

As Introduced

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H. B. No. 427

REPRESENTATIVE Womer Benjamin

A B I L L

To amend sections 2151.315, 2152.74, 2743.191, and
2901.07 of the Revised Code to expand the offenses
for which DNA specimens are collected from
delinquent children and criminal offenders and to
pay the costs of DNA specimen collection from the
Reparations Fund.

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

Section 1. That sections 2151.315, 2152.74, 2743.191, and
2901.07 of the Revised Code be amended to read as follows:

Sec. 2151.315. (A) As used in this section, "DNA analysis"
and "DNA specimen" have the same meanings as in section 109.573 of
the Revised Code.

(B)(1) A child who is adjudicated a delinquent child for
committing an act listed in division (D) of this section and who
is committed to the custody of the department of youth services or
to a school, camp, institution, or other facility for delinquent
children described in division (A)(3) of section 2151.355 of the
Revised Code shall submit to a DNA specimen collection procedure
administered by the director of youth services if committed to the
department or by the chief administrative officer of the school,
camp, institution, or other facility for delinquent children to

which the child was committed. If the court commits the child to the department of youth services, the director of youth services shall cause the DNA specimen to be collected from the child during the intake process at an institution operated by or under the control of the department. If the court commits the child to a school, camp, institution, or other facility for delinquent children, the chief administrative officer of the school, camp, institution, or facility to which the child is committed shall cause the DNA specimen to be collected from the child during the intake process for the school, camp, institution, or facility. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected from the child in accordance with division (C) of this section.

(2) If a child is adjudicated a delinquent child for committing an act listed in division (D) of this section, is committed to the department of youth services or to a school, camp, institution, or other facility for delinquent children, and does not submit to a DNA specimen collection procedure pursuant to division (B)(1) of this section, prior to the child's release from the custody of the department of youth services or from the custody of the school, camp, institution, or facility, the child shall submit to, and the director of youth services or the chief administrator of the school, camp, institution, or facility to which the child is committed shall administer, a DNA specimen collection procedure at the institution operated by or under the control of the department of youth services or at the school, camp, institution, or facility to which the child is committed. In accordance with division (C) of this section, the director or the

chief administrative officer shall cause the DNA specimen to be
forwarded to the bureau of criminal identification and
investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected in accordance with division (C) of this section.

(C) A physician, registered nurse, licensed practical nurse,
duly licensed clinical laboratory technician, or other qualified
medical practitioner shall collect in a medically approved manner
the DNA specimen required to be collected pursuant to division (B)
of this section. No later than fifteen days after the date of the
collection of the DNA specimen, the director of youth services or
the chief administrative officer of the school, camp, institution,
or other facility for delinquent children to which the child is
committed shall cause the DNA specimen to be forwarded to the
bureau of criminal identification and investigation in accordance
with procedures established by the superintendent of the bureau
under division (H) of section 109.573 of the Revised Code. The
bureau shall provide the specimen vials, mailing tubes, labels,
postage, and instruction needed for the collection and forwarding
of the DNA specimen to the bureau.

(D) The director of youth services and the chief
administrative officer of a school, camp, institution, or other
facility for delinquent children shall cause a DNA specimen to be
collected in accordance with divisions (B) and (C) of this section
from each child in its custody who is adjudicated a delinquent
child for committing any of the following acts:

(1) A violation of section 2903.01, 2903.02, 2903.11,
2905.01, 2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11,
or 2911.12 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it
existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2903.01, 84
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to 85
commit a violation of section 2907.12 of the Revised Code as it 86
existed prior to September 3, 1996; 87

(4) A violation of any law that arose out of the same facts 88
and circumstances and same act as did a charge against the child 89
of a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 90
2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11, ~~or~~ 91
2911.12 of the Revised Code that previously was dismissed or 92
amended or as did a charge against the child of a violation of 93
section 2907.12 of the Revised Code as it existed prior to 94
September 3, 1996, that previously was dismissed or amended; 95

(5) A violation of section 2905.02 or 2919.23 of the Revised 96
Code that would have been a violation of section 2905.04 of the 97
Revised Code as it existed prior to July 1, 1996, had the 98
violation been committed prior to that date; 99

(6) A violation of section 2923.01 of the Revised Code 100
involving a conspiracy to commit a violation of section 2903.01, 101
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 102
Revised Code; 103

(7) A violation of section 2923.03 of the Revised Code 104
involving complicity in committing a violation of section 2903.01, 105
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 106
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 107
violation of section 2907.12 of the Revised Code as it existed 108
prior to September 3, 1996. 109

(E) The director of youth services and the chief 110
administrative officer of a school, camp, institution, or other 111
facility for delinquent children is not required to comply with 112
this section until the superintendent of the bureau of criminal 113
identification and investigation gives agencies in the juvenile 114

justice system, as defined in section 181.51 of the Revised Code,
in the state official notification that the state DNA laboratory
is prepared to accept DNA specimens.

