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**Am. Sub. S. B. No. 53**

**Senators Goodman, Stivers, Jacobson, Randy Gardner, Dann, Herington,  
Austria, Blessing, Schuler, Spada, Harris**

**Representatives Collier, Willamowski, Brown, D. Evans, Seitz, Callender,  
Faber, Latta, Gilb, Book, Cates, Clancy, DePiero, Domenick, Niehaus,  
Oelslager, T. Patton, Raussen, Schmidt, Sferra, J. Stewart, Walcher**

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**A B I L L**

To amend sections 109.57 and 109.572 and to enact 1  
section 109.571 of the Revised Code to ratify the 2  
National Crime Prevention and Privacy Compact. 3

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

**Section 1.** That sections 109.57 and 109.572 be amended and 4  
section 109.571 of the Revised Code be enacted to read as follows: 5

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 6  
criminal identification and investigation shall procure from 7  
wherever procurable and file for record photographs, pictures, 8  
descriptions, fingerprints, measurements, and other information 9  
that may be pertinent of all persons who have been convicted of 10  
committing within this state a felony, any crime constituting a 11  
misdemeanor on the first offense and a felony on subsequent 12  
offenses, or any misdemeanor described in division (A)(1)(a) of 13  
section 109.572 of the Revised Code, of all children under 14  
eighteen years of age who have been adjudicated delinquent 15  
children for committing within this state an act that would be a 16

felony or an offense of violence if committed by an adult or who 17  
have been convicted of or pleaded guilty to committing within this 18  
state a felony or an offense of violence, and of all well-known 19  
and habitual criminals. The person in charge of any county, 20  
multicounty, municipal, municipal-county, or multicounty-municipal 21  
jail or workhouse, community-based correctional facility, halfway 22  
house, alternative residential facility, or state correctional 23  
institution and the person in charge of any state institution 24  
having custody of a person suspected of having committed a felony, 25  
any crime constituting a misdemeanor on the first offense and a 26  
felony on subsequent offenses, or any misdemeanor described in 27  
division (A)(1)(a) of section 109.572 of the Revised Code or 28  
having custody of a child under eighteen years of age with respect 29  
to whom there is probable cause to believe that the child may have 30  
committed an act that would be a felony or an offense of violence 31  
if committed by an adult shall furnish such material to the 32  
superintendent of the bureau. Fingerprints, photographs, or other 33  
descriptive information of a child who is under eighteen years of 34  
age, has not been arrested or otherwise taken into custody for 35  
committing an act that would be a felony or an offense of violence 36  
if committed by an adult, has not been adjudicated a delinquent 37  
child for committing an act that would be a felony or an offense 38  
of violence if committed by an adult, has not been convicted of or 39  
pleaded guilty to committing a felony or an offense of violence, 40  
and is not a child with respect to whom there is probable cause to 41  
believe that the child may have committed an act that would be a 42  
felony or an offense of violence if committed by an adult shall 43  
not be procured by the superintendent or furnished by any person 44  
in charge of any county, multicounty, municipal, municipal-county, 45  
or multicounty-municipal jail or workhouse, community-based 46  
correctional facility, halfway house, alternative residential 47  
facility, or state correctional institution, except as authorized 48

in section 2151.313 of the Revised Code. 49

(2) Every clerk of a court of record in this state, other 50  
than the supreme court or a court of appeals, shall send to the 51  
superintendent of the bureau a weekly report containing a summary 52  
of each case involving a felony, involving any crime constituting 53  
a misdemeanor on the first offense and a felony on subsequent 54  
offenses, involving a misdemeanor described in division (A)(1)(a) 55  
of section 109.572 of the Revised Code, or involving an 56  
adjudication in a case in which a child under eighteen years of 57  
age was alleged to be a delinquent child for committing an act 58  
that would be a felony or an offense of violence if committed by 59  
an adult. The clerk of the court of common pleas shall include in 60  
the report and summary the clerk sends under this division all 61  
information described in divisions (A)(2)(a) to (f) of this 62  
section regarding a case before the court of appeals that is 63  
served by that clerk. The summary shall be written on the standard 64  
forms furnished by the superintendent pursuant to division (B) of 65  
this section and shall include the following information: 66

(a) The incident tracking number contained on the standard 67  
forms furnished by the superintendent pursuant to division (B) of 68  
this section; 69

(b) The style and number of the case; 70

(c) The date of arrest; 71

(d) The date that the person was convicted of or pleaded 72  
guilty to the offense, adjudicated a delinquent child for 73  
committing the act that would be a felony or an offense of 74  
violence if committed by an adult, found not guilty of the 75  
offense, or found not to be a delinquent child for committing an 76  
act that would be a felony or an offense of violence if committed 77  
by an adult, the date of an entry dismissing the charge, an entry 78  
declaring a mistrial of the offense in which the person is 79

discharged, an entry finding that the person or child is not 80  
competent to stand trial, or an entry of a nolle prosequi, or the 81  
date of any other determination that constitutes final resolution 82  
of the case; 83

(e) A statement of the original charge with the section of 84  
the Revised Code that was alleged to be violated; 85

(f) If the person or child was convicted, pleaded guilty, or 86  
was adjudicated a delinquent child, the sentence or terms of 87  
probation imposed or any other disposition of the offender or the 88  
delinquent child. 89

If the offense involved the disarming of a law enforcement 90  
officer or an attempt to disarm a law enforcement officer, the 91  
clerk shall clearly state that fact in the summary, and the 92  
superintendent shall ensure that a clear statement of that fact is 93  
placed in the bureau's records. 94

