a criminal proceeding shall deny any 3612
request by the defendant to photocopy, photograph, or otherwise 3613

reproduce any child pornography if the prosecutor gives the 3614
defendant, the defendant's attorney, and any individual the 3615
defendant may seek to qualify to furnish expert testimony at 3616
trial ample opportunity to examine the child pornography at the 3617
place where the prosecutor or the court is holding the child 3618
pornography. 3619

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 3620
of the Revised Code, an eligible offender may apply to the 3621
sentencing court if convicted in this state, or to a court of 3622
common pleas if convicted in another state or in a federal 3623
court, for the sealing of the record of the case that pertains 3624
to the conviction. Application may be made at the expiration of 3625
three years after the offender's final discharge if convicted of 3626
a felony, or at the expiration of one year after the offender's 3627
final discharge if convicted of a misdemeanor. 3628

(2) Any person who has been arrested for any misdemeanor 3629
offense and who has effected a bail forfeiture for the offense 3630
charged may apply to the court in which the misdemeanor criminal 3631
case was pending when bail was forfeited for the sealing of the 3632
record of the case that pertains to the charge. Except as 3633
provided in section 2953.61 of the Revised Code, the application 3634
may be filed at any time after the expiration of one year from 3635
the date on which the bail forfeiture was entered upon the 3636
minutes of the court or the journal, whichever entry occurs 3637
first. 3638

(B) Upon the filing of an application under this section, 3639
the court shall set a date for a hearing and shall notify the 3640
prosecutor for the case of the hearing on the application. The 3641
prosecutor may object to the granting of the application by 3642
filing an objection with the court prior to the date set for the 3643

hearing. The prosecutor shall specify in the objection the 3644
reasons for believing a denial of the application is justified. 3645
The court shall direct its regular probation officer, a state 3646
probation officer, or the department of probation of the county 3647
in which the applicant resides to make inquiries and written 3648
reports as the court requires concerning the applicant. The 3649
probation officer or county department of probation that the 3650
court directs to make inquiries concerning the applicant shall 3651
determine whether or not the applicant was fingerprinted at the 3652
time of arrest or under section 109.60 of the Revised Code. If 3653
the applicant was so fingerprinted, the probation officer or 3654
county department of probation shall include with the written 3655
report a record of the applicant's fingerprints. If the 3656
applicant was convicted of or pleaded guilty to a violation of 3657
division (A) (2) or (B) of section 2919.21 of the Revised Code, 3658
the probation officer or county department of probation that the 3659
court directed to make inquiries concerning the applicant shall 3660
contact the child support enforcement agency enforcing the 3661
applicant's obligations under the child support order to inquire 3662
about the offender's compliance with the child support order. 3663

(C) (1) The court shall do each of the following: 3664

(a) Determine whether the applicant is an eligible 3665
offender or whether the forfeiture of bail was agreed to by the 3666
applicant and the prosecutor in the case. If the applicant 3667
applies as an eligible offender pursuant to division (A) (1) of 3668
this section and has two or three convictions that result from 3669
the same indictment, information, or complaint, from the same 3670
plea of guilty, or from the same official proceeding, and result 3671
from related criminal acts that were committed within a three- 3672
month period but do not result from the same act or from 3673
offenses committed at the same time, in making its determination 3674

under this division, the court initially shall determine whether 3675
it is not in the public interest for the two or three 3676
convictions to be counted as one conviction. If the court 3677
determines that it is not in the public interest for the two or 3678
three convictions to be counted as one conviction, the court 3679
shall determine that the applicant is not an eligible offender; 3680
if the court does not make that determination, the court shall 3681
determine that the offender is an eligible offender. 3682

(b) Determine whether criminal proceedings are pending 3683
against the applicant; 3684

(c) If the applicant is an eligible offender who applies 3685
pursuant to division (A) (1) of this section, determine whether 3686
the applicant has been rehabilitated to the satisfaction of the 3687
court; 3688

