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Niehaus, Setzer, Coates, Kilbane, Roman, Barrett, Schmidt, Allen, Brown,
Clancy, Metzger, Otterman, S. Smith, Salerno, Buehrer, Driehaus

A B I L L

To amend sections 109.573, 2152.74, 2743.191, and 1
2901.07 of the Revised Code to expand the offenses 2
for which DNA specimens are collected from 3
delinquent children and criminal offenders, to 4
delay the implementation of the expansion of DNA 5
specimen collection until the Superintendent of the 6
Bureau of Criminal Identification and Investigation 7
gives official notification that the state DNA 8
laboratory is prepared to accept DNA specimens of 9
that nature, to pay the costs of DNA specimen 10
collection from the Reparations Fund, to remove the 11
requirement that DNA specimens be collected by 12
specified medical practitioners in certain cases, 13
and to expand the circumstances in which a person 14
returning to incarceration must submit to a DNA 15
specimen collection procedure to include 16
misdemeanants covered by the DNA Specimen 17
Collection Law who are on probation. 18

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

Section 1. That sections 109.573, 2152.74, 2743.191, and 19
2901.07 of the Revised Code be amended to read as follows: 20

Sec. 109.573. (A) As used in this section: 21

(1) "DNA" means human deoxyribonucleic acid. 22

(2) "DNA analysis" means a laboratory analysis of a DNA 23
specimen to identify DNA characteristics and to create a DNA 24
record. 25

(3) "DNA database" means a collection of DNA records from 26
forensic casework or from crime scenes, specimens from anonymous 27
and unidentified sources, and records collected pursuant to 28
sections 2152.74 and 2901.07 of the Revised Code and a population 29
statistics database for determining the frequency of occurrence of 30
characteristics in DNA records. 31

(4) "DNA record" means the objective result of a DNA analysis 32
of a DNA specimen, including representations of DNA fragment 33
lengths, digital images of autoradiographs, discrete allele 34
assignment numbers, and other DNA specimen characteristics that 35
aid in establishing the identity of an individual. 36

(5) "DNA specimen" includes human blood cells or 37
physiological tissues or body fluids. 38

(6) "Unidentified person database" means a collection of DNA 39
records, and, on and after May 21, 1998, of fingerprint and 40
photograph records, of unidentified human corpses, human remains, 41
or living individuals. 42

(7) "Relatives of missing persons database" means a 43
collection of DNA records of persons related by consanguinity of 44
the first degree to a missing person. 45

(8) "Law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(B)(1) The superintendent of the bureau of criminal identification and investigation may do all of the following:

(a) Establish and maintain a state DNA laboratory to perform DNA analysis of DNA specimens;

(b) Establish and maintain a DNA database;

(c) Establish and maintain an unidentified person database to aid in the establishment of the identity of unknown human corpses, human remains, or living individuals;

(d) Establish and maintain a relatives of missing persons database for comparison with the unidentified person database to aid in the establishment of the identity of unknown human corpses, human remains, and living individuals.

(2) If the bureau of criminal identification and investigation establishes and maintains a DNA laboratory and a DNA database, the bureau may use or disclose information regarding DNA records for the following purposes:

(a) The bureau may disclose information to a law enforcement agency for purposes of identification.

(b) The bureau shall disclose pursuant to a court order issued under section 3111.09 of the Revised Code any information necessary to determine the existence of a parent and child relationship in an action brought under sections 3111.01 to 3111.18 of the Revised Code.

(c) The bureau may use or disclose information from the population statistics database, for identification research and

protocol development, or for quality control purposes.

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(3) If the bureau of criminal identification and investigation establishes and maintains a relatives of missing persons database, all of the following apply:

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(a) If a person has disappeared and has been continuously absent from the person's place of last domicile for a thirty-day or longer period of time without being heard from during the period, persons related by consanguinity of the first degree to the missing person may submit to the bureau a DNA specimen, the bureau may include the DNA record of the specimen in the relatives of missing persons database, and, if the bureau does not include the DNA record of the specimen in the relatives of missing persons database, the bureau shall retain the DNA record for future reference and inclusion as appropriate in that database.