(3) The superintendent shall cooperate with and assist 95  
sheriffs, chiefs of police, and other law enforcement officers in 96  
the establishment of a complete system of criminal identification 97  
and in obtaining fingerprints and other means of identification of 98  
all persons arrested on a charge of a felony, any crime 99  
constituting a misdemeanor on the first offense and a felony on 100  
subsequent offenses, or a misdemeanor described in division 101  
(A)(1)(a) of section 109.572 of the Revised Code and of all 102  
children under eighteen years of age arrested or otherwise taken 103  
into custody for committing an act that would be a felony or an 104  
offense of violence if committed by an adult. The superintendent 105  
also shall file for record the fingerprint impressions of all 106  
persons confined in a county, multicounty, municipal, 107  
municipal-county, or multicounty-municipal jail or workhouse, 108  
community-based correctional facility, halfway house, alternative 109  
residential facility, or state correctional institution for the 110  
violation of state laws and of all children under eighteen years 111

of age who are confined in a county, multicounty, municipal, 112  
municipal-county, or multicounty-municipal jail or workhouse, 113  
community-based correctional facility, halfway house, alternative 114  
residential facility, or state correctional institution or in any 115  
facility for delinquent children for committing an act that would 116  
be a felony or an offense of violence if committed by an adult, 117  
and any other information that the superintendent may receive from 118  
law enforcement officials of the state and its political 119  
subdivisions. 120

(4) The superintendent shall carry out Chapter 2950. of the 121  
Revised Code with respect to the registration of persons who are 122  
convicted of or plead guilty to either a sexually oriented offense 123  
that is not a registration-exempt sexually oriented offense or a 124  
child-victim oriented offense and with respect to all other duties 125  
imposed on the bureau under that chapter. 126

(5) The bureau shall perform centralized recordkeeping 127  
functions for criminal history records and services in this state 128  
for purposes of the national crime prevention and privacy compact 129  
set forth in section 109.571 of the Revised Code and is the 130  
criminal history record repository as defined in that section for 131  
purposes of that compact. The superintendent or the 132  
superintendent's designee is the compact officer for purposes of 133  
that compact and shall carry out the responsibilities of the 134  
compact officer specified in that compact. 135

(B) The superintendent shall prepare and furnish to every 136  
county, multicounty, municipal, municipal-county, or 137  
multicounty-municipal jail or workhouse, community-based 138  
correctional facility, halfway house, alternative residential 139  
facility, or state correctional institution and to every clerk of 140  
a court in this state specified in division (A)(2) of this section 141  
standard forms for reporting the information required under 142  
division (A) of this section. The standard forms that the 143

superintendent prepares pursuant to this division may be in a 144  
tangible format, in an electronic format, or in both tangible 145  
formats and electronic formats. 146

(C) The superintendent may operate a center for electronic, 147  
automated, or other data processing for the storage and retrieval 148  
of information, data, and statistics pertaining to criminals and 149  
to children under eighteen years of age who are adjudicated 150  
delinquent children for committing an act that would be a felony 151  
or an offense of violence if committed by an adult, criminal 152  
activity, crime prevention, law enforcement, and criminal justice, 153  
and may establish and operate a statewide communications network 154  
to gather and disseminate information, data, and statistics for 155  
the use of law enforcement agencies. The superintendent may 156  
gather, store, retrieve, and disseminate information, data, and 157  
statistics that pertain to children who are under eighteen years 158  
of age and that are gathered pursuant to sections 109.57 to 109.61 159  
of the Revised Code together with information, data, and 160  
statistics that pertain to adults and that are gathered pursuant 161  
to those sections. In addition to any other authorized use of 162  
information, data, and statistics of that nature, the 163  
superintendent or the superintendent's designee may provide and 164  
exchange the information, data, and statistics pursuant to the 165  
national crime prevention and privacy compact as described in 166  
division (A)(5) of this section. 167

(D) The information and materials furnished to the 168  
superintendent pursuant to division (A) of this section and 169  
information and materials furnished to any board or person under 170  
division (F) or (G) of this section are not public records under 171  
section 149.43 of the Revised Code. 172

(E) The attorney general shall adopt rules, in accordance 173  
with Chapter 119. of the Revised Code, setting forth the procedure 174  
by which a person may receive or release information gathered by 175

the superintendent pursuant to division (A) of this section. A 176  
reasonable fee may be charged for this service. If a temporary 177  
employment service submits a request for a determination of 178  
whether a person the service plans to refer to an employment 179  
position has been convicted of or pleaded guilty to an offense 180  
listed in division (A)(1), (3), (4), (5), or (6) of section 181  
109.572 of the Revised Code, the request shall be treated as a 182  
single request and only one fee shall be charged. 183

(F)(1) As used in division (F)(2) of this section, "head 184  
start agency" means an entity in this state that has been approved 185  
to be an agency for purposes of subchapter II of the "Community 186  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 187  
as amended. 188

(2)(a) In addition to or in conjunction with any request that 189  
is required to be made under section 109.572, 2151.86, 3301.32, 190  
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 191  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 192  
education of any school district; the director of mental 193  
retardation and developmental disabilities; any county board of 194  
mental retardation and developmental disabilities; any entity 195  
under contract with a county board of mental retardation and 196  
developmental disabilities; the chief administrator of any 197  
chartered nonpublic school; the chief administrator of any home 198  
health agency; the chief administrator of or person operating any 199  
child day-care center, type A family day-care home, or type B 200  
family day-care home licensed or certified under Chapter 5104. of 201  
the Revised Code; the administrator of any type C family day-care 202  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 203  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 204  
general assembly; the chief administrator of any head start 205  
agency; or the executive director of a public children services 206  
agency may request that the superintendent of the bureau 207

investigate and determine, with respect to any individual who has 208  
applied for employment in any position after October 2, 1989, or 209  
any individual wishing to apply for employment with a board of 210  
education may request, with regard to the individual, whether the 211  
bureau has any information gathered under division (A) of this 212  
section that pertains to that individual. On receipt of the 213  
request, the superintendent shall determine whether that 214  
information exists and, upon request of the person, board, or 215  
entity requesting information, also shall request from the federal 216  
bureau of investigation any criminal records it has pertaining to 217  
that individual. The superintendent or the superintendent's 218  
designee also may request criminal history records from other 219  
states or the federal government pursuant to the national crime 220  
prevention and privacy compact set forth in section 109.571 of the 221  
Revised Code. Within thirty days of the date that the 222  
superintendent receives a request, the superintendent shall send 223  
to the board, entity, or person a report of any information that 224  
the superintendent determines exists, including information 225  
contained in records that have been sealed under section 2953.32 226  
of the Revised Code, and, within thirty days of its receipt, shall 227  
send the board, entity, or person a report of any information 228  
received from the federal bureau of investigation, other than 229  
information the dissemination of which is prohibited by federal 230  
law. 231