(d) If the prosecutor has filed an objection in accordance 3689
with division (B) of this section, consider the reasons against 3690
granting the application specified by the prosecutor in the 3691
objection; 3692

(e) Weigh the interests of the applicant in having the 3693
records pertaining to the applicant's conviction or bail 3694
forfeiture sealed against the legitimate needs, if any, of the 3695
government to maintain those records. 3696

(2) If the court determines, after complying with division 3697
(C) (1) of this section, that the applicant is an eligible 3698
offender or the subject of a bail forfeiture, that no criminal 3699
proceeding is pending against the applicant, and that the 3700
interests of the applicant in having the records pertaining to 3701
the applicant's conviction or bail forfeiture sealed are not 3702
outweighed by any legitimate governmental needs to maintain 3703

those records, and that the rehabilitation of an applicant who 3704
is an eligible offender applying pursuant to division (A) (1) of 3705
this section has been attained to the satisfaction of the court, 3706
the court, except as provided in divisions (C) (4), (G), (H), or 3707
(I) of this section, shall order all official records of the 3708
case that pertain to the conviction or bail forfeiture sealed 3709
and, except as provided in division (F) of this section, all 3710
index references to the case that pertain to the conviction or 3711
bail forfeiture deleted and, in the case of bail forfeitures, 3712
shall dismiss the charges in the case. The proceedings in the 3713
case that pertain to the conviction or bail forfeiture shall be 3714
considered not to have occurred and the conviction or bail 3715
forfeiture of the person who is the subject of the proceedings 3716
shall be sealed, except that upon conviction of a subsequent 3717
offense, the sealed record of prior conviction or bail 3718
forfeiture may be considered by the court in determining the 3719
sentence or other appropriate disposition, including the relief 3720
provided for in sections 2953.31 to 2953.33 of the Revised Code. 3721

(3) An applicant may request the sealing of the records of 3722
more than one case in a single application under this section. 3723
Upon the filing of an application under this section, the 3724
applicant, unless indigent, shall pay a fee of fifty dollars, 3725
regardless of the number of records the application requests to 3726
have sealed. The court shall pay thirty dollars of the fee into 3727
the state treasury. It shall pay twenty dollars of the fee into 3728
the county general revenue fund if the sealed conviction or bail 3729
forfeiture was pursuant to a state statute, or into the general 3730
revenue fund of the municipal corporation involved if the sealed 3731
conviction or bail forfeiture was pursuant to a municipal 3732
ordinance. 3733

(4) If the court orders the official records pertaining to 3734

the case sealed, the court shall do one of the following: 3735

(a) If the applicant was fingerprinted at the time of 3736
arrest or under section 109.60 of the Revised Code and the 3737
record of the applicant's fingerprints was provided to the court 3738
under division (B) of this section, forward a copy of the 3739
sealing order and the record of the applicant's fingerprints to 3740
the bureau of criminal identification and investigation. 3741

(b) If the applicant was not fingerprinted at the time of 3742
arrest or under section 109.60 of the Revised Code, or the 3743
record of the applicant's fingerprints was not provided to the 3744
court under division (B) of this section, but fingerprinting was 3745
required for the offense, order the applicant to appear before a 3746
sheriff to have the applicant's fingerprints taken according to 3747
the fingerprint system of identification on the forms furnished 3748
by the superintendent of the bureau of criminal identification 3749
and investigation. The sheriff shall forward the applicant's 3750
fingerprints to the court. The court shall forward the 3751
applicant's fingerprints and a copy of the sealing order to the 3752
bureau of criminal identification and investigation. 3753

Failure of the court to order fingerprints at the time of 3754
sealing does not constitute a reversible error. 3755

(D) Inspection of the sealed records included in the order 3756
may be made only by the following persons or for the following 3757
purposes: 3758

(1) By a law enforcement officer or prosecutor, or the 3759
assistants of either, to determine whether the nature and 3760
character of the offense with which a person is to be charged 3761
would be affected by virtue of the person's previously having 3762
been convicted of a crime; 3763