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(b) The bureau shall not charge a fee for the submission of a DNA specimen pursuant to division (B)(3)(a) of this section.

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(c) A If the DNA specimen submitted pursuant to division (B)(3)(a) of this section is collected by withdrawing blood from the person or a similarly invasive procedure, a physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician, or other qualified medical practitioner shall conduct the collection procedure for the DNA specimen submitted pursuant to division (B)(3)(a) of this section and shall collect the DNA specimen in a medically approved manner. If the DNA specimen is collected by swabbing for buccal cells or a similarly noninvasive procedure, division (B)(3)(c) of this section does not require that the DNA specimen be collected by a qualified medical practitioner of that nature. No later than fifteen days after the date of the collection of the DNA specimen, the person conducting the DNA specimen collection procedure shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation in accordance with procedures

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established by the superintendent of the bureau under division (H) 108
of this section. The bureau may provide the specimen vials, 109
mailing tubes, labels, postage, and instruction needed for the 110
collection and forwarding of the DNA specimen to the bureau. 111

(d) The superintendent, in the superintendent's discretion, 112
may compare DNA records in the relatives of missing persons 113
database with the DNA records in the unidentified person database. 114

(4) If the bureau of criminal identification and 115
investigation establishes and maintains an unidentified person 116
database and if the superintendent of the bureau identifies a 117
matching DNA record for the DNA record of a person or deceased 118
person whose DNA record is contained in the unidentified person 119
database, the superintendent shall inform the coroner who 120
submitted or the law enforcement agency that submitted the DNA 121
specimen to the bureau of the match and, if possible, of the 122
identity of the unidentified person. 123

(5) The bureau of criminal identification and investigation 124
may enter into a contract with a qualified public or private 125
laboratory to perform DNA analyses, DNA specimen maintenance, 126
preservation, and storage, DNA record keeping, and other duties 127
required of the bureau under this section. A public or private 128
laboratory under contract with the bureau shall follow quality 129
assurance and privacy requirements established by the 130
superintendent of the bureau. 131

(C) The superintendent of the bureau of criminal 132
identification and investigation shall establish procedures for 133
entering into the DNA database the DNA records submitted pursuant 134
to sections 2152.74 and 2901.07 of the Revised Code and for 135
determining an order of priority for entry of the DNA records 136
based on the types of offenses committed by the persons whose 137
records are submitted and the available resources of the bureau. 138

(D) When a DNA record is derived from a DNA specimen provided 139

pursuant to section 2152.74 or 2901.07 of the Revised Code, the
bureau of criminal identification and investigation shall attach
to the DNA record personal identification information that
identifies the person from whom the DNA specimen was taken. The
personal identification information may include the subject
person's fingerprints and any other information the bureau
determines necessary. The DNA record and personal identification
information attached to it shall be used only for the purpose of
personal identification or for a purpose specified in this
section.

(E) DNA records, DNA specimens, fingerprints, and photographs
that the bureau of criminal identification and investigation
receives pursuant to this section and sections 313.08, 2152.74,
and 2901.07 of the Revised Code and personal identification
information attached to a DNA record are not public records under
section 149.43 of the Revised Code.

(F) The bureau of criminal identification and investigation
may charge a reasonable fee for providing information pursuant to
this section to any law enforcement agency located in another
state.

(G)(1) No person who because of the person's employment or
official position has access to a DNA specimen, a DNA record, or
other information contained in the DNA database that identifies an
individual shall knowingly disclose that specimen, record, or
information to any person or agency not entitled to receive it or
otherwise shall misuse that specimen, record, or information.