(b) When a board of education is required to receive 232  
information under this section as a prerequisite to employment of 233  
an individual pursuant to section 3319.39 of the Revised Code, it 234  
may accept a certified copy of records that were issued by the 235  
bureau of criminal identification and investigation and that are 236  
presented by an individual applying for employment with the 237  
district in lieu of requesting that information itself. In such a 238  
case, the board shall accept the certified copy issued by the 239  
bureau in order to make a photocopy of it for that individual's 240



employment application documents and shall return the certified 241  
copy to the individual. In a case of that nature, a district only 242  
shall accept a certified copy of records of that nature within one 243  
year after the date of their issuance by the bureau. 244

(3) The state board of education may request, with respect to 245  
any individual who has applied for employment after October 2, 246  
1989, in any position with the state board or the department of 247  
education, any information that a school district board of 248  
education is authorized to request under division (F)(2) of this 249  
section, and the superintendent of the bureau shall proceed as if 250  
the request has been received from a school district board of 251  
education under division (F)(2) of this section. 252

(4) When the superintendent of the bureau receives a request 253  
for information that is authorized under section 3319.291 of the 254  
Revised Code, the superintendent shall proceed as if the request 255  
has been received from a school district board of education under 256  
division (F)(2) of this section. 257

(5) When a recipient of an OhioReads classroom or community 258  
reading grant paid under section 3301.86 or 3301.87 of the Revised 259  
Code or an entity approved by the OhioReads council requests, with 260  
respect to any individual who applies to participate in providing 261  
any program or service through an entity approved by the OhioReads 262  
council or funded in whole or in part by the grant, the 263  
information that a school district board of education is 264  
authorized to request under division (F)(2)(a) of this section, 265  
the superintendent of the bureau shall proceed as if the request 266  
has been received from a school district board of education under 267  
division (F)(2)(a) of this section. 268

(G) In addition to or in conjunction with any request that is 269  
required to be made under section 173.41, 3701.881, 3712.09, 270  
3721.121, or 3722.151 of the Revised Code with respect to an 271  
individual who has applied for employment in a position that 272

involves providing direct care to an older adult, the chief 273  
administrator of a PASSPORT agency that provides services through 274  
the PASSPORT program created under section 173.40 of the Revised 275  
Code, home health agency, hospice care program, home licensed 276  
under Chapter 3721. of the Revised Code, adult day-care program 277  
operated pursuant to rules adopted under section 3721.04 of the 278  
Revised Code, or adult care facility may request that the 279  
superintendent of the bureau investigate and determine, with 280  
respect to any individual who has applied after January 27, 1997, 281  
for employment in a position that does not involve providing 282  
direct care to an older adult, whether the bureau has any 283  
information gathered under division (A) of this section that 284  
pertains to that individual. On receipt of the request, the 285  
superintendent shall determine whether that information exists 286  
and, on request of the administrator requesting information, shall 287  
also request from the federal bureau of investigation any criminal 288  
records it has pertaining to that individual. The superintendent 289  
or the superintendent's designee also may request criminal history 290  
records from other states or the federal government pursuant to 291  
the national crime prevention and privacy compact set forth in 292  
section 109.571 of the Revised Code. Within thirty days of the 293  
date a request is received, the superintendent shall send to the 294  
administrator a report of any information determined to exist, 295  
including information contained in records that have been sealed 296  
under section 2953.32 of the Revised Code, and, within thirty days 297  
of its receipt, shall send the administrator a report of any 298  
information received from the federal bureau of investigation, 299  
other than information the dissemination of which is prohibited by 300  
federal law. 301

(H) Information obtained by a board, administrator, or other 302  
person under this section is confidential and shall not be 303  
released or disseminated. 304

(I) The superintendent may charge a reasonable fee for 305  
providing information or criminal records under division (F)(2) or 306  
(G) of this section. 307

Sec. 109.571. The "national crime prevention and privacy 308  
compact" is hereby ratified, enacted into law, and entered into by 309  
the state of Ohio as a party to the compact with any other state 310  
that has legally joined in the compact as follows: 311

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT 312

The contracting states agree to the following: 313

Overview 314

(a) This compact organizes an electronic information sharing 315  
system among the federal government and the states to exchange 316  
criminal history records for noncriminal justice purposes 317  
authorized by federal or state law, such as background checks for 318  
governmental licensing and employment. 319

(b) Under this compact, the FBI and the party states agree to 320  
maintain detailed databases of their respective criminal history 321  
records, including arrests and dispositions, and to make them 322  
available to the federal government and to party states for 323  
authorized purposes. The FBI shall also manage the federal data 324  
facilities that provide a significant part of the infrastructure 325  
for the system. 326

Article I 327

As used in this compact: 328

(1) "Attorney general" means the attorney general of the 329  
United States. 330

(2) "Compact officer" means: 331

(A) With respect to the federal government, an official so 332  
designated by the director of the FBI; and 333

(B) With respect to a party state, the chief administrator of the state's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository. 334  
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(3) "Council" means the compact council established under Article VI of the compact. 338  
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(4)(A) "Criminal history records" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release. 340  
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(B) "Criminal history records" does not include identification information such as fingerprint records if the information does not indicate involvement of the individual with the criminal justice system. 346  
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(5) "Criminal history record repository" means the state agency designated by the governor or other appropriate executive official or the legislature of a state to perform centralized recordkeeping functions for criminal history records and services in the state. 350  
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(6) "Criminal justice" includes activities relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records. 355  
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(7) "Criminal justice agency" means courts and a governmental agency or any subunit of a governmental agency that performs the administration of criminal justice pursuant to a statute or 362  
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executive order and allocates a substantial part of its annual 365  
budget to the administration of criminal justice. "Criminal 366  
justice agency" also includes federal and state inspectors general 367  
offices. 368