(2) By the parole or probation officer of the person who 3764
is the subject of the records, for the exclusive use of the 3765
officer in supervising the person while on parole or under a 3766
community control sanction or a post-release control sanction, 3767
and in making inquiries and written reports as requested by the 3768
court or adult parole authority; 3769

(3) Upon application by the person who is the subject of 3770
the records, by the persons named in the application; 3771

(4) By a law enforcement officer who was involved in the 3772
case, for use in the officer's defense of a civil action arising 3773
out of the officer's involvement in that case; 3774

(5) By a prosecuting attorney or the prosecuting 3775
attorney's assistants, to determine a defendant's eligibility to 3776
enter a pre-trial diversion program established pursuant to 3777
section 2935.36 of the Revised Code; 3778

(6) By any law enforcement agency or any authorized 3779
employee of a law enforcement agency or by the department of 3780
rehabilitation and correction or department of youth services as 3781
part of a background investigation of a person who applies for 3782
employment with the agency ~~as a law enforcement officer~~ or with 3783
the department ~~as a corrections officer~~; 3784

(7) By any law enforcement agency or any authorized 3785
employee of a law enforcement agency, for the purposes set forth 3786
in, and in the manner provided in, section 2953.321 of the 3787
Revised Code; 3788

(8) By the bureau of criminal identification and 3789
investigation or any authorized employee of the bureau for the 3790
purpose of providing information to a board or person pursuant 3791
to division (F) or (G) of section 109.57 of the Revised Code; 3792

(9) By the bureau of criminal identification and 3793
investigation or any authorized employee of the bureau for the 3794
purpose of performing a criminal history records check on a 3795
person to whom a certificate as prescribed in section 109.77 of 3796
the Revised Code is to be awarded; 3797

(10) By the bureau of criminal identification and 3798
investigation or any authorized employee of the bureau for the 3799
purpose of conducting a criminal records check of an individual 3800
pursuant to division (B) of section 109.572 of the Revised Code 3801
that was requested pursuant to any of the sections identified in 3802
division (B)(1) of that section; 3803

(11) By the bureau of criminal identification and 3804
investigation, an authorized employee of the bureau, a sheriff, 3805
or an authorized employee of a sheriff in connection with a 3806
criminal records check described in section 311.41 of the 3807
Revised Code; 3808

(12) By the attorney general or an authorized employee of 3809
the attorney general or a court for purposes of determining a 3810
person's classification pursuant to Chapter 2950. of the Revised 3811
Code; 3812

(13) By a court, the registrar of motor vehicles, a 3813
prosecuting attorney or the prosecuting attorney's assistants, 3814
or a law enforcement officer for the purpose of assessing points 3815
against a person under section 4510.036 of the Revised Code or 3816
for taking action with regard to points assessed. 3817

When the nature and character of the offense with which a 3818
person is to be charged would be affected by the information, it 3819
may be used for the purpose of charging the person with an 3820
offense. 3821

(E) In any criminal proceeding, proof of any otherwise 3822
admissible prior conviction may be introduced and proved, 3823
notwithstanding the fact that for any such prior conviction an 3824
order of sealing previously was issued pursuant to sections 3825
2953.31 to 2953.36 of the Revised Code. 3826

(F) The person or governmental agency, office, or 3827
department that maintains sealed records pertaining to 3828
convictions or bail forfeitures that have been sealed pursuant 3829
to this section may maintain a manual or computerized index to 3830
the sealed records. The index shall contain only the name of, 3831
and alphanumeric identifiers that relate to, the persons who are 3832
the subject of the sealed records, the word "sealed," and the 3833
name of the person, agency, office, or department that has 3834
custody of the sealed records, and shall not contain the name of 3835
the crime committed. The index shall be made available by the 3836
person who has custody of the sealed records only for the 3837
purposes set forth in divisions (C), (D), and (E) of this 3838
section. 3839

