

As Introduced

**127th General Assembly
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H. B. No. 15

Representative Chandler

**Cosponsors: Representatives Foley, Fessler, Dodd, Lundy, Combs, Skindell,
Strahorn, Brown, Williams, S., Yuko**

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A B I L L

To amend sections 109.42, 109.73, 2317.02, 2743.191, 1
2901.13, 2921.22, 2923.01, and 2929.18 and to 2
enact sections 109.44, 109.745, 109.746, 2305.117, 3
2307.54, 2905.31, 2905.32, 2905.33, 2905.34, 4
2929.181, 2930.21, 2930.22, and 2930.23 of the 5
Revised Code relative to trafficking in persons. 6

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

Section 1. That sections 109.42, 109.73, 2317.02, 2743.191, 7
2901.13, 2921.22, 2923.01, and 2929.18 be amended and sections 8
109.44, 109.745, 109.746, 2305.117, 2307.54, 2905.31, 2905.32, 9
2905.33, 2905.34, 2929.181, 2930.21, 2930.22, and 2930.23 of the 10
Revised Code be enacted to read as follows: 11

Sec. 109.42. (A) The attorney general shall prepare and have 12
printed a pamphlet that contains a compilation of all statutes 13
relative to victim's rights in which the attorney general lists 14
and explains the statutes in the form of a victim's bill of 15
rights. The attorney general shall distribute the pamphlet to all 16
sheriffs, marshals, municipal corporation and township police 17
departments, constables, and other law enforcement agencies, to 18

all prosecuting attorneys, city directors of law, village
solicitors, and other similar chief legal officers of municipal
corporations, and to organizations that represent or provide
services for victims of crime. The victim's bill of rights set
forth in the pamphlet shall contain a description of all of the
rights of victims that are provided for in Chapter 2930. or in any
other section of the Revised Code and shall include, but not be
limited to, all of the following:

(1) The right of a victim or a victim's representative to
attend a proceeding before a grand jury, in a juvenile case, or in
a criminal case pursuant to a subpoena without being discharged
from the victim's or representative's employment, having the
victim's or representative's employment terminated, having the
victim's or representative's pay decreased or withheld, or
otherwise being punished, penalized, or threatened as a result of
time lost from regular employment because of the victim's or
representative's attendance at the proceeding pursuant to the
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or
2945.451 of the Revised Code;

(2) The potential availability pursuant to section 2151.359
or 2152.61 of the Revised Code of a forfeited recognizance to pay
damages caused by a child when the delinquency of the child or
child's violation of probation or community control is found to be
proximately caused by the failure of the child's parent or
guardian to subject the child to reasonable parental authority or
to faithfully discharge the conditions of probation or community
control;

(3) The availability of awards of reparations pursuant to
sections 2743.51 to 2743.72 of the Revised Code for injuries
caused by criminal offenses;

(4) The right of the victim in certain criminal or juvenile

cases or a victim's representative to receive, pursuant to section 50
2930.06 of the Revised Code, notice of the date, time, and place 51
of the trial or delinquency proceeding in the case or, if there 52
will not be a trial or delinquency proceeding, information from 53
the prosecutor, as defined in section 2930.01 of the Revised Code, 54
regarding the disposition of the case; 55

(5) The right of the victim in certain criminal or juvenile 56
cases or a victim's representative to receive, pursuant to section 57
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 58
name of the person charged with the violation, the case or docket 59
number assigned to the charge, and a telephone number or numbers 60
that can be called to obtain information about the disposition of 61
the case; 62

(6) The right of the victim in certain criminal or juvenile 63
cases or of the victim's representative pursuant to section 64
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 65
terms set by the court as authorized under section 2930.14 of the 66
Revised Code, to make a statement about the victimization and, if 67
applicable, a statement relative to the sentencing or disposition 68
of the offender; 69

(7) The opportunity to obtain a court order, pursuant to 70
section 2945.04 of the Revised Code, to prevent or stop the 71
commission of the offense of intimidation of a crime victim or 72
witness or an offense against the person or property of the 73
complainant, or of the complainant's ward or child; 74

(8) The right of the victim in certain criminal or juvenile 75
cases or a victim's representative pursuant to sections 2151.38, 76
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 77
receive notice of a pending motion for judicial release or early 78
release of the person who committed the offense against the 79
victim, to make an oral or written statement at the court hearing 80
on the motion, and to be notified of the court's decision on the 81

motion;	82
(9) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to section 2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;	83 84 85 86 87 88 89 90 91 92
(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;	93 94 95
(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;	96 97 98 99 100 101
(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;	102 103 104 105
(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, <u>2929.181</u> , or 2929.28 of the Revised Code;	106 107 108
(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive	109 110 111 112

that notice from the custodial agency of the person at the 113
victim's last address or telephone number provided to the 114
custodial agency, and to receive notice that, if either the 115
victim's address or telephone number changes, it is in the 116
victim's interest to provide the new address or telephone number 117
to the custodial agency; 118