Sec. 2152.74. (A) As used in this section, "DNA analysis" and
"DNA specimen" have the same meanings as in section 109.573 of the
Revised Code.

(B)(1) A child who is adjudicated a delinquent child for
committing an act listed in division (D) of this section and who
is committed to the custody of the department of youth services or
to a school, camp, institution, or other facility for delinquent
children described in division (A)(2) of section 2152.19 of the
Revised Code shall submit to a DNA specimen collection procedure
administered by the director of youth services if committed to the
department or by the chief administrative officer of the school,
camp, institution, or other facility for delinquent children to
which the child was committed. If the court commits the child to
the department of youth services, the director of youth services
shall cause the DNA specimen to be collected from the child during
the intake process at an institution operated by or under the
control of the department. If the court commits the child to a
school, camp, institution, or other facility for delinquent
children, the chief administrative officer of the school, camp,
institution, or facility to which the child is committed shall
cause the DNA specimen to be collected from the child during the
intake process for the school, camp, institution, or facility. In
accordance with division (C) of this section, the director or the
chief administrative officer shall cause the DNA specimen to be
forwarded to the bureau of criminal identification and
investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected from the child in accordance with division (C) of this
section.

(2) If a child is adjudicated a delinquent child for 147
committing an act listed in division (D) of this section, is 148
committed to the department of youth services or to a school, 149
camp, institution, or other facility for delinquent children, and 150
does not submit to a DNA specimen collection procedure pursuant to 151
division (B)(1) of this section, prior to the child's release from 152
the custody of the department of youth services or from the 153
custody of the school, camp, institution, or facility, the child 154
shall submit to, and the director of youth services or the chief 155
administrator of the school, camp, institution, or facility to 156
which the child is committed shall administer, a DNA specimen 157
collection procedure at the institution operated by or under the 158
control of the department of youth services or at the school, 159
camp, institution, or facility to which the child is committed. In 160
accordance with division (C) of this section, the director or the 161
chief administrative officer shall cause the DNA specimen to be 162
forwarded to the bureau of criminal identification and 163
investigation no later than fifteen days after the date of the 164
collection of the DNA specimen. The DNA specimen shall be 165
collected in accordance with division (C) of this section. 166

(C) A physician, registered nurse, licensed practical nurse, 167
duly licensed clinical laboratory technician, or other qualified 168
medical practitioner shall collect in a medically approved manner 169
the DNA specimen required to be collected pursuant to division (B) 170
of this section. No later than fifteen days after the date of the 171
collection of the DNA specimen, the director of youth services or 172
the chief administrative officer of the school, camp, institution, 173
or other facility for delinquent children to which the child is 174
committed shall cause the DNA specimen to be forwarded to the 175
bureau of criminal identification and investigation in accordance 176
with procedures established by the superintendent of the bureau 177
under division (H) of section 109.573 of the Revised Code. The 178

bureau shall provide the specimen vials, mailing tubes, labels,
postage, and instruction needed for the collection and forwarding
of the DNA specimen to the bureau.

(D) The director of youth services and the chief
administrative officer of a school, camp, institution, or other
facility for delinquent children shall cause a DNA specimen to be
collected in accordance with divisions (B) and (C) of this section
from each child in its custody who is adjudicated a delinquent
child for committing any of the following acts:

(1) A violation of section 2903.01, 2903.02, 2903.11,
2905.01, 2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11,
or 2911.12 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it
existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2903.01,
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to
commit a violation of section 2907.12 of the Revised Code as it
existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts
and circumstances and same act as did a charge against the child
of a violation of section 2903.01, 2903.02, 2903.11, 2905.01,
2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11, or
2911.12 of the Revised Code that previously was dismissed or
amended or as did a charge against the child of a violation of
section 2907.12 of the Revised Code as it existed prior to
September 3, 1996, that previously was dismissed or amended;

(5) A violation of section 2905.02 or 2919.23 of the Revised
Code that would have been a violation of section 2905.04 of the
Revised Code as it existed prior to July 1, 1996, had the
violation been committed prior to that date;

(6) A violation of section 2923.01 of the Revised Code

involving a conspiracy to commit a violation of section 2903.01,
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the
Revised Code;

(7) A violation of section 2923.03 of the Revised Code
involving complicity in committing a violation of section 2903.01,
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05,
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a
violation of section 2907.12 of the Revised Code as it existed
prior to September 3, 1996.