(G) Notwithstanding any provision of this section or 3840
section 2953.33 of the Revised Code that requires otherwise, a 3841
board of education of a city, local, exempted village, or joint 3842
vocational school district that maintains records of an 3843
individual who has been permanently excluded under sections 3844
3301.121 and 3313.662 of the Revised Code is permitted to 3845
maintain records regarding a conviction that was used as the 3846
basis for the individual's permanent exclusion, regardless of a 3847
court order to seal the record. An order issued under this 3848
section to seal the record of a conviction does not revoke the 3849
adjudication order of the superintendent of public instruction 3850
to permanently exclude the individual who is the subject of the 3851
sealing order. An order issued under this section to seal the 3852

record of a conviction of an individual may be presented to a 3853
district superintendent as evidence to support the contention 3854
that the superintendent should recommend that the permanent 3855
exclusion of the individual who is the subject of the sealing 3856
order be revoked. Except as otherwise authorized by this 3857
division and sections 3301.121 and 3313.662 of the Revised Code, 3858
any school employee in possession of or having access to the 3859
sealed conviction records of an individual that were the basis 3860
of a permanent exclusion of the individual is subject to section 3861
2953.35 of the Revised Code. 3862

(H) For purposes of sections 2953.31 to 2953.36 of the 3863
Revised Code, DNA records collected in the DNA database and 3864
fingerprints filed for record by the superintendent of the 3865
bureau of criminal identification and investigation shall not be 3866
sealed unless the superintendent receives a certified copy of a 3867
final court order establishing that the offender's conviction 3868
has been overturned. For purposes of this section, a court order 3869
is not "final" if time remains for an appeal or application for 3870
discretionary review with respect to the order. 3871

(I) The sealing of a record under this section does not 3872
affect the assessment of points under section 4510.036 of the 3873
Revised Code and does not erase points assessed against a person 3874
as a result of the sealed record. 3875

Sec. 2981.13. (A) Except as otherwise provided in this 3876
section, property ordered forfeited as contraband, proceeds, or 3877
an instrumentality pursuant to this chapter shall be disposed 3878
of, used, or sold pursuant to section 2981.12 of the Revised 3879
Code. If the property is to be sold under that section, the 3880
prosecutor shall cause notice of the proposed sale to be given 3881
in accordance with law. 3882

(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order:	3883
	3884
	3885
	3886
(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;	3887
	3888
	3889
(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;	3890
	3891
	3892
	3893
(3) Third, to pay the balance due on any security interest preserved under this chapter;	3894
	3895
(4) Fourth, apply the remaining amounts as follows:	3896
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code;	3897
	3898
	3899
	3900
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation:	3901
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	3903
	3904
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	3906
(i) The law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code;	3907
	3908
	3909
(ii) The state highway patrol contraband, forfeiture, and	3910

other fund;	3911
(iii) The department of public safety investigative unit	3912
contraband, forfeiture, and other fund;	3913
(iv) The department of taxation enforcement fund;	3914
(v) The board of pharmacy drug law enforcement fund	3915
created by division (B)(1) of section 4729.65 of the Revised	3916
Code;	3917
(vi) The medicaid fraud investigation and prosecution	3918
fund;	3919
(vii) <u>The bureau of criminal identification and</u>	3920
<u>investigation asset forfeiture and cost reimbursement fund</u>	3921
<u>created by section 109.521 of the Revised Code;</u>	3922
<u>(viii)</u> The casino control commission enforcement fund	3923
created by section 3772.36 of the Revised Code;	3924
(viii) <u>(ix)</u> The auditor of state investigation and	3925
forfeiture trust fund established under section 117.54 of the	3926
Revised Code;	3927
(ix) <u>(x)</u> The treasurer of state for deposit into the peace	3928
officer training commission fund if any other state law	3929
enforcement agency substantially conducted the investigation.	3930
In the case of property forfeited for medicaid fraud, any	3931
remaining amount shall be used by the attorney general to	3932
investigate and prosecute medicaid fraud offenses.	3933
If the prosecutor declines to accept any of the remaining	3934
amounts, the amounts shall be applied to the fund of the agency	3935
that substantially conducted the investigation.	3936
(c) If more than one law enforcement agency is	3937