(8) "Criminal justice services" means services provided by 369  
the FBI to criminal justice agencies in response to a request for 370  
information about a particular individual or as an update to 371  
information previously provided for criminal justice purposes. 372

(9) "Criterion offense" means any felony or misdemeanor 373  
offense not included on the list of nonserious offenses published 374  
periodically by the FBI. 375

(10) "Direct access" means access to the national 376  
identification index by computer terminal or other automated means 377  
not requiring the assistance of or intervention by any other party 378  
or agency. 379

(11) "Executive order" means an order of the president of the 380  
United States or the chief executive officer of a state that has 381  
the force of law and that is promulgated in accordance with 382  
applicable law. 383

(12) "FBI" means the federal bureau of investigation. 384

(13) "Interstate identification system" or "III system" means 385  
the cooperative federal-state system for the exchange of criminal 386  
history records and includes the national identification index, 387  
the national fingerprint file, and, to the extent of their 388  
participation in that system, the criminal history record 389  
repositories of the states and the FBI. 390

(14) "National fingerprint file" means a database of 391  
fingerprints, or other uniquely personal identifying information, 392  
relating to an arrested or charged individual maintained by the 393  
FBI to provide positive identification of record subjects indexed 394

in the III system. 395

(15) "National identification index" means an index 396  
maintained by the FBI consisting of names, identifying numbers, 397  
and other descriptive information relating to record subjects 398  
about whom there are criminal history records in the III system. 399

(16) "National indices" means the national identification 400  
index and the national fingerprint file. 401

(17) "Nonparty state" means a state that has not ratified 402  
this compact. 403

(18) "Noncriminal justice purposes" means uses of criminal 404  
history records for purposes authorized by federal or state law 405  
other than purposes relating to criminal justice activities, 406  
including employment suitability, licensing determinations, 407  
immigration and naturalization matters, and national security 408  
clearances. 409

(19) "Party state" means a state that has ratified this 410  
compact. 411

(20) "Positive identification" means a determination, based 412  
upon a comparison of fingerprints or other equally reliable 413  
biometric identification techniques, that the subject of a record 414  
search is the same person as the subject of a criminal history 415  
record or records indexed in the III system. Identifications based 416  
solely upon a comparison of subject's names or other nonunique 417  
identification characteristics or numbers, or combinations 418  
thereof, shall not constitute positive identification. 419

(21) "Sealed record information" means both of the following: 420

(A) With respect to adults, that portion of a record that is 421  
not available for criminal justice uses, not supported by 422  
fingerprints or other accepted means of positive identification, 423  
or subject to restrictions on dissemination for noncriminal 424

justice purposes pursuant to a court order related to a particular  
subject or pursuant to a federal or state statute that requires  
action on a sealing petition filed by a particular record subject;

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(B) With respect to juveniles, whatever each state determines  
is a sealed record under its own law and procedure.

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(22) "State" means any state, territory, or possession of the  
United States, the District of Columbia, and the Commonwealth of  
Puerto Rico.

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Article II

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The purposes of this compact are to do all of the following:

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(1) Provide a legal framework for the establishment of a  
cooperative federal-state system for the interstate and  
federal-state exchange of criminal history records for noncriminal  
justice uses;

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(2) Require the FBI to permit use of the national  
identification index and the national fingerprint file by each  
party state, and to provide, in a timely fashion, federal and  
state criminal history records to requesting states, in accordance  
with the terms of this compact and with rules, procedures, and  
standards established by the council under Article VI;

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(3) Require party states to provide information and records  
for the national identification index and the national fingerprint  
file and to provide criminal history records, in a timely fashion,  
to criminal history record repositories of other states and the  
federal government for noncriminal justice purposes, in accordance  
with the terms of this compact and with rules, procedures, and  
standards established by the council under Article VI;

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(4) Provide for the establishment of a council to monitor III  
system operations and to prescribe system rules and procedures for  
the effective and proper operation of the III system for

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noncriminal justice purposes;

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(5) Require the FBI and each party state to adhere to III  
system standards concerning record dissemination and use, response  
times, system security, data quality, and other duly established  
standards, including those that enhance the accuracy and privacy  
of such records.

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Article III

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(a) The director of the FBI shall do all of the following:

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(1) Appoint an FBI compact officer who shall do all of the  
following:

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(A) Administer this compact within the department of justice  
and among federal agencies and other agencies and organizations  
that submit search requests to the FBI pursuant to Article V(c);

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(B) Ensure that compact provisions and rules, procedures, and  
standards prescribed by the council under Article VI are complied  
with by the department of justice and the federal agencies and  
other agencies and organizations referred to in Article III(1)(A);

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(C) Regulate the use of records received by means of the III  
system from party states when those records are supplied by the  
FBI directly to other federal agencies;

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(2) Provide to federal agencies and to state criminal history  
record repositories criminal history records maintained in its  
database for the noncriminal justice purposes described in Article  
IV, including both of the following:

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(A) Information from nonparty states;

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(B) Information from party states that is available from the  
FBI through the III system, but is not available from the party  
state through the III system;

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(3) Provide a telecommunications network and maintain  
centralized facilities for the exchange of criminal history

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records for both criminal justice purposes and the noncriminal 485  
justice purposes described in Article IV, and ensure that the 486  
exchange of criminal history records for criminal justice purposes 487  
has priority over exchange for noncriminal justice purposes; 488

(4) Modify or enter into user agreements with nonparty state 489  
criminal history record repositories to require them to establish 490  
record request procedures conforming to those prescribed in 491  
Article V. 492

