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REPRESENTATIVES Womer Benjamin, Latta, Seitz, Willamowski, Jerse

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 specimen to identify DNA characteristics and to create a DNA record.	23 24 25
(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.	26 27 28 29 30 31
(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.	32 33 34 35 36
(5) "DNA specimen" includes human blood cells or physiological tissues or body fluids.	37 38
(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.	39 40 41 42
(7) "Relatives of missing persons database" means a collection of DNA records of persons related by consanguinity of the first degree to a missing person.	43 44 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.	46 47 48 49 50

(B)(1) The superintendent of the bureau of criminal identification and investigation may do all of the following:	51 52
(a) Establish and maintain a state DNA laboratory to perform DNA analysis of DNA specimens;	53 54
(b) Establish and maintain a DNA database;	55
(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;	56 57 58
(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.	59 60 61 62
(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:	63 64 65 66
(a) The bureau may disclose information to a law enforcement agency for purposes of identification.	67 68
(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.	69 70 71 72 73
(c) The bureau may use or disclose information from the population statistics database, for identification research and protocol development, or for quality control purposes.	74 75 76
(3) If the bureau of criminal identification and investigation establishes and maintains a relatives of missing persons database, all of the following apply:	77 78 79
(a) If a person has disappeared and has been continuously	80

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

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(d) The superintendent, in the superintendent's discretion,

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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 140
bureau of criminal identification and investigation shall attach 141
to the DNA record personal identification information that 142
identifies the person from whom the DNA specimen was taken. The 143
personal identification information may include the subject 144

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:

(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;	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	200 201 202 203 204

Revised Code shall submit to a DNA specimen collection procedure 205
administered by the director of youth services if committed to the 206
department or by the chief administrative officer of the school, 207
camp, institution, or other facility for delinquent children to 208
which the child was committed. If the court commits the child to 209
the department of youth services, the director of youth services 210
shall cause the DNA specimen to be collected from the child during 211
the intake process at an institution operated by or under the 212
control of the department. If the court commits the child to a 213
school, camp, institution, or other facility for delinquent 214
children, the chief administrative officer of the school, camp, 215
institution, or facility to which the child is committed shall 216
cause the DNA specimen to be collected from the child during the 217
intake process for the school, camp, institution, or facility. In 218
accordance with division (C) of this section, the director or the 219
chief administrative officer shall cause the DNA specimen to be 220
forwarded to the bureau of criminal identification and 221
investigation no later than fifteen days after the date of the 222
collection of the DNA specimen. The DNA specimen shall be 223
collected from the child in accordance with division (C) of this 224
section. 225

(2) If a child is adjudicated a delinquent child for 226
committing an act listed in division (D) of this section, is 227
committed to the department of youth services or to a school, 228
camp, institution, or other facility for delinquent children, and 229
does not submit to a DNA specimen collection procedure pursuant to 230
division (B)(1) of this section, prior to the child's release from 231
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 violation of any law that arose out of the same facts 281
and circumstances and same act as did a charge against the child 282
of a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 283
2907.02, 2907.03, 2907.05, ~~or 2911.01, 2911.02, 2911.11, or~~ 284
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 violation of any law that arose out of the same facts 316
and circumstances and same act as did a charge against the child 317
of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of 318
the Revised Code that previously was dismissed or amended; 319

(4) A violation of section 2923.01 of the Revised Code 320
involving a conspiracy to commit a violation of section 2903.01, 321
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 322
Revised Code; 323

(5) A violation of section 2923.03 of the Revised Code 324
involving complicity in committing a violation of section 2903.01, 325
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 326
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 327
violation of section 2907.12 of the Revised Code as it existed 328
prior to September 3, 1996. 329

Sec. 2743.191. (A)(1) There is hereby created in the state 330
treasury the reparations fund, which shall be used only for the 331
following purposes: 332

(a) The payment of awards of reparations that are granted by 333
the attorney general,~~the~~i 334

(b) The compensation of any personnel needed by the attorney 335
general to administer sections 2743.51 to 2743.72 of the Revised 336
Code,~~the~~i 337

(c) The compensation of witnesses as provided in division (B) 338
of section 2743.65 of the Revised Code,~~other~~i 339