(15) The right of a victim of domestic violence to seek the 119
issuance of a civil protection order pursuant to section 3113.31 120
of the Revised Code, the right of a victim of a violation of 121
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 122
of the Revised Code, a violation of a substantially similar 123
municipal ordinance, or an offense of violence who is a family or 124
household member of the offender at the time of the offense to 125
seek the issuance of a temporary protection order pursuant to 126
section 2919.26 of the Revised Code, and the right of both types 127
of victims to be accompanied by a victim advocate during court 128
proceedings; 129

(16) The right of a victim of a sexually oriented offense 130
that is not a registration-exempt sexually oriented offense or of 131
a child-victim oriented offense that is committed by a person who 132
is convicted of or pleads guilty to an aggravated sexually 133
oriented offense, by a person who is adjudicated a sexual predator 134
or child-victim predator, or, in certain cases, by a person who is 135
determined to be a habitual sex offender or habitual child-victim 136
offender to receive, pursuant to section 2950.10 of the Revised 137
Code, notice that the person has registered with a sheriff under 138
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 139
notice of the person's name, the person's residence that is 140
registered, and the offender's school, institution of higher 141
education, or place of employment address or addresses that are 142
registered, the person's photograph, and a summary of the manner 143
in which the victim must make a request to receive the notice. As 144

used in this division, "sexually oriented offense," "adjudicated a 145
sexual predator," "habitual sex offender," "registration-exempt 146
sexually oriented offense," "aggravated sexually oriented 147
offense," "child-victim oriented offense," "adjudicated a 148
child-victim predator," and "habitual child-victim offender" have 149
the same meanings as in section 2950.01 of the Revised Code. 150

(17) The right of a victim of certain sexually violent 151
offenses committed by an offender who also is convicted of or 152
pleads guilty to a sexually violent predator specification and who 153
is sentenced to a prison term pursuant to division (A)(3) of 154
section 2971.03 of the Revised Code to receive, pursuant to 155
section 2930.16 of the Revised Code, notice of a hearing to 156
determine whether to modify the requirement that the offender 157
serve the entire prison term in a state correctional facility, 158
whether to continue, revise, or revoke any existing modification 159
of that requirement, or whether to terminate the prison term. As 160
used in this division, "sexually violent offense" and "sexually 161
violent predator specification" have the same meanings as in 162
section 2971.01 of the Revised Code. 163

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 164
prosecuting attorney, assistant prosecuting attorney, city 165
director of law, assistant city director of law, village 166
solicitor, assistant village solicitor, or similar chief legal 167
officer of a municipal corporation or an assistant of any of those 168
officers who prosecutes an offense committed in this state, upon 169
first contact with the victim of the offense, the victim's family, 170
or the victim's dependents, shall give the victim, the victim's 171
family, or the victim's dependents a copy of the pamphlet prepared 172
pursuant to division (A) of this section and explain, upon 173
request, the information in the pamphlet to the victim, the 174
victim's family, or the victim's dependents. 175

(b) Subject to division (B)(1)(c) of this section, a law 176

enforcement agency that investigates an offense or delinquent act 177
committed in this state shall give the victim of the offense or 178
delinquent act, the victim's family, or the victim's dependents a 179
copy of the pamphlet prepared pursuant to division (A) of this 180
section at one of the following times: 181

(i) Upon first contact with the victim, the victim's family, 182
or the victim's dependents; 183

(ii) If the offense or delinquent act is an offense of 184
violence, if the circumstances of the offense or delinquent act 185
and the condition of the victim, the victim's family, or the 186
victim's dependents indicate that the victim, the victim's family, 187
or the victim's dependents will not be able to understand the 188
significance of the pamphlet upon first contact with the agency, 189
and if the agency anticipates that it will have an additional 190
contact with the victim, the victim's family, or the victim's 191
dependents, upon the agency's second contact with the victim, the 192
victim's family, or the victim's dependents. 193

If the agency does not give the victim, the victim's family, 194
or the victim's dependents a copy of the pamphlet upon first 195
contact with them and does not have a second contact with the 196
victim, the victim's family, or the victim's dependents, the 197
agency shall mail a copy of the pamphlet to the victim, the 198
victim's family, or the victim's dependents at their last known 199
address. 200

