

# As Passed by the Senate

124th General Assembly

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Sub. H. B. No. 427

**REPRESENTATIVES** Womer Benjamin, Latta, Seitz, Willamowski, Jerse,  
Perry, Sferra, D. Miller, Hartnett, Hoops, Flannery, Distel, Webster, Sulzer,  
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Clancy, Metzger, Otterman, S. Smith, Salerno, Buehrer, Driehaus  
**SENATORS** Herington, Oelslager, Hottinger, White, Spada, Austria, Harris,  
Robert Gardner

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## A BILL

To amend sections 109.573, 2152.74, 2743.191, 2901.07, 1  
and 2935.01 and to enact sections 109.542 and 2  
2935.011 of the Revised Code to expand the offenses 3  
for which DNA specimens are collected from 4  
delinquent children and criminal offenders, to 5  
delay the implementation of the expansion of DNA 6  
specimen collection until the Superintendent of the 7  
Bureau of Criminal Identification and Investigation 8  
gives official notification that the state DNA 9  
laboratory is prepared to accept DNA specimens of 10  
that nature, to pay the costs of DNA specimen 11  
collection regarding the added offenses from the 12  
Reparations Fund, to remove the requirement that 13  
DNA specimens be collected by specified medical 14  
practitioners in certain cases, to expand the 15  
circumstances in which a person returning to 16  
incarceration must submit to a DNA specimen 17

collection procedure to include misdemeanants 18  
covered by the DNA Specimen Collection Law who are 19  
on probation, to provide that service as an 20  
investigator of the Bureau of Criminal 21  
Identification and Investigation counts as peace 22  
officer service for purposes of maintaining a 23  
current and valid peace officer basic training 24  
certificate and subjects the person to other peace 25  
officer training-related laws, and to include as 26  
peace officers, for certain purposes, investigators 27  
of the Bureau who have received such a certificate 28  
and who are assisting law enforcement officers. 29  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.573, 2152.74, 2743.191, 2901.07, 31  
and 2935.01 be amended and sections 109.542 and 2935.011 of the 32  
Revised Code be enacted to read as follows: 33

Sec. 109.542. If an officer or employee of the bureau of 34  
criminal identification and investigation is investigative 35  
personnel of the bureau and has been awarded a certificate by the 36  
executive director of the Ohio peace officer training commission 37  
attesting to the officer's or employee's satisfactory completion 38  
of an approved state, county, municipal, or department of natural 39  
resources peace officer basic training program, both of the 40  
following apply: 41

(A) The officer or employee shall be considered a peace 42  
officer during the term of the officer's or employee's appointment 43  
or employment with the bureau in that capacity for the purposes of 44  
maintaining a current and valid basic training certificate 45

pursuant to rules adopted under section 109.74 of the Revised Code. 46  
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(B) Sections 109.71 to 109.77 of the Revised Code apply to the officer or employee as if the officer or employee was included in the definition of "peace officer" set forth in section 109.71 of the Revised Code. 48  
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**Sec. 109.573.** (A) As used in this section: 52

(1) "DNA" means human deoxyribonucleic acid. 53

(2) "DNA analysis" means a laboratory analysis of a DNA specimen to identify DNA characteristics and to create a DNA record. 54  
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(3) "DNA database" means a collection of DNA records from forensic casework or from crime scenes, specimens from anonymous and unidentified sources, and records collected pursuant to sections 2152.74 and 2901.07 of the Revised Code and a population statistics database for determining the frequency of occurrence of characteristics in DNA records. 57  
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(4) "DNA record" means the objective result of a DNA analysis of a DNA specimen, including representations of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and other DNA specimen characteristics that aid in establishing the identity of an individual. 63  
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(5) "DNA specimen" includes human blood cells or physiological tissues or body fluids. 68  
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(6) "Unidentified person database" means a collection of DNA records, and, on and after May 21, 1998, of fingerprint and photograph records, of unidentified human corpses, human remains, or living individuals. 70  
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(7) "Relatives of missing persons database" means a 74

collection of DNA records of persons related by consanguinity of the first degree to a missing person. 75  
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(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. 77  
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(B)(1) The superintendent of the bureau of criminal identification and investigation may do all of the following: 82  
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(a) Establish and maintain a state DNA laboratory to perform DNA analysis of DNA specimens; 84  
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(b) Establish and maintain a DNA database; 86

(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; 87  
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(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. 90  
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(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: 94  
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(a) The bureau may disclose information to a law enforcement agency for purposes of identification. 98  
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(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. 100  
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(c) The bureau may use or disclose information from the population statistics database, for identification research and protocol development, or for quality control purposes.