(2) No person without authorization or privilege to obtain
information contained in the DNA database that identifies an
individual person shall purposely obtain that information.

(H) The superintendent of the bureau of criminal
identification and investigation shall establish procedures for

all of the following:	171
(1) The forwarding to the bureau of DNA specimens collected pursuant to division (H) of this section and sections 313.08, 2152.74, and 2901.07 of the Revised Code and of fingerprints and photographs collected pursuant to section 313.08 of the Revised Code;	172 173 174 175 176
(2) The collection, maintenance, preservation, and analysis of DNA specimens;	177 178
(3) The creation, maintenance, and operation of the DNA database;	179 180
(4) The use and dissemination of information from the DNA database;	181 182
(5) The creation, maintenance, and operation of the unidentified person database;	183 184
(6) The use and dissemination of information from the unidentified person database;	185 186
(7) The creation, maintenance, and operation of the relatives of missing persons database;	187 188
(8) The use and dissemination of information from the relatives of missing persons database;	189 190
(9) The verification of entities requesting DNA records and other DNA information from the bureau and the authority of the entity to receive the information;	191 192 193
(10) The operation of the bureau and responsibilities of employees of the bureau with respect to the activities described in this section.	194 195 196
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.	197 198 199

(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 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 232
custody of the school, camp, institution, or facility, the child 233
shall submit to, and the director of youth services or the chief 234
administrator of the school, camp, institution, or facility to 235
which the child is committed shall administer, a DNA specimen 236
collection procedure at the institution operated by or under the 237
control of the department of youth services or at the school, 238
camp, institution, or facility to which the child is committed. In 239
accordance with division (C) of this section, the director or the 240
chief administrative officer shall cause the DNA specimen to be 241
forwarded to the bureau of criminal identification and 242
investigation no later than fifteen days after the date of the 243
collection of the DNA specimen. The DNA specimen shall be 244
collected in accordance with division (C) of this section. 245

(C) A If the DNA specimen is collected by withdrawing blood 246
from the child or a similarly invasive procedure, a physician, 247
registered nurse, licensed practical nurse, duly licensed clinical 248
laboratory technician, or other qualified medical practitioner 249
shall collect in a medically approved manner the DNA specimen 250
required to be collected pursuant to division (B) of this section. 251
If the DNA specimen is collected by swabbing for buccal cells or a 252
similarly noninvasive procedure, this section does not require 253
that the DNA specimen be collected by a qualified medical 254
practitioner of that nature. No later than fifteen days after the 255
date of the collection of the DNA specimen, the director of youth 256
services or the chief administrative officer of the school, camp, 257
institution, or other facility for delinquent children to which 258
the child is committed shall cause the DNA specimen to be 259
forwarded to the bureau of criminal identification and 260
investigation in accordance with procedures established by the 261
superintendent of the bureau under division (H) of section 109.573 262
of the Revised Code. The bureau shall provide the specimen vials, 263

mailing tubes, labels, postage, and instruction needed for the 264
collection and forwarding of the DNA specimen to the bureau. 265

(D) The director of youth services and the chief 266
administrative officer of a school, camp, institution, or other 267
facility for delinquent children shall cause a DNA specimen to be 268
collected in accordance with divisions (B) and (C) of this section 269
from each child in its custody who is adjudicated a delinquent 270
child for committing any of the following acts: 271

(1) A violation of section 2903.01, 2903.02, 2903.11, 272
2905.01, 2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11, 273
or 2911.12 of the Revised Code; 274

(2) A violation of section 2907.12 of the Revised Code as it 275
existed prior to September 3, 1996; 276

(3) An attempt to commit a violation of section 2903.01, 277
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to 278
commit a violation of section 2907.12 of the Revised Code as it 279
existed prior to September 3, 1996; 280