(c) In complying on and after December 9, 1994, with the 201
duties imposed by division (B)(1)(a) or (b) of this section, an 202
official or a law enforcement agency shall use copies of the 203
pamphlet that are in the official's or agency's possession on 204
December 9, 1994, until the official or agency has distributed all 205
of those copies. After the official or agency has distributed all 206
of those copies, the official or agency shall use only copies of 207
the pamphlet that contain at least the information described in 208

divisions (A)(1) to (17) of this section. 209

(2) The failure of a law enforcement agency or of a 210
prosecuting attorney, assistant prosecuting attorney, city 211
director of law, assistant city director of law, village 212
solicitor, assistant village solicitor, or similar chief legal 213
officer of a municipal corporation or an assistant to any of those 214
officers to give, as required by division (B)(1) of this section, 215
the victim of an offense or delinquent act, the victim's family, 216
or the victim's dependents a copy of the pamphlet prepared 217
pursuant to division (A) of this section does not give the victim, 218
the victim's family, the victim's dependents, or a victim's 219
representative any rights under section 2743.51 to 2743.72, 220
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 221
Revised Code or under any other provision of the Revised Code and 222
does not affect any right under those sections. 223

(3) A law enforcement agency, a prosecuting attorney or 224
assistant prosecuting attorney, or a city director of law, 225
assistant city director of law, village solicitor, assistant 226
village solicitor, or similar chief legal officer of a municipal 227
corporation that distributes a copy of the pamphlet prepared 228
pursuant to division (A) of this section shall not be required to 229
distribute a copy of an information card or other printed material 230
provided by the clerk of the court of claims pursuant to section 231
2743.71 of the Revised Code. 232

(C) The cost of printing and distributing the pamphlet 233
prepared pursuant to division (A) of this section shall be paid 234
out of the reparations fund, created pursuant to section 2743.191 235
of the Revised Code, in accordance with division (D) of that 236
section. 237

(D) As used in this section: 238

(1) "Victim's representative" has the same meaning as in 239

section 2930.01 of the Revised Code;	240
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	241 242
<u>Sec. 109.44. (A) The attorney general, with assistance from the bureau of criminal identification and investigation, annually shall publish statistical data on violations of section 2905.32 of the Revised Code. The first annual publication of this data shall occur one year after the effective date of this section.</u>	243 244 245 246 247
<u>(B) Each state agency and each agency of each political subdivision that investigates violations of section 2905.32 of the Revised Code shall collect and submit to the bureau of criminal identification and investigation the following information relevant to those violations:</u>	248 249 250 251 252
<u>(1) The number of investigations, arrests, prosecutions, and successful convictions of persons for a violation of that section;</u>	253 254
<u>(2) The estimated number and demographic characteristics of persons violating section 2905.32 of the Revised Code, as well as those persons who purchase or receive a commercial sex act, sexually explicit performance, labor, or services from victims of violations of that section;</u>	255 256 257 258 259
<u>(3) Statistics on the number of victims of violations of that section and statistics on the nationality, age, method of recruitment, and country, state, or city of origin of the victims of violations of that section;</u>	260 261 262 263
<u>(4) Trafficking routes and trafficking patterns used in violations of that section;</u>	264 265
<u>(5) Methods of transportation used in violations of that section;</u>	266 267
<u>(6) Social and economic factors that contribute to and foster the demand for all forms of exploitation of persons that leads to</u>	268 269

<u>trafficking in persons.</u>	270
<u>(C) As used in this section, "commercial sex act," "labor,"</u>	271
<u>"services," and "sexually explicit performance" have the same</u>	272
<u>meanings as in section 2905.31 of the Revised Code.</u>	273
Sec. 109.73. (A) The Ohio peace officer training commission	274
shall recommend rules to the attorney general with respect to all	275
of the following:	276
(1) The approval, or revocation of approval, of peace officer	277
training schools administered by the state, counties, municipal	278
corporations, public school districts, technical college	279
districts, and the department of natural resources;	280
(2) Minimum courses of study, attendance requirements, and	281
equipment and facilities to be required at approved state, county,	282
municipal, and department of natural resources peace officer	283
training schools;	284
(3) Minimum qualifications for instructors at approved state,	285
county, municipal, and department of natural resources peace	286
officer training schools;	287
(4) The requirements of minimum basic training that peace	288
officers appointed to probationary terms shall complete before	289
being eligible for permanent appointment, which requirements shall	290
include a minimum of fifteen hours of training in the handling of	291
the offense of domestic violence, other types of domestic	292
violence-related offenses and incidents, and protection orders and	293
consent agreements issued or approved under section 2919.26 or	294
3113.31 of the Revised Code; a minimum of six hours of crisis	295
intervention training; and a specified amount of training in the	296
handling of missing children and child abuse and neglect cases;	297
<u>and a specified amount of training in handling violations of</u>	298
<u>section 2905.32 of the Revised Code; and the time within which</u>	299

such basic training shall be completed following appointment to a 300
probationary term; 301

