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

**Representatives Collier, Willamowski, Brown, D. Evans, Seitz, Callender,
Faber, Latta, Gilb**

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

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

(b) The style and number of the case;

(c) The date of arrest;

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

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 334
the state's criminal history record repository or a designee of 335

the chief administrator who is a regular full-time employee of the 336
repository. 337

(3) "Council" means the compact council established under 338
Article VI of the compact. 339

(4)(A) "Criminal history records" means information collected 340
by criminal justice agencies on individuals consisting of 341
identifiable descriptions and notations of arrests, detentions, 342
indictments, or other formal criminal charges, and any disposition 343
arising therefrom, including acquittal, sentencing, correctional 344
supervision, or release. 345

(B) "Criminal history records" does not include 346
identification information such as fingerprint records if the 347
information does not indicate involvement of the individual with 348
the criminal justice system. 349

(5) "Criminal history record repository" means the state 350
agency designated by the governor or other appropriate executive 351
official or the legislature of a state to perform centralized 352
recordkeeping functions for criminal history records and services 353
in the state. 354

(6) "Criminal justice" includes activities relating to the 355
detection, apprehension, detention, pretrial release, post-trial 356
release, prosecution, adjudication, correctional supervision, or 357
rehabilitation of accused persons or criminal offenders. The 358
administration of criminal justice includes criminal 359
identification activities and the collection, storage, and 360
dissemination of criminal history records. 361

(7) "Criminal justice agency" means courts and a governmental 362
agency or any subunit of a governmental agency that performs the 363
administration of criminal justice pursuant to a statute or 364
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 425
subject or pursuant to a federal or state statute that requires 426

action on a sealing petition filed by a particular record subject; 427

(B) With respect to juveniles, whatever each state determines 428
is a sealed record under its own law and procedure. 429

(22) "State" means any state, territory, or possession of the 430
United States, the District of Columbia, and the Commonwealth of 431
Puerto Rico. 432

Article II 433

The purposes of this compact are to do all of the following: 434

(1) Provide a legal framework for the establishment of a 435
cooperative federal-state system for the interstate and 436
federal-state exchange of criminal history records for noncriminal 437
justice uses; 438

(2) Require the FBI to permit use of the national 439
identification index and the national fingerprint file by each 440
party state, and to provide, in a timely fashion, federal and 441
state criminal history records to requesting states, in accordance 442
with the terms of this compact and with rules, procedures, and 443
standards established by the council under Article VI; 444

(3) Require party states to provide information and records 445
for the national identification index and the national fingerprint 446
file and to provide criminal history records, in a timely fashion, 447
to criminal history record repositories of other states and the 448
federal government for noncriminal justice purposes, in accordance 449
with the terms of this compact and with rules, procedures, and 450
standards established by the council under Article VI; 451

(4) Provide for the establishment of a council to monitor III 452
system operations and to prescribe system rules and procedures for 453
the effective and proper operation of the III system for 454
noncriminal justice purposes; 455

(5) Require the FBI and each party state to adhere to III 456

system standards concerning record dissemination and use, response 457
times, system security, data quality, and other duly established 458
standards, including those that enhance the accuracy and privacy 459
of such records. 460

Article III 461

(a) The director of the FBI shall do all of the following: 462

(1) Appoint an FBI compact officer who shall do all of the 463
following: 464

(A) Administer this compact within the department of justice 465
and among federal agencies and other agencies and organizations 466
that submit search requests to the FBI pursuant to Article V(c); 467

(B) Ensure that compact provisions and rules, procedures, and 468
standards prescribed by the council under Article VI are complied 469
with by the department of justice and the federal agencies and 470
other agencies and organizations referred to in Article III(1)(A); 471

(C) Regulate the use of records received by means of the III 472
system from party states when those records are supplied by the 473
FBI directly to other federal agencies; 474

(2) Provide to federal agencies and to state criminal history 475
record repositories criminal history records maintained in its 476
database for the noncriminal justice purposes described in Article 477
IV, including both of the following: 478

(A) Information from nonparty states; 479

(B) Information from party states that is available from the 480
FBI through the III system, but is not available from the party 481
state through the III system; 482

(3) Provide a telecommunications network and maintain 483
centralized facilities for the exchange of criminal history 484
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 purposes.

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

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

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

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Article VI

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

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

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(A) Continue in existence as long as this compact remains in effect;

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- (B) Be located, for administrative purposes, within the FBI; 608
- (C) Be organized and hold its first meeting as soon as 609
practicable after the effective date of this compact. 610
- (b) The council shall be composed of fifteen members, each of 611
whom shall be appointed by the attorney general as follows: 612
- (1) Nine members, each of whom shall serve a two-year term, 613
who shall be selected from among the compact officers of party 614
states based on the recommendation of the compact officers of all 615
party states, except that, in the absence of the requisite number 616
of compact officers available to serve, the chief administrators 617
of the criminal history record repositories of nonparty states 618
shall be eligible to serve on an interim basis; 619
- (2) Two at-large members, nominated by the director of the 620
FBI, each of whom shall serve a three-year term, of whom one shall 621
be a representative of the criminal justice agencies of the 622
federal government and may not be employed by the FBI; and one 623
shall be a representative of the noncriminal justice agencies of 624
the federal government; 625
- (3) Two at-large members, nominated by the chairman of the 626
council, once the chairman is elected pursuant to Article VI(c), 627
each of whom shall serve a three-year term, of whom one shall be a 628
representative of state or local criminal justice agencies; and 629
one shall be a representative of state or local noncriminal 630
justice agencies; 631
- (4) One member, who shall serve a three-year term, and who 632
shall simultaneously be a member of the FBI's advisory policy 633
board on criminal justice information services, nominated by the 634
membership of that policy board; 635
- (5) One member, nominated by the director of the FBI, who 636
shall serve a three-year term, and who shall be an employee of the 637

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