(4) A felony violation of any law that arose out of the same 281
facts and circumstances and same act as did a charge against the 282
child of a violation of section 2903.01, 2903.02, 2903.11, 283
2905.01, 2907.02, 2907.03, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11, 284
or 2911.12 of the Revised Code that previously was dismissed or 285
amended or as did a charge against the child of a violation of 286
section 2907.12 of the Revised Code as it existed prior to 287
September 3, 1996, that previously was dismissed or amended; 288

(5) A violation of section 2905.02 or 2919.23 of the Revised 289
Code that would have been a violation of section 2905.04 of the 290
Revised Code as it existed prior to July 1, 1996, had the 291
violation been committed prior to that date; 292

(6) A violation of section 2923.01 of the Revised Code 293
involving a conspiracy to commit a violation of section 2903.01, 294

2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 295
Revised Code; 296

(7) A violation of section 2923.03 of the Revised Code 297
involving complicity in committing a violation of section 2903.01, 298
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 299
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 300
violation of section 2907.12 of the Revised Code as it existed 301
prior to September 3, 1996. 302

(E) The director of youth services and the chief 303
administrative officer of a school, camp, institution, or other 304
facility for delinquent children is not required to comply with 305
this section in relation to the following acts until the 306
superintendent of the bureau of criminal identification and 307
investigation gives agencies in the juvenile justice system, as 308
defined in section 181.51 of the Revised Code, in the state 309
official notification that the state DNA laboratory is prepared to 310
accept DNA specimens of that nature: 311

(1) A violation of section 2903.11, 2911.01, 2911.02, or 312
2911.12 of the Revised Code; 313

(2) An attempt to commit a violation of section 2903.01 or 314
2903.02 of the Revised Code; 315

(3) A felony violation of any law that arose out of the same 316
facts and circumstances and same act as did a charge against the 317
child of a violation of section 2903.11, 2911.01, 2911.02, or 318
2911.12 of the Revised Code that previously was dismissed or 319
amended; 320

(4) A violation of section 2923.01 of the Revised Code 321
involving a conspiracy to commit a violation of section 2903.01, 322
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 323
Revised Code; 324

(5) A violation of section 2923.03 of the Revised Code 325

involving complicity in committing a violation of section 2903.01, 326
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 327
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 328
violation of section 2907.12 of the Revised Code as it existed 329
prior to September 3, 1996. 330

Sec. 2743.191. (A)(1) There is hereby created in the state 331
treasury the reparations fund, which shall be used only for the 332
following purposes: 333

(a) The payment of awards of reparations that are granted by 334
the attorney general,~~the;~~ 335

(b) The compensation of any personnel needed by the attorney 336
general to administer sections 2743.51 to 2743.72 of the Revised 337
Code,~~the;~~ 338

(c) The compensation of witnesses as provided in division (B) 339
of section 2743.65 of the Revised Code,~~other;~~ 340

(d) Other administrative costs of hearing and determining 341
claims for an award of reparations by the attorney general,~~the;~~ 342

(e) The costs of administering sections 2907.28 and 2969.01 343
to 2969.06 of the Revised Code,~~the;~~ 344

(f) The costs of investigation and decision-making as 345
certified by the attorney general,~~the;~~ 346

(g) The provision of state financial assistance to victim 347
assistance programs in accordance with sections 109.91 and 109.92 348
of the Revised Code,~~the;~~ 349

(h) The costs of paying the expenses of sex offense-related 350
examinations and antibiotics pursuant to section 2907.28 of the 351
Revised Code,~~the;~~ 352

(i) The cost of printing and distributing the pamphlet 353
prepared by the attorney general pursuant to section 109.42 of the 354

Revised Code, ~~and, subject;~~ 355

(j) Subject to division (D) of section 2743.71 of the Revised 356
Code, the costs associated with the printing and providing of 357
information cards or other printed materials to law enforcement 358
agencies and prosecuting authorities and with publicizing the 359
availability of awards of reparations pursuant to section 2743.71 360
of the Revised Code; 361