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

(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.

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

(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 137  
identification and investigation in accordance with procedures 138  
established by the superintendent of the bureau under division (H) 139  
of this section. The bureau may provide the specimen vials, 140  
mailing tubes, labels, postage, and instruction needed for the 141  
collection and forwarding of the DNA specimen to the bureau. 142

(d) The superintendent, in the superintendent's discretion, 143  
may compare DNA records in the relatives of missing persons 144  
database with the DNA records in the unidentified person database. 145

(4) If the bureau of criminal identification and 146  
investigation establishes and maintains an unidentified person 147  
database and if the superintendent of the bureau identifies a 148  
matching DNA record for the DNA record of a person or deceased 149  
person whose DNA record is contained in the unidentified person 150  
database, the superintendent shall inform the coroner who 151  
submitted or the law enforcement agency that submitted the DNA 152  
specimen to the bureau of the match and, if possible, of the 153  
identity of the unidentified person. 154

(5) The bureau of criminal identification and investigation 155  
may enter into a contract with a qualified public or private 156  
laboratory to perform DNA analyses, DNA specimen maintenance, 157  
preservation, and storage, DNA record keeping, and other duties 158  
required of the bureau under this section. A public or private 159  
laboratory under contract with the bureau shall follow quality 160  
assurance and privacy requirements established by the 161  
superintendent of the bureau. 162

(C) The superintendent of the bureau of criminal 163  
identification and investigation shall establish procedures for 164  
entering into the DNA database the DNA records submitted pursuant 165  
to sections 2152.74 and 2901.07 of the Revised Code and for 166  
determining an order of priority for entry of the DNA records 167  
based on the types of offenses committed by the persons whose 168

records are submitted and the available resources of the bureau. 169

(D) When a DNA record is derived from a DNA specimen provided 170  
pursuant to section 2152.74 or 2901.07 of the Revised Code, the 171  
bureau of criminal identification and investigation shall attach 172  
to the DNA record personal identification information that 173  
identifies the person from whom the DNA specimen was taken. The 174  
personal identification information may include the subject 175  
person's fingerprints and any other information the bureau 176  
determines necessary. The DNA record and personal identification 177  
information attached to it shall be used only for the purpose of 178  
personal identification or for a purpose specified in this 179  
section. 180

(E) DNA records, DNA specimens, fingerprints, and photographs 181  
that the bureau of criminal identification and investigation 182  
receives pursuant to this section and sections 313.08, 2152.74, 183  
and 2901.07 of the Revised Code and personal identification 184  
information attached to a DNA record are not public records under 185  
section 149.43 of the Revised Code. 186

(F) The bureau of criminal identification and investigation 187  
may charge a reasonable fee for providing information pursuant to 188  
this section to any law enforcement agency located in another 189  
state. 190

(G)(1) No person who because of the person's employment or 191  
official position has access to a DNA specimen, a DNA record, or 192  
other information contained in the DNA database that identifies an 193  
individual shall knowingly disclose that specimen, record, or 194  
information to any person or agency not entitled to receive it or 195  
otherwise shall misuse that specimen, record, or information. 196

(2) No person without authorization or privilege to obtain 197  
information contained in the DNA database that identifies an 198  
individual person shall purposely obtain that information. 199

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

(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;

(2) The collection, maintenance, preservation, and analysis of DNA specimens;

(3) The creation, maintenance, and operation of the DNA database;

(4) The use and dissemination of information from the DNA database;

(5) The creation, maintenance, and operation of the unidentified person database;

(6) The use and dissemination of information from the unidentified person database;

(7) The creation, maintenance, and operation of the relatives of missing persons database;

(8) The use and dissemination of information from the relatives of missing persons database;

(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;

(10) The operation of the bureau and responsibilities of employees of the bureau with respect to the activities described in this section.