(d) Other administrative costs of hearing and determining 340
claims for an award of reparations by the attorney general,~~the~~i 341

(e) The costs of administering sections 2907.28 and 2969.01 342
to 2969.06 of the Revised Code,~~the~~i 343

(f) The costs of investigation and decision-making as 344
certified by the attorney general,~~the~~i 345

(g) The provision of state financial assistance to victim 346
assistance programs in accordance with sections 109.91 and 109.92 347
of the Revised Code,~~the~~i 348

(h) The costs of paying the expenses of sex offense-related 349
examinations and antibiotics pursuant to section 2907.28 of the 350
Revised Code,~~the~~i 351

(i) The cost of printing and distributing the pamphlet 352
prepared by the attorney general pursuant to section 109.42 of the 353
Revised Code,~~and, subject~~i 354

(j) Subject to division (D) of section 2743.71 of the Revised 355
Code, the costs associated with the printing and providing of 356
information cards or other printed materials to law enforcement 357
agencies and prosecuting authorities and with publicizing the 358

availability of awards of reparations pursuant to section 2743.71 359
of the Revised Code; 360

(k) The payment of costs of administering a DNA specimen 361
collection procedure pursuant to sections 2151.315, 2152.74, and 362
2901.07 of the Revised Code, of performing DNA analysis of those 363
DNA specimens, and of entering the resulting DNA records into the 364
DNA database pursuant to section 109.573 of the Revised Code. All 365

(2) All costs paid pursuant to section 2743.70 of the Revised 366
Code, the portions of license reinstatement fees mandated by 367
division (L)(2)(b) of section 4511.191 of the Revised Code to be 368
credited to the fund, the portions of the proceeds of the sale of 369
a forfeited vehicle specified in division (D)(2) of section 370
4503.234 of the Revised Code, payments collected by the department 371
of rehabilitation and correction from prisoners who voluntarily 372
participate in an approved work and training program pursuant to 373
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 374
all moneys collected by the state pursuant to its right of 375
subrogation provided in section 2743.72 of the Revised Code shall 376
be deposited in the fund. 377

(B) In making an award of reparations, the attorney general 378
shall render the award against the state. The award shall be 379
accomplished only through the following procedure, and the 380
following procedure may be enforced by writ of mandamus directed 381
to the appropriate official: 382

(1) The attorney general shall provide for payment of the 383
claimant or providers in the amount of the award. 384

(2) The expense shall be charged against all available 385
unencumbered moneys in the fund. 386

(3) If sufficient unencumbered moneys do not exist in the 387
fund, the attorney general shall make application for payment of 388
the award out of the emergency purposes account or any other 389

appropriation for emergencies or contingencies, and payment out of 390
this account or other appropriation shall be authorized if there 391
are sufficient moneys greater than the sum total of then pending 392
emergency purposes account requests or requests for releases from 393
the other appropriations. 394

(4) If sufficient moneys do not exist in the account or any 395
other appropriation for emergencies or contingencies to pay the 396
award, the attorney general shall request the general assembly to 397
make an appropriation sufficient to pay the award, and no payment 398
shall be made until the appropriation has been made. The attorney 399
general shall make this appropriation request during the current 400
biennium and during each succeeding biennium until a sufficient 401
appropriation is made. If, prior to the time that an appropriation 402
is made by the general assembly pursuant to this division, the 403
fund has sufficient unencumbered funds to pay the award or part of 404
the award, the available funds shall be used to pay the award or 405
part of the award, and the appropriation request shall be amended 406
to request only sufficient funds to pay that part of the award 407
that is unpaid. 408

(C) The attorney general shall not make payment on a decision 409
or order granting an award until all appeals have been determined 410
and all rights to appeal exhausted, except as otherwise provided 411
in this section. If any party to a claim for an award of 412
reparations appeals from only a portion of an award, and a 413
remaining portion provides for the payment of money by the state, 414
that part of the award calling for the payment of money by the 415
state and not a subject of the appeal shall be processed for 416
payment as described in this section. 417

(D) The attorney general shall prepare itemized bills for the 418
costs of printing and distributing the pamphlet the attorney 419
general prepares pursuant to section 109.42 of the Revised Code. 420
The itemized bills shall set forth the name and address of the 421

persons owed the amounts set forth in them.