(b) Each party state shall do all of the following: 493

(1) Appoint a compact officer who shall do all of the 494  
following: 495

(A) Administer this compact within that state; 496

(B) Ensure that the compact provisions and rules, procedures, 497  
and standards established by the council under Article VI are 498  
complied with in the state; 499

(C) Regulate the in-state use of records received by means of 500  
the III system from the FBI or from other party states; 501

(2) Establish and maintain a criminal history record 502  
repository, which shall provide both of the following: 503

(A) Information and records for the national identification 504  
index and the national fingerprint file; 505

(B) The state's III system-indexed criminal history records 506  
for noncriminal justice purposes described in Article IV; 507

(3) Participate in the national fingerprint file; 508

(4) Provide and maintain telecommunications links and related 509  
equipment necessary to support the services set forth in this 510  
compact. 511

(c) In carrying out their responsibilities under this 512  
compact, the FBI and each party state shall comply with the III 513

system rules, procedures, and standards duly established by the 514  
council concerning record dissemination and use, response times, 515  
data quality, system security, accuracy, privacy protection, and 516  
other aspects of III system operation. 517

(d)(1) Use of the III system for noncriminal justice purposes 518  
authorized in this compact shall be managed so as not to diminish 519  
the level of services provided in support of criminal justice 520  
purposes. 521

(2) Administration of compact provisions shall not reduce the 522  
level of service available to authorized noncriminal justice users 523  
on the effective date of this compact. 524

Article IV 525

(a) To the extent authorized by section 552a of title 5, 526  
United States Code (commonly known as the 'Privacy Act of 1974'), 527  
the FBI shall provide on request criminal history records 528  
(excluding sealed records) to state criminal history record 529  
repositories for noncriminal justice purposes allowed by federal 530  
statute, federal executive order, or a state statute that has been 531  
approved by the attorney general and that authorizes national 532  
indices checks. 533

(b) The FBI, to the extent authorized by section 552a of 534  
title 5, United States Code (commonly known as the 'Privacy Act of 535  
1974') and state criminal history record repositories, shall 536  
provide criminal history records (excluding sealed records) to 537  
criminal justice agencies and other governmental or 538  
nongovernmental agencies for noncriminal justice purposes allowed 539  
by federal statute, federal executive order, or a state statute 540  
that has been approved by the attorney general, that authorizes 541  
national indices checks. 542

(c) Any record obtained under this compact may be used only 543  
for the official purposes for which the record was requested. Each 544

compact officer shall establish procedures, consistent with this 545  
compact, and with rules, procedures, and standards established by 546  
the council under Article VI, which procedures shall protect the 547  
accuracy and privacy of the records, and shall do all of the 548  
following: 549

(1) Ensure that records obtained under this compact are used 550  
only by authorized officials for authorized purposes; 551

(2) Require that subsequent record checks are requested to 552  
obtain current information whenever a new need arises; 553

(3) Ensure that record entries that may not legally be used 554  
for a particular noncriminal justice purpose are deleted from the 555  
response and, if no information authorized for release remains, an 556  
appropriate 'no record' response is communicated to the requesting 557  
official. 558

Article V 559

(a) Subject fingerprints or other approved forms of positive 560  
identification shall be submitted with all requests for criminal 561  
history record checks for noncriminal justice purposes. 562

(b) Each request for a criminal history record check 563  
utilizing the national indices made under any approved state 564  
statute shall be submitted through that state's criminal history 565  
record repository. A state criminal history record repository 566  
shall process an interstate request for noncriminal justice 567  
purposes through the national indices only if the request is 568  
transmitted through another state criminal history record 569  
repository or the FBI. 570

(c) Each request for criminal history record checks utilizing 571  
the national indices made under federal authority shall be 572  
submitted through the FBI or, if the state criminal history record 573  
repository consents to process fingerprint submissions, through 574  
the criminal history record repository in the state in which the 575

request originated. Direct access to the national identification 576  
index by entities other than the FBI or state criminal history 577  
record repositories shall not be permitted for noncriminal justice 578  
purposes. 579

(d) A state criminal history record repository for the FBI 580  
may charge a fee, in accordance with applicable law, for handling 581  
a request involving fingerprint processing for noncriminal justice 582  
purposes and may not charge a fee for providing criminal history 583  
records in response to an electric request for a record that does 584  
not involve a request to process fingerprints. 585

(e)(1) If a state criminal history record repository cannot 586  
positively identify the subject of a record request made for 587  
noncriminal justice purposes, the request, together with 588  
fingerprints or other approved identifying information, shall be 589  
forwarded to the FBI for a search of the national indices. 590

(2) If, with respect to a request forwarded by a state 591  
criminal history record repository under paragraph (1), the FBI 592  
positively identifies the subject as having a III system-indexed 593  
record or records, the FBI shall so advise the state criminal 594  
history repository; and the state criminal history record 595  
repository shall be entitled to obtain the additional criminal 596  
history record information from the FBI or other state criminal 597  
history record repositories. 598

Article VI 599

(a)(1) There is established a council to be known as the 600  
'compact council,' which shall have the authority to promulgate 601  
rules and procedures governing the use of the III system for 602  
noncriminal justice purposes, not to conflict with the FBI 603  
administration of the III system for criminal justice purposes. 604

(2) The council shall do all of the following: 605

(A) Continue in existence as long as this compact remains in 606

effect;

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(B) Be located, for administrative purposes, within the FBI;

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(C) Be organized and hold its first meeting as soon as practicable after the effective date of this compact.

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(b) The council shall be composed of fifteen members, each of whom shall be appointed by the attorney general as follows:

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(1) Nine members, each of whom shall serve a two-year term, who shall be selected from among the compact officers of party states based on the recommendation of the compact officers of all party states, except that, in the absence of the requisite number of compact officers available to serve, the chief administrators of the criminal history record repositories of nonparty states shall be eligible to serve on an interim basis;

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(2) Two at-large members, nominated by the director of the FBI, each of whom shall serve a three-year term, of whom one shall be a representative of the criminal justice agencies of the federal government and may not be employed by the FBI; and one shall be a representative of the noncriminal justice agencies of the federal government;

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(3) Two at-large members, nominated by the chairman of the council, once the chairman is elected pursuant to Article VI(c), each of whom shall serve a three-year term, of whom one shall be a representative of state or local criminal justice agencies; and one shall be a representative of state or local noncriminal justice agencies;

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(4) One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board;

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(5) One member, nominated by the director of the FBI, who

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shall serve a three-year term, and who shall be an employee of the  
FBI.