**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. 229  
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(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. 231  
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(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 257  
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does not submit to a DNA specimen collection procedure pursuant to 261  
division (B)(1) of this section, prior to the child's release from 262  
the custody of the department of youth services or from the 263  
custody of the school, camp, institution, or facility, the child 264  
shall submit to, and the director of youth services or the chief 265  
administrator of the school, camp, institution, or facility to 266  
which the child is committed shall administer, a DNA specimen 267  
collection procedure at the institution operated by or under the 268  
control of the department of youth services or at the school, 269  
camp, institution, or facility to which the child is committed. In 270  
accordance with division (C) of this section, the director or the 271  
chief administrative officer shall cause the DNA specimen to be 272  
forwarded to the bureau of criminal identification and 273  
investigation no later than fifteen days after the date of the 274  
collection of the DNA specimen. The DNA specimen shall be 275  
collected in accordance with division (C) of this section. 276

(C) A If the DNA specimen is collected by withdrawing blood 277  
from the child or a similarly invasive procedure, a physician, 278  
registered nurse, licensed practical nurse, duly licensed clinical 279  
laboratory technician, or other qualified medical practitioner 280  
shall collect in a medically approved manner the DNA specimen 281  
required to be collected pursuant to division (B) of this section. 282  
If the DNA specimen is collected by swabbing for buccal cells or a 283  
similarly noninvasive procedure, this section does not require 284  
that the DNA specimen be collected by a qualified medical 285  
practitioner of that nature. No later than fifteen days after the 286  
date of the collection of the DNA specimen, the director of youth 287  
services or the chief administrative officer of the school, camp, 288  
institution, or other facility for delinquent children to which 289  
the child is committed shall cause the DNA specimen to be 290  
forwarded to the bureau of criminal identification and 291  
investigation in accordance with procedures established by the 292

superintendent of the bureau under division (H) of section 109.573 293  
of the Revised Code. The bureau shall provide the specimen vials, 294  
mailing tubes, labels, postage, and instruction needed for the 295  
collection and forwarding of the DNA specimen to the bureau. 296

(D) The director of youth services and the chief 297  
administrative officer of a school, camp, institution, or other 298  
facility for delinquent children shall cause a DNA specimen to be 299  
collected in accordance with divisions (B) and (C) of this section 300  
from each child in its custody who is adjudicated a delinquent 301  
child for committing any of the following acts: 302

(1) A violation of section 2903.01, 2903.02, 2903.11, 303  
2905.01, 2907.02, 2907.03, 2907.05, ~~or 2911.01, 2911.02, 2911.11,~~ 304  
or 2911.12 of the Revised Code; 305

(2) A violation of section 2907.12 of the Revised Code as it 306  
existed prior to September 3, 1996; 307

(3) An attempt to commit a violation of section 2903.01, 308  
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to 309  
commit a violation of section 2907.12 of the Revised Code as it 310  
existed prior to September 3, 1996; 311

(4) A violation of any law that arose out of the same facts 312  
and circumstances and same act as did a charge against the child 313  
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 314  
2907.03, 2907.05, or 2911.11 of the Revised Code that previously 315  
was dismissed or amended or as did a charge against the child of a 316  
violation of section 2907.12 of the Revised Code as it existed 317  
prior to September 3, 1996, that previously was dismissed or 318  
amended; 319

(5) A violation of section 2905.02 or 2919.23 of the Revised 320  
Code that would have been a violation of section 2905.04 of the 321  
Revised Code as it existed prior to July 1, 1996, had the 322  
violation been committed prior to that date; 323

(6) A felony 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 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;

(7) 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;

(8) 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 in relation to the following acts 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 of that nature:

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

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

(3) A felony 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 2903.11, 2911.01, 2911.02, or

2911.12 of the Revised Code that previously was dismissed or 355  
amended; 356

(4) A violation of section 2923.01 of the Revised Code 357  
involving a conspiracy to commit a violation of section 2903.01, 358  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 359  
Revised Code; 360

(5) A violation of section 2923.03 of the Revised Code 361  
involving complicity in committing a violation of section 2903.01, 362  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 363  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 364  
violation of section 2907.12 of the Revised Code as it existed 365  
prior to September 3, 1996. 366

**Sec. 2743.191.** (A)(1) There is hereby created in the state 367  
treasury the reparations fund, which shall be used only for the 368  
following purposes: 369

(a) The payment of awards of reparations that are granted by 370  
the attorney general,~~the;~~ 371

(b) The compensation of any personnel needed by the attorney 372  
general to administer sections 2743.51 to 2743.72 of the Revised 373  
Code,~~the;~~ 374

(c) The compensation of witnesses as provided in division (B) 375  
of section 2743.65 of the Revised Code,~~other;~~ 376