(E) The director of youth services and the chief
administrative officer of a school, camp, institution, or other
facility for delinquent children is not required to comply with
this section until the superintendent of the bureau of criminal
identification and investigation gives agencies in the juvenile
justice system, as defined in section 181.51 of the Revised Code,
in the state official notification that the state DNA laboratory
is prepared to accept DNA specimens.

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

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

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

(c) The compensation of witnesses as provided in division (B)
of section 2743.65 of the Revised Code, ~~other~~;

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

(e) The costs of administering sections 2907.28 and 2969.01

to 2969.06 of the Revised Code, ~~the~~; 240

(f) The costs of investigation and decision-making as 241
certified by the attorney general, ~~the~~; 242

(g) The provision of state financial assistance to victim 243
assistance programs in accordance with sections 109.91 and 109.92 244
of the Revised Code, ~~the~~; 245

(h) The costs of paying the expenses of sex offense-related 246
examinations and antibiotics pursuant to section 2907.28 of the 247
Revised Code, ~~the~~; 248

(i) The cost of printing and distributing the pamphlet 249
prepared by the attorney general pursuant to section 109.42 of the 250
Revised Code, ~~and, subject~~; 251

(j) Subject to division (D) of section 2743.71 of the Revised 252
Code, the costs associated with the printing and providing of 253
information cards or other printed materials to law enforcement 254
agencies and prosecuting authorities and with publicizing the 255
availability of awards of reparations pursuant to section 2743.71 256
of the Revised Code; 257

(k) The payment of costs of administering a DNA specimen 258
collection procedure pursuant to sections 2151.315, 2152.74, and 259
2907.07 of the Revised Code, of performing DNA analysis of those 260
DNA specimens, and of entering the resulting DNA records into the 261
DNA database pursuant to section 109.573 of the Revised Code. All 262

(2) All costs paid pursuant to section 2743.70 of the Revised 263
Code, the portions of license reinstatement fees mandated by 264
division (L)(2)(b) of section 4511.191 of the Revised Code to be 265
credited to the fund, the portions of the proceeds of the sale of 266
a forfeited vehicle specified in division (D)(2) of section 267
4503.234 of the Revised Code, payments collected by the department 268
of rehabilitation and correction from prisoners who voluntarily 269
participate in an approved work and training program pursuant to 270

division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 271
all moneys collected by the state pursuant to its right of 272
subrogation provided in section 2743.72 of the Revised Code shall 273
be deposited in the fund. 274

(B) In making an award of reparations, the attorney general 275
shall render the award against the state. The award shall be 276
accomplished only through the following procedure, and the 277
following procedure may be enforced by writ of mandamus directed 278
to the appropriate official: 279

(1) The attorney general shall provide for payment of the 280
claimant or providers in the amount of the award. 281

(2) The expense shall be charged against all available 282
unencumbered moneys in the fund. 283

(3) If sufficient unencumbered moneys do not exist in the 284
fund, the attorney general shall make application for payment of 285
the award out of the emergency purposes account or any other 286
appropriation for emergencies or contingencies, and payment out of 287
this account or other appropriation shall be authorized if there 288
are sufficient moneys greater than the sum total of then pending 289
emergency purposes account requests or requests for releases from 290
the other appropriations. 291

(4) If sufficient moneys do not exist in the account or any 292
other appropriation for emergencies or contingencies to pay the 293
award, the attorney general shall request the general assembly to 294
make an appropriation sufficient to pay the award, and no payment 295
shall be made until the appropriation has been made. The attorney 296
general shall make this appropriation request during the current 297
biennium and during each succeeding biennium until a sufficient 298
appropriation is made. If, prior to the time that an appropriation 299
is made by the general assembly pursuant to this division, the 300
fund has sufficient unencumbered funds to pay the award or part of 301
the award, the available funds shall be used to pay the award or 302

part of the award, and the appropriation request shall be amended 303
to request only sufficient funds to pay that part of the award 304
that is unpaid. 305