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(c)(1) From its membership, the council shall elect a  
chairman and a vice chairman of the council, respectively. Both  
the chairman and the vice chairman shall be a compact officer,  
unless there is no compact officer on the council who is willing  
to serve, in which case the chairman may be an at-large member;  
and shall serve a two-year term and may be reelected to only one  
additional two-year term.

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(2) The vice chairman of the council shall serve as the  
chairman of the council in the absence of the chairman.

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(d)(1) The council shall meet at least once each year at the  
call of the chairman. Each meeting of the council shall be open to  
the public. The council shall provide prior public notice in the  
federal register of each meeting of the council, including the  
matters to be addressed at the meeting.

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(2) A majority of the council or any committee of the council  
shall constitute a quorum of the council or of such committee,  
respectively, for the conduct of business. A lesser number may  
meet to hold hearings, take testimony, or conduct any business not  
requiring a vote.

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(e) The council shall make available for public inspection  
and copying at the council office with the FBI, and shall publish  
in the federal register, any rules, procedures, or standards  
established by the council.

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(f) The council may request from the FBI any reports,  
studies, statistics, or other information or materials that the  
council determines to be necessary to enable the council to  
perform its duties under this compact. The FBI, to the extent  
authorized by law, may provide such assistance or information upon  
such a request.

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(g) The chairman may establish committees as necessary to 668  
carry out this compact and may prescribe their membership, 669  
responsibilities, and duration. 670

Article VII 671

This compact shall take effect upon being entered into by two 672  
or more states as between those states and the federal government. 673  
Upon subsequent entering into this compact by additional states, 674  
it shall become effective among those states and the federal 675  
government and each party state that has previously ratified it. 676  
When ratified, this compact shall have the full force and effect 677  
of law within the ratifying jurisdictions. The form of 678  
ratification shall be in accordance with the laws of the executing 679  
state. 680

Article VIII 681

(a) Administration of this compact shall not interfere with 682  
the management and control of the director of the FBI over the 683  
FBI's collection and dissemination of criminal history records and 684  
the advisory function of the FBI's advisory policy board chartered 685  
under the Federal Advisory Committee Act (5 U.S.C. App.) for all 686  
purposes other than noncriminal justice. 687

(b) Nothing in this compact shall require the FBI to obligate 688  
or expend funds beyond those appropriated to the FBI. 689

(c) Nothing in this compact shall diminish or lessen the 690  
obligations, responsibilities, and authorities of any state, 691  
whether a party state or a nonparty state, or of any criminal 692  
history record repository or other subdivision or component 693  
thereof, under the Departments of State, Justice, and Commerce, 694  
the Judiciary, and Related Agencies Appropriation Act, 1973 695  
(Public Law 92-544), or regulations and guidelines promulgated 696  
thereunder, including the rules and procedures promulgated by the 697  
council under Article VI(a), regarding the use and dissemination 698

of criminal history records and information.

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Article IX

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(a) This compact shall bind each party state until renounced  
by the party state.

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(b) Any renunciation of this compact by a party state shall  
be effected in the same manner by which the party state ratified  
this compact and shall become effective one hundred and eighty  
days after written notice of renunciation is provided by the party  
state to each other party state and to the federal government.

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Article X

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The provisions of this compact shall be severable, and if any  
phrase, clause, sentence, or provision of this compact is declared  
to be contrary to the constitution of any participating state, or  
to the Constitution of the United States, or the applicability of  
any phrase, clause, sentence, or provision of this compact to any  
government, agency, person, or circumstance is held invalid, the  
validity of the remainder of this compact and the applicability of  
the remainder of this compact to any government, agency, person,  
or circumstance shall not be affected thereby. If a portion of  
this compact is held contrary to the constitution of any party  
state, all other portions of this compact shall remain in full  
force and effect as to the remaining party states and in full  
force and effect as to the party states affected, as to all other  
provisions.

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Article XI

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(a) The council shall do both of the following:

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(1) Have initial authority to make determinations with  
respect to any dispute regarding all of the following:

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(A) Interpretation of this compact;

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(B) Any rule or standard established by the council pursuant

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to Article V; 729

(C) Any dispute or controversy between any parties to this compact; 730  
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(2) Hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. The decision shall be published pursuant to the requirements of Article VI(e). 732  
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(b) The FBI shall exercise immediate and necessary action to preserve the integrity of the III system, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the council holds a hearing on such matters. 737  
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(c) The FBI or a party state may appeal any decision of the council to the attorney general, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this compact. Any suit arising under this compact and initiated in a state court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority. 741  
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**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that 750  
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indicates that the person who is the subject of the request 759  
previously has been convicted of or pleaded guilty to any of the 760  
following: 761

(a) A violation of section 2903.01, 2903.02, 2903.03, 762  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 763  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 764  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 765  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 766  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 767  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 768  
2925.06, or 3716.11 of the Revised Code, felonious sexual 769  
penetration in violation of former section 2907.12 of the Revised 770  
Code, a violation of section 2905.04 of the Revised Code as it 771  
existed prior to July 1, 1996, a violation of section 2919.23 of 772  
the Revised Code that would have been a violation of section 773  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 774  
had the violation been committed prior to that date, or a 775  
violation of section 2925.11 of the Revised Code that is not a 776  
minor drug possession offense; 777

(b) A violation of an existing or former law of this state, 778  
any other state, or the United States that is substantially 779  
equivalent to any of the offenses listed in division (A)(1)(a) of 780  
this section. 781