(d) Other administrative costs of hearing and determining 377  
claims for an award of reparations by the attorney general,~~the;~~ 378

(e) The costs of administering sections 2907.28 and 2969.01 379  
to 2969.06 of the Revised Code,~~the;~~ 380

(f) The costs of investigation and decision-making as 381  
certified by the attorney general,~~the;~~ 382

(g) The provision of state financial assistance to victim 383

assistance programs in accordance with sections 109.91 and 109.92 384  
of the Revised Code,~~the~~~~;~~ 385

(h) The costs of paying the expenses of sex offense-related 386  
examinations and antibiotics pursuant to section 2907.28 of the 387  
Revised Code,~~the~~~~;~~ 388

(i) The cost of printing and distributing the pamphlet 389  
prepared by the attorney general pursuant to section 109.42 of the 390  
Revised Code,~~and,~~~~subject~~~~;~~ 391

(j) Subject to division (D) of section 2743.71 of the Revised 392  
Code, the costs associated with the printing and providing of 393  
information cards or other printed materials to law enforcement 394  
agencies and prosecuting authorities and with publicizing the 395  
availability of awards of reparations pursuant to section 2743.71 396  
of the Revised Code; 397

(k) The payment of costs of administering a DNA specimen 398  
collection procedure pursuant to section 2152.74 of the Revised 399  
Code in relation to any act identified in division (E)(1) to (5) 400  
of that section and pursuant to section 2901.07 of the Revised 401  
Code in relation to any act identified in division (E)(1) to (5) 402  
of that section, of performing DNA analysis of those DNA 403  
specimens, and of entering the resulting DNA records regarding 404  
those analyses into the DNA database pursuant to section 109.573 405  
of the Revised Code. All 406

(2) All costs paid pursuant to section 2743.70 of the Revised 407  
Code, the portions of license reinstatement fees mandated by 408  
division (L)(2)(b) of section 4511.191 of the Revised Code to be 409  
credited to the fund, the portions of the proceeds of the sale of 410  
a forfeited vehicle specified in division (D)(2) of section 411  
4503.234 of the Revised Code, payments collected by the department 412  
of rehabilitation and correction from prisoners who voluntarily 413  
participate in an approved work and training program pursuant to 414  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 415

all moneys collected by the state pursuant to its right of 416  
subrogation provided in section 2743.72 of the Revised Code shall 417  
be deposited in the fund. 418

(B) In making an award of reparations, the attorney general 419  
shall render the award against the state. The award shall be 420  
accomplished only through the following procedure, and the 421  
following procedure may be enforced by writ of mandamus directed 422  
to the appropriate official: 423

(1) The attorney general shall provide for payment of the 424  
claimant or providers in the amount of the award. 425

(2) The expense shall be charged against all available 426  
unencumbered moneys in the fund. 427

(3) If sufficient unencumbered moneys do not exist in the 428  
fund, the attorney general shall make application for payment of 429  
the award out of the emergency purposes account or any other 430  
appropriation for emergencies or contingencies, and payment out of 431  
this account or other appropriation shall be authorized if there 432  
are sufficient moneys greater than the sum total of then pending 433  
emergency purposes account requests or requests for releases from 434  
the other appropriations. 435

(4) If sufficient moneys do not exist in the account or any 436  
other appropriation for emergencies or contingencies to pay the 437  
award, the attorney general shall request the general assembly to 438  
make an appropriation sufficient to pay the award, and no payment 439  
shall be made until the appropriation has been made. The attorney 440  
general shall make this appropriation request during the current 441  
biennium and during each succeeding biennium until a sufficient 442  
appropriation is made. If, prior to the time that an appropriation 443  
is made by the general assembly pursuant to this division, the 444  
fund has sufficient unencumbered funds to pay the award or part of 445  
the award, the available funds shall be used to pay the award or 446  
part of the award, and the appropriation request shall be amended 447

to request only sufficient funds to pay that part of the award 448  
that is unpaid. 449

(C) The attorney general shall not make payment on a decision 450  
or order granting an award until all appeals have been determined 451  
and all rights to appeal exhausted, except as otherwise provided 452  
in this section. If any party to a claim for an award of 453  
reparations appeals from only a portion of an award, and a 454  
remaining portion provides for the payment of money by the state, 455  
that part of the award calling for the payment of money by the 456  
state and not a subject of the appeal shall be processed for 457  
payment as described in this section. 458