(C) The attorney general shall not make payment on a decision 306
or order granting an award until all appeals have been determined 307
and all rights to appeal exhausted, except as otherwise provided 308
in this section. If any party to a claim for an award of 309
reparations appeals from only a portion of an award, and a 310
remaining portion provides for the payment of money by the state, 311
that part of the award calling for the payment of money by the 312
state and not a subject of the appeal shall be processed for 313
payment as described in this section. 314

(D) The attorney general shall prepare itemized bills for the 315
costs of printing and distributing the pamphlet the attorney 316
general prepares pursuant to section 109.42 of the Revised Code. 317
The itemized bills shall set forth the name and address of the 318
persons owed the amounts set forth in them. 319

(E) As used in this section, "DNA analysis" and "DNA 320
specimen" have the same meanings as in section 109.573 of the 321
Revised Code. 322

Sec. 2901.07. (A) As used in this section: 323

(1) "DNA analysis" and "DNA specimen" have the same meanings 324
as in section 109.573 of the Revised Code. 325

(2) "Jail" and "community-based correctional facility" have 326
the same meanings as in section 2929.01 of the Revised Code. 327

(3) "Post-release control" has the same meaning as in section 328
2967.01 of the Revised Code. 329

(B)(1) A person who is convicted of or pleads guilty to a 330
felony offense listed in division (D) of this section and who is 331
sentenced to a prison term or to a community residential sanction 332

in a jail or community-based correctional facility pursuant to 333
section 2929.16 of the Revised Code, and a person who is convicted 334
of or pleads guilty to a misdemeanor offense listed in division 335
(D) of this section and who is sentenced to a term of imprisonment 336
shall submit to a DNA specimen collection procedure administered 337
by the director of rehabilitation and correction or the chief 338
administrative officer of the jail or other detention facility in 339
which the person is serving the term of imprisonment. If the 340
person serves the prison term in a state correctional institution, 341
the director of rehabilitation and correction shall cause the DNA 342
specimen to be collected from the person during the intake process 343
at the reception facility designated by the director. If the 344
person serves the community residential sanction or term of 345
imprisonment in a jail, a community-based correctional facility, 346
or another county, multicounty, municipal, municipal-county, or 347
multicounty-municipal detention facility, the chief administrative 348
officer of the jail, community-based correctional facility, or 349
detention facility shall cause the DNA specimen to be collected 350
from the person during the intake process at the jail, 351
community-based correctional facility, or detention facility. In 352
accordance with division (C) of this section, the director or the 353
chief administrative officer shall cause the DNA specimen to be 354
forwarded to the bureau of criminal identification and 355
investigation no later than fifteen days after the date of the 356
collection of the DNA specimen. The DNA specimen shall be 357
collected in accordance with division (C) of this section. 358

(2) If a person is convicted of or pleads guilty to an 359
offense listed in division (D) of this section, is serving a 360
prison term, community residential sanction, or term of 361
imprisonment for that offense, and does not provide a DNA specimen 362
pursuant to division (B)(1) of this section, prior to the person's 363
release from the prison term, community residential sanction, or 364

imprisonment, the person shall submit to, and the director of
rehabilitation and correction or the chief administrative officer
of the jail, community-based correctional facility, or detention
facility in which the person is serving the prison term, community
residential sanction, or term of imprisonment shall administer, a
DNA specimen collection procedure at the state correctional
institution, jail, community-based correctional facility, or
detention facility in which the person is serving the prison term,
community residential sanction, or term of imprisonment. In
accordance with division (C) of this section, the director or the
chief administrative officer shall cause the DNA specimen to be
forwarded to the bureau of criminal identification and
investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected in accordance with division (C) of this section.

(3) If a person serving a prison term or community
residential sanction for a felony is released on parole, under
transitional control, or on another type of release or is on
post-release control, if the person is under the supervision of
the adult parole authority, if the person is returned to a jail,
community-based correctional facility, or state correctional
institution for a violation of the terms and conditions of the
parole, transitional control, other release, or post-release
control, if the person was or will be serving a prison term or
community residential sanction for committing an offense listed in
division (D) of this section, and if the person did not provide a
DNA specimen pursuant to division (B)(1) or (2) of this section,
the person shall submit to, and the director of rehabilitation and
correction or the chief administrative officer of the jail or
community-based correctional facility shall administer, a DNA
specimen collection procedure at the jail, community-based
correctional facility, or state correctional institution in which

the person is serving the prison term or community residential
sanction. In accordance with division (C) of this section, the
director or the chief administrative officer shall cause the DNA
specimen to be forwarded to the bureau of criminal identification
and investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected from the person in accordance with division (C) of this
section.