substantially involved in the seizure of property forfeited 3938
under this chapter, the court ordering the forfeiture shall 3939
equitably divide the amounts, after calculating any distribution 3940
to the law enforcement trust fund of the prosecutor pursuant to 3941
division (B) (4) of this section, among the entities that the 3942
court determines were substantially involved in the seizure. 3943

(C) (1) A law enforcement trust fund shall be established 3944
by the prosecutor of each county who intends to receive any 3945
remaining amounts pursuant to this section, by the sheriff of 3946
each county, by the legislative authority of each municipal 3947
corporation, by the board of township trustees of each township 3948
that has a township police department, township or joint police 3949
district police force, or office of the constable, and by the 3950
board of park commissioners of each park district created 3951
pursuant to section 511.18 or 1545.01 of the Revised Code that 3952
has a park district police force or law enforcement department, 3953
for the purposes of this section. 3954

There is hereby created in the state treasury the state 3955
highway patrol contraband, forfeiture, and other fund, the 3956
department of public safety investigative unit contraband, 3957
forfeiture, and other fund, the medicaid fraud investigation and 3958
prosecution fund, the department of taxation enforcement fund, 3959
and the peace officer training commission fund, for the purposes 3960
of this section. 3961

Amounts distributed to any municipal corporation, 3962
township, or park district law enforcement trust fund shall be 3963
allocated from the fund by the legislative authority only to the 3964
police department of the municipal corporation, by the board of 3965
township trustees only to the township police department, 3966
township police district police force, or office of the 3967

constable, by the joint police district board only to the joint 3968
police district, and by the board of park commissioners only to 3969
the park district police force or law enforcement department. 3970

(2) (a) No amounts shall be allocated to a fund under this 3971
section or used by an agency unless the agency has adopted a 3972
written internal control policy that addresses the use of moneys 3973
received from the appropriate fund. The appropriate fund shall 3974
be expended only in accordance with that policy and, subject to 3975
the requirements specified in this section, only for the 3976
following purposes: 3977

(i) To pay the costs of protracted or complex 3978
investigations or prosecutions; 3979

(ii) To provide reasonable technical training or 3980
expertise; 3981

(iii) To provide matching funds to obtain federal grants 3982
to aid law enforcement, in the support of DARE programs or other 3983
programs designed to educate adults or children with respect to 3984
the dangers associated with the use of drugs of abuse; 3985

(iv) To pay the costs of emergency action taken under 3986
section 3745.13 of the Revised Code relative to the operation of 3987
an illegal methamphetamine laboratory if the forfeited property 3988
or money involved was that of a person responsible for the 3989
operation of the laboratory; 3990

(v) For other law enforcement purposes that the 3991
superintendent of the state highway patrol, department of public 3992
safety, attorney general, auditor of state, prosecutor, county 3993
sheriff, legislative authority, department of taxation, Ohio 3994
casino control commission, board of township trustees, or board 3995
of park commissioners determines to be appropriate. 3996

(b) The board of pharmacy drug law enforcement fund shall 3997
be expended only in accordance with the written internal control 3998
policy so adopted by the board and only in accordance with 3999
section 4729.65 of the Revised Code, except that it also may be 4000
expended to pay the costs of emergency action taken under 4001
section 3745.13 of the Revised Code relative to the operation of 4002
an illegal methamphetamine laboratory if the forfeited property 4003
or money involved was that of a person responsible for the 4004
operation of the laboratory. 4005

(c) A fund listed in division (B) (4) (b) of this section, 4006
other than the Medicaid fraud investigation and prosecution 4007
fund, shall not be used to meet the operating costs of the 4008
agency, office, or political subdivision that are unrelated to 4009
law enforcement. 4010