(k) The payment of costs of administering a DNA specimen 362
collection procedure pursuant to sections 2151.315, 2152.74, and 363
2901.07 of the Revised Code, of performing DNA analysis of those 364
DNA specimens, and of entering the resulting DNA records into the 365
DNA database pursuant to section 109.573 of the Revised Code. All 366

(2) All costs paid pursuant to section 2743.70 of the Revised 367
Code, the portions of license reinstatement fees mandated by 368
division (L)(2)(b) of section 4511.191 of the Revised Code to be 369
credited to the fund, the portions of the proceeds of the sale of 370
a forfeited vehicle specified in division (D)(2) of section 371
4503.234 of the Revised Code, payments collected by the department 372
of rehabilitation and correction from prisoners who voluntarily 373
participate in an approved work and training program pursuant to 374
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 375
all moneys collected by the state pursuant to its right of 376
subrogation provided in section 2743.72 of the Revised Code shall 377
be deposited in the fund. 378

(B) In making an award of reparations, the attorney general 379
shall render the award against the state. The award shall be 380
accomplished only through the following procedure, and the 381
following procedure may be enforced by writ of mandamus directed 382
to the appropriate official: 383

(1) The attorney general shall provide for payment of the 384
claimant or providers in the amount of the award. 385

(2) The expense shall be charged against all available 386
unencumbered moneys in the fund. 387

(3) If sufficient unencumbered moneys do not exist in the 388
fund, the attorney general shall make application for payment of 389
the award out of the emergency purposes account or any other 390
appropriation for emergencies or contingencies, and payment out of 391
this account or other appropriation shall be authorized if there 392
are sufficient moneys greater than the sum total of then pending 393
emergency purposes account requests or requests for releases from 394
the other appropriations. 395

(4) If sufficient moneys do not exist in the account or any 396
other appropriation for emergencies or contingencies to pay the 397
award, the attorney general shall request the general assembly to 398
make an appropriation sufficient to pay the award, and no payment 399
shall be made until the appropriation has been made. The attorney 400
general shall make this appropriation request during the current 401
biennium and during each succeeding biennium until a sufficient 402
appropriation is made. If, prior to the time that an appropriation 403
is made by the general assembly pursuant to this division, the 404
fund has sufficient unencumbered funds to pay the award or part of 405
the award, the available funds shall be used to pay the award or 406
part of the award, and the appropriation request shall be amended 407
to request only sufficient funds to pay that part of the award 408
that is unpaid. 409

(C) The attorney general shall not make payment on a decision 410
or order granting an award until all appeals have been determined 411
and all rights to appeal exhausted, except as otherwise provided 412
in this section. If any party to a claim for an award of 413
reparations appeals from only a portion of an award, and a 414
remaining portion provides for the payment of money by the state, 415
that part of the award calling for the payment of money by the 416
state and not a subject of the appeal shall be processed for 417

payment as described in this section. 418

(D) The attorney general shall prepare itemized bills for the 419
costs of printing and distributing the pamphlet the attorney 420
general prepares pursuant to section 109.42 of the Revised Code. 421
The itemized bills shall set forth the name and address of the 422
persons owed the amounts set forth in them. 423

(E) As used in this section, "DNA analysis" and "DNA 424
specimen" have the same meanings as in section 109.573 of the 425
Revised Code. 426

Sec. 2901.07. (A) As used in this section: 427

(1) "DNA analysis" and "DNA specimen" have the same meanings 428
as in section 109.573 of the Revised Code. 429

(2) "Jail" and "community-based correctional facility" have 430
the same meanings as in section 2929.01 of the Revised Code. 431

(3) "Post-release control" has the same meaning as in section 432
2967.01 of the Revised Code. 433