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

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

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

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

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

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

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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
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 term of imprisonment, prison term,

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

(C) A If the DNA specimen is collected by withdrawing blood 511
from the person or a similarly invasive procedure, a physician, 512
registered nurse, licensed practical nurse, duly licensed clinical 513
laboratory technician, or other qualified medical practitioner 514
shall collect in a medically approved manner the DNA specimen 515
required to be collected pursuant to division (B) of this section. 516

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

(D) The director of rehabilitation and correction and the 534
chief administrative officer of the jail, community-based 535
correctional facility, or other county, multicounty, municipal, 536
municipal-county, or multicounty-municipal detention facility 537
shall cause a DNA specimen to be collected in accordance with 538
divisions (B) and (C) of this section from a person in its custody 539
who is convicted of or pleads guilty to any of the following 540
offenses: 541

(1) A violation of section 2903.01, 2903.02, 2903.11, 542
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02, 543
2911.11, or 2911.12 of the Revised Code; 544

(2) A violation of section 2907.12 of the Revised Code as it 545
existed prior to September 3, 1996; 546

(3) An attempt to commit a violation of section 2903.01, 547
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 548

or to commit a violation of section 2907.12 of the Revised Code as 549
it existed prior to September 3, 1996; 550

(4) A violation of any law that arose out of the same facts 551
and circumstances and same act as did a charge against the person 552
of a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 553
2907.02, 2907.03, 2907.04, 2907.05, ~~or~~ 2911.01, 2911.02, 2911.11, 554
or 2911.12 of the Revised Code that previously was dismissed or 555
amended or as did a charge against the person of a violation of 556
section 2907.12 of the Revised Code as it existed prior to 557
September 3, 1996, that previously was dismissed or amended; 558

(5) A violation of section 2905.02 or 2919.23 of the Revised 559
Code that would have been a violation of section 2905.04 of the 560
Revised Code as it existed prior to July 1, 1996, had it been 561
committed prior to that date; 562

(6) A sexually oriented offense, as defined in section 563
2950.01 of the Revised Code, if, in relation to that offense, the 564
offender has been adjudicated as being a sexual predator, as 565
defined in section 2950.01 of the Revised Code; 566

(7) A conspiracy to commit a violation of section 2903.01, 567
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 568
Revised Code; 569

(8) Complicity in committing a violation of section 2903.01, 570
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 571
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 572
violation of section 2907.12 of the Revised Code as it existed 573
prior to September 3, 1996. 574

(E) The director of rehabilitation and correction or a chief 575
administrative officer of a jail, community-based correctional 576
facility, or other detention facility described in division (B) of 577
this section in relation to the following offenses is not required 578
to comply with this section until the superintendent of the bureau 579

of criminal identification and investigation gives agencies in the 580
criminal justice system, as defined in section 181.51 of the 581
Revised Code, in the state official notification that the state 582
DNA laboratory is prepared to accept DNA specimens of that nature: 583

(1) A violation of section 2903.11, 2911.01, 2911.02, or 584
2911.12 of the Revised Code; 585

(2) An attempt to commit a violation of section 2903.01 or 586
2903.02 of the Revised Code; 587

(3) A violation of any law that arose out of the same facts 588
and circumstances and same act as did a charge against the person 589
of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of 590
the Revised Code that previously was dismissed or amended; 591

(4) A conspiracy to commit a violation of section 2903.01, 592
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 593
Revised Code; 594

(5) Complicity in committing a violation of section 2903.01, 595
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 596
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 597
violation of section 2907.12 of the Revised Code as it existed 598
prior to September 3, 1996. 599

Section 2. That existing sections 109.573, 2152.74, 2743.191, 600
and 2901.07 of the Revised Code are hereby repealed. 601

Section 3. Section 109.573 of the Revised Code is presented 602
in this act as a composite of the section as amended by both Am. 603
Sub. S.B. 179 and Am. Sub. S.B. 180 of the 123rd General Assembly. 604
The General Assembly, applying the principle stated in division 605
(B) of section 1.52 of the Revised Code that amendments are to be 606
harmonized if reasonably capable of simultaneous operation, finds 607
that the composite is the resulting version of the section in 608
effect prior to the effective date of the section as presented in 609

this act.

610