(d) Forfeited moneys that are paid into the state treasury 4011
to be deposited into the peace officer training commission fund 4012
shall be used by the commission only to pay the costs of peace 4013
officer training. 4014

(3) Any of the following offices or agencies that receive 4015
amounts under this section during any calendar year shall file a 4016
report with the specified entity, not later than the thirty- 4017
first day of January of the next calendar year, verifying that 4018
the moneys were expended only for the purposes authorized by 4019
this section or other relevant statute and specifying the 4020
amounts expended for each authorized purpose: 4021

(a) Any sheriff or prosecutor shall file the report with 4022
the county auditor. 4023

(b) Any municipal corporation police department shall file 4024
the report with the legislative authority of the municipal 4025

corporation. 4026

(c) Any township police department, township or joint 4027
police district police force, or office of the constable shall 4028
file the report with the board of township trustees of the 4029
township. 4030

(d) Any park district police force or law enforcement 4031
department shall file the report with the board of park 4032
commissioners of the park district. 4033

(e) The superintendent of the state highway patrol, the 4034
auditor of state, and the tax commissioner shall file the report 4035
with the attorney general. 4036

(f) The executive director of the state board of pharmacy 4037
shall file the report with the attorney general, verifying that 4038
cash and forfeited proceeds paid into the board of pharmacy drug 4039
law enforcement fund were used only in accordance with section 4040
4729.65 of the Revised Code. 4041

(g) The peace officer training commission shall file a 4042
report with the attorney general, verifying that cash and 4043
forfeited proceeds paid into the peace officer training 4044
commission fund pursuant to this section during the prior 4045
calendar year were used by the commission during the prior 4046
calendar year only to pay the costs of peace officer training. 4047

(h) The executive director of the Ohio casino control 4048
commission shall file the report with the attorney general, 4049
verifying that cash and forfeited proceeds paid into the casino 4050
control commission enforcement fund were used only in accordance 4051
with section 3772.36 of the Revised Code. 4052

(D) The written internal control policy of a county 4053
sheriff, prosecutor, municipal corporation police department, 4054

township police department, township or joint police district 4055
police force, office of the constable, or park district police 4056
force or law enforcement department shall provide that at least 4057
ten per cent of the first one hundred thousand dollars of 4058
amounts deposited during each calendar year in the agency's law 4059
enforcement trust fund under this section, and at least twenty 4060
per cent of the amounts exceeding one hundred thousand dollars 4061
that are so deposited, shall be used in connection with 4062
community preventive education programs. The manner of use shall 4063
be determined by the sheriff, prosecutor, department, police 4064
force, or office of the constable after receiving and 4065
considering advice on appropriate community preventive education 4066
programs from the county's board of alcohol, drug addiction, and 4067
mental health services, from the county's alcohol and drug 4068
addiction services board, or through appropriate community 4069
dialogue. 4070

The financial records kept under the internal control 4071
policy shall specify the amount deposited during each calendar 4072
year in the portion of that amount that was used pursuant to 4073
this division, and the programs in connection with which the 4074
portion of that amount was so used. 4075

As used in this division, "community preventive education 4076
programs" include, but are not limited to, DARE programs and 4077
other programs designed to educate adults or children with 4078
respect to the dangers associated with using drugs of abuse. 4079

(E) Upon the sale, under this section or section 2981.12 4080
of the Revised Code, of any property that is required by law to 4081
be titled or registered, the state shall issue an appropriate 4082
certificate of title or registration to the purchaser. If the 4083
state is vested with title and elects to retain property that is 4084

required to be titled or registered under law, the state shall 4085
issue an appropriate certificate of title or registration. 4086

(F) Any failure of a law enforcement officer or agency, 4087
prosecutor, court, or the attorney general to comply with this 4088
section in relation to any property seized does not affect the 4089
validity of the seizure and shall not be considered to be the 4090
basis for suppressing any evidence resulting from the seizure, 4091
provided the seizure itself was lawful. 4092