(D) The attorney general shall prepare itemized bills for the 459  
costs of printing and distributing the pamphlet the attorney 460  
general prepares pursuant to section 109.42 of the Revised Code. 461  
The itemized bills shall set forth the name and address of the 462  
persons owed the amounts set forth in them. 463

(E) As used in this section, "DNA analysis" and "DNA 464  
specimen" have the same meanings as in section 109.573 of the 465  
Revised Code. 466

**Sec. 2901.07.** (A) As used in this section: 467

(1) "DNA analysis" and "DNA specimen" have the same meanings 468  
as in section 109.573 of the Revised Code. 469

(2) "Jail" and "community-based correctional facility" have 470  
the same meanings as in section 2929.01 of the Revised Code. 471

(3) "Post-release control" has the same meaning as in section 472  
2967.01 of the Revised Code. 473

(B)(1) A person who is convicted of or pleads guilty to a 474  
felony offense listed in division (D) of this section and who is 475  
sentenced to a prison term or to a community residential sanction 476  
in a jail or community-based correctional facility pursuant to 477



section 2929.16 of the Revised Code, and a person who is convicted  
of or pleads guilty to a misdemeanor offense listed in division  
(D) of this section and who is sentenced to a term of imprisonment  
shall submit to a DNA specimen collection procedure administered  
by the director of rehabilitation and correction or the chief  
administrative officer of the jail or other detention facility in  
which the person is serving the term of imprisonment. If the  
person serves the prison term in a state correctional institution,  
the director of rehabilitation and correction shall cause the DNA  
specimen to be collected from the person during the intake process  
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.

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(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

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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 sentenced to a term of imprisonment or  
serving a prison term or community residential sanction for a  
felony committing an offense listed in division (D) of this  
section is on probation, 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 a probation  
department or the adult parole authority, if the person is sent to  
jail or is returned to a jail, community-based correctional  
facility, or state correctional institution for a violation of the  
terms and conditions of the probation, parole, transitional  
control, other release, or post-release control, if the person was  
or will be serving a term of imprisonment, 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

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specimen collection procedure at the jail, community-based 542  
correctional facility, or state correctional institution in which 543  
the person is serving the term of imprisonment, prison term, or 544  
community residential sanction. In accordance with division (C) of 545  
this section, the director or the chief administrative officer 546  
shall cause the DNA specimen to be forwarded to the bureau of 547  
criminal identification and investigation no later than fifteen 548  
days after the date of the collection of the DNA specimen. The DNA 549  
specimen shall be collected from the person in accordance with 550  
division (C) of this section. 551

(C) A If the DNA specimen is collected by withdrawing blood 552  
from the person or a similarly invasive procedure, a physician, 553  
registered nurse, licensed practical nurse, duly licensed clinical 554  
laboratory technician, or other qualified medical practitioner 555  
shall collect in a medically approved manner the DNA specimen 556  
required to be collected pursuant to division (B) of this section. 557  
If the DNA specimen is collected by swabbing for buccal cells or a 558  
similarly noninvasive procedure, this section does not require 559  
that the DNA specimen be collected by a qualified medical 560  
practitioner of that nature. No later than fifteen days after the 561  
date of the collection of the DNA specimen, the director of 562  
rehabilitation and correction or the chief administrative officer 563  
of the jail, community-based correctional facility, or other 564  
county, multicounty, municipal, municipal-county, or 565  
multicounty-municipal detention facility, in which the person is 566  
serving the prison term, community residential sanction, or term 567  
of imprisonment shall cause the DNA specimen to be forwarded to 568  
the bureau of criminal identification and investigation in 569  
accordance with procedures established by the superintendent of 570  
the bureau under division (H) of section 109.573 of the Revised 571  
Code. The bureau shall provide the specimen vials, mailing tubes, 572  
labels, postage, and instructions needed for the collection and 573  
forwarding of the DNA specimen to the bureau. 574

(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, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 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;

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(7) A felony 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 2903.11, 2911.01, 2911.02, or  
2911.12 of the Revised Code that previously was dismissed or  
amended;

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(8) 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;

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(9) 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.