(B)(1) A person who is convicted of or pleads guilty to a 434
felony offense listed in division (D) of this section and who is 435
sentenced to a prison term or to a community residential sanction 436
in a jail or community-based correctional facility pursuant to 437
section 2929.16 of the Revised Code, and a person who is convicted 438
of or pleads guilty to a misdemeanor offense listed in division 439
(D) of this section and who is sentenced to a term of imprisonment 440
shall submit to a DNA specimen collection procedure administered 441
by the director of rehabilitation and correction or the chief 442
administrative officer of the jail or other detention facility in 443
which the person is serving the term of imprisonment. If the 444
person serves the prison term in a state correctional institution, 445
the director of rehabilitation and correction shall cause the DNA 446
specimen to be collected from the person during the intake process 447

at the reception facility designated by the director. If the
person serves the community residential sanction or term of
imprisonment in a jail, a community-based correctional facility,
or another county, multicounty, municipal, municipal-county, or
multicounty-municipal detention facility, the chief administrative
officer of the jail, community-based correctional facility, or
detention facility shall cause the DNA specimen to be collected
from the person during the intake process at the jail,
community-based correctional facility, or detention 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 in accordance with division (C) of this section.

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

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forwarded to the bureau of criminal identification and 480
investigation no later than fifteen days after the date of the 481
collection of the DNA specimen. The DNA specimen shall be 482
collected in accordance with division (C) of this section. 483

(3) If a person serving a term of imprisonment, prison term, 484
or community residential sanction for ~~a felony~~ committing an 485
offense listed in division (D) of this section is on probation, is 486
released on parole, under transitional control, or on another type 487
of release, or is on post-release control, if the person is under 488
the supervision of a probation department or the adult parole 489
authority, if the person is sent to jail or is returned to a jail, 490
community-based correctional facility, or state correctional 491
institution for a violation of the terms and conditions of the 492
probation, parole, transitional control, other release, or 493
post-release control, if the person was or will be serving a term 494
of imprisonment, prison term, or community residential sanction 495
for committing an offense listed in division (D) of this section, 496
and if the person did not provide a DNA specimen pursuant to 497
division (B)(1) or (2) of this section, the person shall submit 498
to, and the director of rehabilitation and correction or the chief 499
administrative officer of the jail or community-based correctional 500
facility shall administer, a DNA specimen collection procedure at 501
the jail, community-based correctional facility, or state 502
correctional institution in which the person is serving the term 503
of imprisonment, prison term, or community residential sanction. 504
In accordance with division (C) of this section, the director or 505
the chief administrative officer shall cause the DNA specimen to 506
be forwarded to the bureau of criminal identification and 507
investigation no later than fifteen days after the date of the 508
collection of the DNA specimen. The DNA specimen shall be 509
collected from the person in accordance with division (C) of this 510
section. 511

(C) A If the DNA specimen is collected by withdrawing blood 512
from the person or a similarly invasive procedure, a physician, 513
registered nurse, licensed practical nurse, duly licensed clinical 514
laboratory technician, or other qualified medical practitioner 515
shall collect in a medically approved manner the DNA specimen 516
required to be collected pursuant to division (B) of this section. 517
If the DNA specimen is collected by swabbing for buccal cells or a 518
similarly noninvasive procedure, this section does not require 519
that the DNA specimen be collected by a qualified medical 520
practitioner of that nature. No later than fifteen days after the 521
date of the collection of the DNA specimen, the director of 522
rehabilitation and correction or the chief administrative officer 523
of the jail, community-based correctional facility, or other 524
county, multicounty, municipal, municipal-county, or 525
multicounty-municipal detention facility, in which the person is 526
serving the prison term, community residential sanction, or term 527
of imprisonment shall cause the DNA specimen to be forwarded to 528
the bureau of criminal identification and investigation in 529
accordance with procedures established by the superintendent of 530
the bureau under division (H) of section 109.573 of the Revised 531
Code. The bureau shall provide the specimen vials, mailing tubes, 532
labels, postage, and instructions needed for the collection and 533
forwarding of the DNA specimen to the bureau. 534