Sec. 5302.221. (A) As used in this section: 4093

~~"Estate" has the same meaning as in section 5162.21 of the~~ 4094
~~Revised Code.~~ 4095

~~"Medicaid, "medicaid estate recovery program"~~ means the 4096
program instituted under section 5162.21 of the Revised Code. 4097

(B) The administrator of the medicaid estate recovery 4098
program shall prescribe a form on which a beneficiary of a 4099
transfer on death designation affidavit as provided in section 4100
5302.22 of the Revised Code, who survives the deceased owner of 4101
the real property or an interest in the real property or that is 4102
in existence on the date of death of the deceased owner, or that 4103
beneficiary's representative is to indicate both of the 4104
following: 4105

(1) ~~Whether~~ Which of the following applies to the deceased 4106
~~owner was either of the following:~~ 4107

(a) ~~A decedent subject to the~~ The deceased owner had been 4108
a medicaid estate recovery program recipient. 4109

(b) ~~The spouse of a decedent subject to the~~ deceased owner 4110
had never been a medicaid estate recovery program recipient. 4111

(c) The beneficiary or representative does not know 4112

whether the deceased owner had ever been a medicaid recipient. 4113

~~(2) Whether the real property or interest in the real~~ 4114
~~property was part of the estate of a decedent subject to the~~ 4115
~~medicaid estate recovery program. If the spouse of the deceased~~ 4116
~~owner died before the owner died, which of the following applies~~ 4117
~~to the predeceased spouse:~~ 4118

(a) The predeceased spouse had been a medicaid recipient. 4119

(b) The predeceased spouse had never been a medicaid 4120
recipient. 4121

(c) The beneficiary or representative does not know 4122
whether the predeceased spouse had ever been a medicaid 4123
recipient. 4124

(C) The administrator of the medicaid estate recovery 4125
program shall make the form prescribed under division (B) of 4126
this section available to county recorders. A county recorder 4127
~~shall obtain a properly completed form prescribed under division-~~ 4128
~~(B) of this section from the provide a copy of the form to a~~ 4129
beneficiary of a transfer on death designation affidavit or the 4130
beneficiary's representative and send a copy of the form to the 4131
administrator of the medicaid estate recovery program before 4132
recording the transfer of the real property or interest in the 4133
real property under section 5302.222 of the Revised Code. A 4134
beneficiary or beneficiary's representative shall submit a copy 4135
of the properly completed form to the administrator of the 4136
medicaid estate recovery program if the beneficiary or 4137
representative indicates any of the following on the form: 4138

(1) That the deceased owner had been a medicaid recipient 4139
or that the beneficiary or representative does not know whether 4140
the deceased owner had ever been a medicaid recipient; 4141

(2) That the predeceased spouse of the deceased owner had 4142
been a medicaid recipient or that the beneficiary or 4143
representative does not know whether the predeceased spouse had 4144
ever been a medicaid recipient. 4145

Section 2. That existing sections 9.02, 109.08, 109.081, 4146
109.43, 109.521, 109.57, 109.572, 109.578, 109.60, 1331.01, 4147
1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 1345.21, 4148
1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 1716.05, 4149
1716.07, 2329.07, 2743.191, 2743.56, 2743.68, 2743.71, 2746.02, 4150
2901.01, 2953.32, 2981.13, and 5302.221 and section 1331.05 of 4151
the Revised Code are hereby repealed. 4152

Section 3. It is the intent of the General Assembly, by 4153
the amendment of this act to the third paragraph of section 4154
109.08 of the Revised Code, to clarify that the paragraph 4155
permits and has always permitted the Attorney General to 4156
authorize special counsel to use the Attorney General's official 4157
letterhead stationary in connection with the collection of any 4158
certified claims even outside of Chapters 5733., 5739., 5741., 4159
and 5747. of the Revised Code. 4160