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(E) The director of rehabilitation and correction or a chief  
administrative officer of a jail, community-based correctional  
facility, or other detention facility described in division (B) of  
this section in relation to the following offenses is not required  
to comply with this section until the superintendent of the bureau  
of criminal identification and investigation gives agencies in the  
criminal 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 of that nature:

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

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

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(3) A felony 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 2903.11, 2911.01, 2911.02, or

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2911.12 of the Revised Code that previously was dismissed or 637  
amended; 638

(4) A conspiracy to commit a violation of section 2903.01, 639  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 640  
Revised Code; 641

(5) Complicity in committing a violation of section 2903.01, 642  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 643  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 644  
violation of section 2907.12 of the Revised Code as it existed 645  
prior to September 3, 1996. 646

**Sec. 2935.01.** As used in this chapter: 647

(A) "Magistrate" has the same meaning as in section 2931.01 648  
of the Revised Code. 649

(B) "Peace officer" includes, except as provided in section 650  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 651  
deputy marshal; member of the organized police department of any 652  
municipal corporation, including a member of the organized police 653  
department of a municipal corporation in an adjoining state 654  
serving in Ohio under a contract pursuant to section 737.04 of the 655  
Revised Code; member of a police force employed by a metropolitan 656  
housing authority under division (D) of section 3735.31 of the 657  
Revised Code; member of a police force employed by a regional 658  
transit authority under division (Y) of section 306.05 of the 659  
Revised Code; state university law enforcement officer appointed 660  
under section 3345.04 of the Revised Code; enforcement agent of 661  
the department of public safety designated under section 5502.14 662  
of the Revised Code; employee of the department of natural 663  
resources who is a natural resources law enforcement staff officer 664  
designated pursuant to section 1501.013 of the Revised Code, a 665  
forest officer designated pursuant to section 1503.29 of the 666  
Revised Code, a preserve officer designated pursuant to section 667

1517.10 of the Revised Code, a wildlife officer designated  
pursuant to section 1531.13 of the Revised Code, a park officer  
designated pursuant to section 1541.10 of the Revised Code, or a  
state watercraft officer designated pursuant to section 1547.521  
of the Revised Code; individual designated to perform law  
enforcement duties under section 511.232, 1545.13, or 6101.75 of  
the Revised Code; Ohio veterans' home police officer appointed  
under section 5907.02 of the Revised Code; special police officer  
employed by a port authority under section 4582.04 or 4582.28 of  
the Revised Code; police constable of any township; police officer  
of a township or joint township police district; the house  
sergeant at arms if the house sergeant at arms has arrest  
authority pursuant to division (E)(1) of section 101.311 of the  
Revised Code; and an assistant house sergeant at arms; officer or  
employee of the bureau of criminal identification and  
investigation established pursuant to section 109.51 of the  
Revised Code who has been awarded a certificate by the executive  
director of the Ohio peace officer training commission attesting  
to the officer's or employee's satisfactory completion of an  
approved state, county, municipal, or department of natural  
resources peace officer basic training program and who is  
providing assistance upon request to a law enforcement officer or  
emergency assistance to a peace officer pursuant to section 109.54  
or 109.541 of the Revised Code; and, for the purpose of arrests  
within those areas, and for the purposes of Chapter 5503. of the  
Revised Code, and the filing of and service of process relating to  
those offenses witnessed or investigated by them, includes the  
superintendent and troopers of the state highway patrol.

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(C) "Prosecutor" includes the county prosecuting attorney and  
any assistant prosecutor designated to assist the county  
prosecuting attorney, and, in the case of courts inferior to  
courts of common pleas, includes the village solicitor, city

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director of law, or similar chief legal officer of a municipal corporation, any such officer's assistants, or any attorney designated by the prosecuting attorney of the county to appear for the prosecution of a given case.

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(D) "Offense," except where the context specifically indicates otherwise, includes felonies, misdemeanors, and violations of ordinances of municipal corporations and other public bodies authorized by law to adopt penal regulations.

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Sec. 2935.011. If an officer or employee of the bureau of criminal identification and investigation is included as a "peace officer" under division (B) of section 2935.01 of the Revised Code, both of the following apply:

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(A) Division (D)(2) of section 109.541 applies to the officer or employee while so included.

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(B) The officer or employee is not, as a result of the inclusion, a member of a police department for purposes of Chapter 742. of the Revised Code or a law enforcement officer or peace officer for purposes of any state or local retirement system.

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**Section 2.** That existing sections 109.573, 2152.74, 2743.191, 2901.07, and 2935.01 of the Revised Code are hereby repealed.

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

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