(D) The director of rehabilitation and correction and the 535
chief administrative officer of the jail, community-based 536
correctional facility, or other county, multicounty, municipal, 537
municipal-county, or multicounty-municipal detention facility 538
shall cause a DNA specimen to be collected in accordance with 539
divisions (B) and (C) of this section from a person in its custody 540
who is convicted of or pleads guilty to any of the following 541
offenses: 542

(1) A violation of section 2903.01, 2903.02, 2903.11, 543

2905.01, 2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02, 544
2911.11, or 2911.12 of the Revised Code; 545

(2) A violation of section 2907.12 of the Revised Code as it 546
existed prior to September 3, 1996; 547

(3) An attempt to commit a violation of section 2903.01, 548
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 549
or to commit a violation of section 2907.12 of the Revised Code as 550
it existed prior to September 3, 1996; 551

(4) A felony violation of any law that arose out of the same 552
facts and circumstances and same act as did a charge against the 553
person of a violation of section 2903.01, 2903.02, 2903.11, 554
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02, 555
2911.11, or 2911.12 of the Revised Code that previously was 556
dismissed or amended or as did a charge against the person of a 557
violation of section 2907.12 of the Revised Code as it existed 558
prior to September 3, 1996, that previously was dismissed or 559
amended; 560

(5) A violation of section 2905.02 or 2919.23 of the Revised 561
Code that would have been a violation of section 2905.04 of the 562
Revised Code as it existed prior to July 1, 1996, had it been 563
committed prior to that date; 564

(6) A sexually oriented offense, as defined in section 565
2950.01 of the Revised Code, if, in relation to that offense, the 566
offender has been adjudicated as being a sexual predator, as 567
defined in section 2950.01 of the Revised Code; 568

(7) A conspiracy to commit a violation of section 2903.01, 569
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 570
Revised Code; 571

(8) Complicity in committing a violation of section 2903.01, 572
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 573
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 574

violation of section 2907.12 of the Revised Code as it existed 575
prior to September 3, 1996. 576

(E) The director of rehabilitation and correction or a chief 577
administrative officer of a jail, community-based correctional 578
facility, or other detention facility described in division (B) of 579
this section in relation to the following offenses is not required 580
to comply with this section until the superintendent of the bureau 581
of criminal identification and investigation gives agencies in the 582
criminal justice system, as defined in section 181.51 of the 583
Revised Code, in the state official notification that the state 584
DNA laboratory is prepared to accept DNA specimens of that nature: 585

(1) A violation of section 2903.11, 2911.01, 2911.02, or 586
2911.12 of the Revised Code; 587

(2) An attempt to commit a violation of section 2903.01 or 588
2903.02 of the Revised Code; 589

(3) A felony violation of any law that arose out of the same 590
facts and circumstances and same act as did a charge against the 591
person of a violation of section 2903.11, 2911.01, 2911.02, or 592
2911.12 of the Revised Code that previously was dismissed or 593
amended; 594

(4) A conspiracy to commit a violation of section 2903.01, 595
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 596
Revised Code; 597

(5) Complicity in committing a violation of section 2903.01, 598
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 599
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 600
violation of section 2907.12 of the Revised Code as it existed 601
prior to September 3, 1996. 602

Section 2. That existing sections 109.573, 2152.74, 2743.191, 603
and 2901.07 of the Revised Code are hereby repealed. 604

Section 3. Section 109.573 of the Revised Code is presented 605
in this act as a composite of the section as amended by both Am. 606
Sub. S.B. 179 and Am. Sub. S.B. 180 of the 123rd General Assembly. 607
The General Assembly, applying the principle stated in division 608
(B) of section 1.52 of the Revised Code that amendments are to be 609
harmonized if reasonably capable of simultaneous operation, finds 610
that the composite is the resulting version of the section in 611
effect prior to the effective date of the section as presented in 612
this act. 613