(C) A physician, registered nurse, licensed practical nurse,
duly licensed clinical laboratory technician, or other qualified
medical practitioner shall collect in a medically approved manner
the DNA specimen required to be collected pursuant to division (B)
of this section. No later than fifteen days after the date of the
collection of the DNA specimen, the director of rehabilitation and
correction or the chief administrative officer of the jail,
community-based correctional facility, or other county,
multicounty, municipal, municipal-county, or multicounty-municipal
detention facility, in which the person is serving the prison
term, community residential sanction, or term of imprisonment
shall cause the DNA specimen to be forwarded to the bureau of
criminal identification and investigation in accordance with
procedures established by the superintendent of the bureau under
division (H) of section 109.573 of the Revised Code. The bureau
shall provide the specimen vials, mailing tubes, labels, postage,
and instructions needed for the collection and forwarding of the
DNA specimen to the bureau.

(D) The director of rehabilitation and correction and the
chief administrative officer of the jail, community-based
correctional facility, or other county, multicounty, municipal,
municipal-county, or multicounty-municipal detention facility
shall cause a DNA specimen to be collected in accordance with
divisions (B) and (C) of this section from a person in its custody

who is convicted of or pleads guilty to any of the following
offenses:

(1) A violation of section 2903.01, 2903.02, 2903.11,
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02,
2911.11, or 2911.12 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it
existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2903.01,
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code
or to commit a violation of section 2907.12 of the Revised Code as
it existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts
and circumstances and same act as did a charge against the person
of a violation of section 2903.01, 2903.02, 2903.11, 2905.01,
2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11,
or 2911.12 of the Revised Code that previously was dismissed or
amended or as did a charge against the person of a violation of
section 2907.12 of the Revised Code as it existed prior to
September 3, 1996, that previously was dismissed or amended;

(5) A violation of section 2905.02 or 2919.23 of the Revised
Code that would have been a violation of section 2905.04 of the
Revised Code as it existed prior to July 1, 1996, had it been
committed prior to that date;

(6) A sexually oriented offense, as defined in section
2950.01 of the Revised Code, if, in relation to that offense, the
offender has been adjudicated as being a sexual predator, as
defined in section 2950.01 of the Revised Code;

(7) A conspiracy to commit a violation of section 2903.01,
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the
Revised Code;

(8) Complicity in committing a violation of section 2903.01, 459
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 460
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 461
violation of section 2907.12 of the Revised Code as it existed 462
prior to September 3, 1996. 463

(E) The director of rehabilitation and correction or a chief 464
administrative officer of a jail, community-based correctional 465
facility, or other detention facility described in division (B) of 466
this section is not required to comply with this section until the 467
superintendent of the bureau of criminal identification and 468
investigation gives agencies in the criminal justice system, as 469
defined in section 181.51 of the Revised Code, in the state 470
official notification that the state DNA laboratory is prepared to 471
accept DNA specimens. 472

Section 2. That existing sections 2151.315, 2152.74, 473
2743.191, and 2901.07 of the Revised Code are hereby repealed. 474

Section 3. The amendment of section 2151.315 of the Revised 475
Code is not intended to supersede its amendment and renumbering by 476
Am. Sub. S.B. 179 of the 123rd General Assembly. Paragraphs of 477
section 2151.315 of the Revised Code that are amended by this act 478
were moved to section 2152.74 of the Revised Code by Am. Sub. S.B. 479
179, effective January 1, 2002, as part of its revision of the 480
juvenile delinquency laws. Therefore, section 2152.74 of the 481
Revised Code is amended by this act to continue, on and after 482
January 1, 2002, the amendments this act is making to section 483
2151.315 of the Revised Code; section 2151.315 of the Revised Code 484
as amended by this act is superseded on January 1, 2002, by the 485
section as it results from its amendment and renumbering by Am. 486
Sub. S.B. 179; and section 2152.74 of the Revised Code as amended 487
by this act takes effect on January 1, 2002. 488