(2) On receipt of a request pursuant to section 5123.081 of 782  
the Revised Code with respect to an applicant for employment in 783  
any position with the department of mental retardation and 784  
developmental disabilities, pursuant to section 5126.28 of the 785  
Revised Code with respect to an applicant for employment in any 786  
position with a county board of mental retardation and 787  
developmental disabilities, or pursuant to section 5126.281 of the 788  
Revised Code with respect to an applicant for employment in a 789

direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.41, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position that involves providing direct care to an older adult. The superintendent shall conduct the criminal

records check in the manner described in division (B) of this 822  
section to determine whether any information exists that indicates 823  
that the person who is the subject of the request previously has 824  
been convicted of or pleaded guilty to any of the following: 825

(a) A violation of section 2903.01, 2903.02, 2903.03, 826  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 827  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 828  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 829  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 830  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 831  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 832  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 833  
2925.22, 2925.23, or 3716.11 of the Revised Code; 834

(b) An existing or former law of this state, any other state, 835  
or the United States that is substantially equivalent to any of 836  
the offenses listed in division (A)(3)(a) of this section. 837

(4) On receipt of a request pursuant to section 3701.881 of 838  
the Revised Code with respect to an applicant for employment with 839  
a home health agency as a person responsible for the care, 840  
custody, or control of a child, a completed form prescribed 841  
pursuant to division (C)(1) of this section, and a set of 842  
fingerprint impressions obtained in the manner described in 843  
division (C)(2) of this section, the superintendent of the bureau 844  
of criminal identification and investigation shall conduct a 845  
criminal records check. The superintendent shall conduct the 846  
criminal records check in the manner described in division (B) of 847  
this section to determine whether any information exists that 848  
indicates that the person who is the subject of the request 849  
previously has been convicted of or pleaded guilty to any of the 850  
following: 851

(a) A violation of section 2903.01, 2903.02, 2903.03, 852  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 853

2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 854  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 855  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 856  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 857  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 858  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 859  
violation of section 2925.11 of the Revised Code that is not a 860  
minor drug possession offense; 861

(b) An existing or former law of this state, any other state, 862  
or the United States that is substantially equivalent to any of 863  
the offenses listed in division (A)(4)(a) of this section. 864

(5) On receipt of a request pursuant to section 5111.95 or 865  
5111.96 of the Revised Code with respect to an applicant for 866  
employment with a waiver agency participating in a department of 867  
job and family services administered home and community-based 868  
waiver program or an independent provider participating in a 869  
department administered home and community-based waiver program in 870  
a position that involves providing home and community-based waiver 871  
services to consumers with disabilities, a completed form 872  
prescribed pursuant to division (C)(1) of this section, and a set 873  
of fingerprint impressions obtained in the manner described in 874  
division (C)(2) of this section, the superintendent of the bureau 875  
of criminal identification and investigation shall conduct a 876  
criminal records check. The superintendent shall conduct the 877  
criminal records check in the manner described in division (B) of 878  
this section to determine whether any information exists that 879  
indicates that the person who is the subject of the request 880  
previously has been convicted of or pleaded guilty to any of the 881  
following: 882

(a) A violation of section 2903.01, 2903.02, 2903.03, 883  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 884  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 885

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 886  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 887  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 888  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 889  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 890  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 891  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 892  
Revised Code, felonious sexual penetration in violation of former 893  
section 2907.12 of the Revised Code, a violation of section 894  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 895  
violation of section 2919.23 of the Revised Code that would have 896  
been a violation of section 2905.04 of the Revised Code as it 897  
existed prior to July 1, 1996, had the violation been committed 898  
prior to that date; 899

(b) An existing or former law of this state, any other state, 900  
or the United States that is substantially equivalent to any of 901  
the offenses listed in division (A)(5)(a) of this section. 902

(6) On receipt of a request pursuant to section 3701.881 of 903  
the Revised Code with respect to an applicant for employment with 904  
a home health agency in a position that involves providing direct 905  
care to an older adult, a completed form prescribed pursuant to 906  
division (C)(1) of this section, and a set of fingerprint 907  
impressions obtained in the manner described in division (C)(2) of 908  
this section, the superintendent of the bureau of criminal 909  
identification and investigation shall conduct a criminal records 910  
check. The superintendent shall conduct the criminal records check 911  
in the manner described in division (B) of this section to 912  
determine whether any information exists that indicates that the 913  
person who is the subject of the request previously has been 914  
convicted of or pleaded guilty to any of the following: 915

(a) A violation of section 2903.01, 2903.02, 2903.03, 916  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 917

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 918  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 919  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 920  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 921  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 922  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 923  
2925.22, 2925.23, or 3716.11 of the Revised Code; 924

(b) An existing or former law of this state, any other state, 925  
or the United States that is substantially equivalent to any of 926  
the offenses listed in division (A)(6)(a) of this section. 927

(7) When conducting a criminal records check upon a request 928  
pursuant to section 3319.39 of the Revised Code for an applicant 929  
who is a teacher, in addition to the determination made under 930  
division (A)(1) of this section, the superintendent shall 931  
determine whether any information exists that indicates that the 932  
person who is the subject of the request previously has been 933  
convicted of or pleaded guilty to any offense specified in section 934  
3319.31 of the Revised Code. 935

(8) When conducting a criminal records check on a request 936  
pursuant to section 2151.86 of the Revised Code for a person who 937  
is a prospective foster caregiver or who is eighteen years old or 938  
older and resides in the home of a prospective foster caregiver, 939  
the superintendent, in addition to the determination made under 940  
division (A)(1) of this section, shall determine whether any 941  
information exists that indicates that the person has been 942  
convicted of or pleaded guilty to a violation of: 943

(a) Section 2909.02 or 2909.03 of the Revised Code; 944

(b) An existing or former law of this state, any other state, 945  
or the United States that is substantially equivalent to section 946  
2909.02 or 2909.03 of the Revised Code. 947

(9) Not later than thirty days after the date the 948

superintendent receives the request, completed form, and 949  
fingerprint impressions, the superintendent shall send the person, 950  
board, or entity that made the request any information, other than 951  
information the dissemination of which is prohibited by federal 952  
law, the superintendent determines exists with respect to the 953  
person who is the subject of the request that indicates that the 954  
person previously has been convicted of or pleaded guilty to any 955  
offense listed or described in division (A)(1), (2), (3), (4), 956  
(5), (6), (7), or (8) of this section, as appropriate. The 957  
superintendent shall send the person, board, or entity that made 958  
the request a copy of the list of offenses specified in division 959  
(A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section, as 960  
appropriate. If the request was made under section 3701.881 of the 961  
Revised Code with regard to an applicant who may be both 962  
responsible for the care, custody, or control of a child and 963  
involved in providing direct care to an older adult, the 964  
superintendent shall provide a list of the offenses specified in 965  
divisions (A)(4) and (6) of this section. 966

(B) The superintendent shall conduct any criminal records 967  
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 968  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 969  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 970  
5153.111 of the Revised Code as follows: 971

(1) The superintendent shall review or cause to be reviewed 972  
any relevant information gathered and compiled by the bureau under 973  
division (A) of section 109.57 of the Revised Code that relates to 974  
the person who is the subject of the request, including any 975  
relevant information contained in records that have been sealed 976  
under section 2953.32 of the Revised Code; 977

(2) If the request received by the superintendent asks for 978  
information from the federal bureau of investigation, the 979  
superintendent shall request from the federal bureau of 980



investigation any information it has with respect to the person 981  
who is the subject of the request and shall review or cause to be 982  
reviewed any information the superintendent receives from that 983  
bureau; 984

(3) The superintendent or the superintendent's designee may 985  
request criminal history records from other states or the federal 986  
government pursuant to the national crime prevention and privacy 987  
compact set forth in section 109.571 of the Revised Code. 988

(C)(1) The superintendent shall prescribe a form to obtain 989  
the information necessary to conduct a criminal records check from 990  
any person for whom a criminal records check is required by 991  
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 992  
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 993  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 994  
form that the superintendent prescribes pursuant to this division 995  
may be in a tangible format, in an electronic format, or in both 996  
tangible and electronic formats. 997

(2) The superintendent shall prescribe standard impression 998  
sheets to obtain the fingerprint impressions of any person for 999  
whom a criminal records check is required by section 173.41, 1000  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1001  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1002  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1003  
records check is required by any of those sections shall obtain 1004  
the fingerprint impressions at a county sheriff's office, 1005  
municipal police department, or any other entity with the ability 1006  
to make fingerprint impressions on the standard impression sheets 1007  
prescribed by the superintendent. The office, department, or 1008  
entity may charge the person a reasonable fee for making the 1009  
impressions. The standard impression sheets the superintendent 1010  
prescribes pursuant to this division may be in a tangible format, 1011  
in an electronic format, or in both tangible and electronic 1012

formats. 1013

(3) Subject to division (D) of this section, the 1014  
superintendent shall prescribe and charge a reasonable fee for 1015  
providing a criminal records check requested under section 173.41, 1016  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1017  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1018  
5126.281, or 5153.111 of the Revised Code. The person making a 1019  
criminal records request under section 173.41, 2151.86, 3301.32, 1020  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1021  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 1022  
or 5153.111 of the Revised Code shall pay the fee prescribed 1023  
pursuant to this division. A person making a request under section 1024  
3701.881 of the Revised Code for a criminal records check for an 1025  
applicant who may be both responsible for the care, custody, or 1026  
control of a child and involved in providing direct care to an 1027  
older adult shall pay one fee for the request. 1028

(4) The superintendent of the bureau of criminal 1029  
identification and investigation may prescribe methods of 1030  
forwarding fingerprint impressions and information necessary to 1031  
conduct a criminal records check, which methods shall include, but 1032  
not be limited to, an electronic method. 1033

(D) A determination whether any information exists that 1034  
indicates that a person previously has been convicted of or 1035  
pleaded guilty to any offense listed or described in division 1036  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1037  
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or 1038  
(b) of this section that is made by the superintendent with 1039  
respect to information considered in a criminal records check in 1040  
accordance with this section is valid for the person who is the 1041  
subject of the criminal records check for a period of one year 1042  
from the date upon which the superintendent makes the 1043  
determination. During the period in which the determination in 1044

regard to a person is valid, if another request under this section 1045  
is made for a criminal records check for that person, the 1046  
superintendent shall provide the information that is the basis for 1047  
the superintendent's initial determination at a lower fee than the 1048  
fee prescribed for the initial criminal records check. 1049

(E) As used in this section: 1050

(1) "Criminal records check" means any criminal records check 1051  
conducted by the superintendent of the bureau of criminal 1052  
identification and investigation in accordance with division (B) 1053  
of this section. 1054

(2) "Home and community-based waiver services" and "waiver 1055  
agency" have the same meanings as in section 5111.95 of the 1056  
Revised Code. 1057

(3) "Independent provider" has the same meaning as in section 1058  
5111.96 of the Revised Code. 1059

(4) "Minor drug possession offense" has the same meaning as 1060  
in section 2925.01 of the Revised Code. 1061

(5) "Older adult" means a person age sixty or older. 1062

**Section 2.** That existing sections 109.57 and 109.572 of the 1063  
Revised Code are hereby repealed. 1064

**Section 3.** Section 109.57 of the Revised Code is presented in 1065  
this act as a composite of the section as amended by both Am. Sub. 1066  
H.B. 95 and Am. Sub. S.B. 5 of the 125th General Assembly. The 1067  
General Assembly, applying the principle stated in division (B) of 1068  
section 1.52 of the Revised Code that amendments are to be 1069  
harmonized if reasonably capable of simultaneous operation, finds 1070  
that the composite is the resulting version of the section in 1071  
effect prior to the effective date of the section as presented in 1072  
this act. 1073