(5) The requirements of minimum basic training that peace 302
officers not appointed for probationary terms but appointed on 303
other than a permanent basis shall complete in order to be 304
eligible for continued employment or permanent appointment, which 305
requirements shall include a minimum of fifteen hours of training 306
in the handling of the offense of domestic violence, other types 307
of domestic violence-related offenses and incidents, and 308
protection orders and consent agreements issued or approved under 309
section 2919.26 or 3113.31 of the Revised Code, a minimum of six 310
hours of crisis intervention training, ~~and~~ a specified amount of 311
training in the handling of missing children and child abuse and 312
neglect cases, and a specified amount of training in handling 313
violations of section 2905.32 of the Revised Code, and the time 314
within which such basic training shall be completed following 315
appointment on other than a permanent basis; 316

(6) Categories or classifications of advanced in-service 317
training programs for peace officers, including programs in the 318
handling of the offense of domestic violence, other types of 319
domestic violence-related offenses and incidents, and protection 320
orders and consent agreements issued or approved under section 321
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 322
~~and~~ in the handling of missing children and child abuse and 323
neglect cases, and in handling violations of section 2905.32 of 324
the Revised Code, and minimum courses of study and attendance 325
requirements with respect to such categories or classifications; 326

(7) Permitting persons, who are employed as members of a 327
campus police department appointed under section 1713.50 of the 328
Revised Code; who are employed as police officers by a qualified 329
nonprofit corporation police department pursuant to section 330
1702.80 of the Revised Code; who are appointed and commissioned as 331

bank, savings and loan association, savings bank, credit union, or 332
association of banks, savings and loan associations, savings 333
banks, or credit unions police officers, as railroad police 334
officers, or as hospital police officers pursuant to sections 335
4973.17 to 4973.22 of the Revised Code; or who are appointed and 336
commissioned as amusement park police officers pursuant to section 337
4973.17 of the Revised Code, to attend approved peace officer 338
training schools, including the Ohio peace officer training 339
academy, and to receive certificates of satisfactory completion of 340
basic training programs, if the private college or university that 341
established the campus police department; qualified nonprofit 342
corporation police department; bank, savings and loan association, 343
savings bank, credit union, or association of banks, savings and 344
loan associations, savings banks, or credit unions; railroad 345
company; hospital; or amusement park sponsoring the police 346
officers pays the entire cost of the training and certification 347
and if trainee vacancies are available; 348

(8) Permitting undercover drug agents to attend approved 349
peace officer training schools, other than the Ohio peace officer 350
training academy, and to receive certificates of satisfactory 351
completion of basic training programs, if, for each undercover 352
drug agent, the county, township, or municipal corporation that 353
employs that undercover drug agent pays the entire cost of the 354
training and certification; 355

(9)(a) The requirements for basic training programs for 356
bailiffs and deputy bailiffs of courts of record of this state and 357
for criminal investigators employed by the state public defender 358
that those persons shall complete before they may carry a firearm 359
while on duty; 360

(b) The requirements for any training received by a bailiff 361
or deputy bailiff of a court of record of this state or by a 362
criminal investigator employed by the state public defender prior 363

to June 6, 1986, that is to be considered equivalent to the 364
training described in division (A)(9)(a) of this section. 365

(10) Establishing minimum qualifications and requirements for 366
certification for dogs utilized by law enforcement agencies; 367

(11) Establishing minimum requirements for certification of 368
persons who are employed as correction officers in a full-service 369
jail, five-day facility, or eight-hour holding facility or who 370
provide correction services in such a jail or facility; 371

(12) Establishing requirements for the training of agents of 372
a county humane society under section 1717.06 of the Revised Code, 373
including, without limitation, a requirement that the agents 374
receive instruction on traditional animal husbandry methods and 375
training techniques, including customary owner-performed 376
practices. 377

(B) The commission shall appoint an executive director, with 378
the approval of the attorney general, who shall hold office during 379
the pleasure of the commission. The executive director shall 380
perform such duties assigned by the commission. The executive 381
director shall receive a salary fixed pursuant to Chapter 124. of 382
the Revised Code and reimbursement for expenses within the amounts 383
available by appropriation. The executive director may appoint 384
officers, employees, agents, and consultants as the executive 385
director considers necessary, prescribe their duties, and provide 386
for reimbursement of their expenses within the amounts available 387
for reimbursement by appropriation and with the approval of the 388
commission. 389

(C) The commission may do all of the following: 390

(1) Recommend studies, surveys, and reports to be made by the 391
executive director regarding the carrying out of the objectives 392
and purposes of sections 109.71 to 109.77 of the Revised Code; 393

(2) Visit and inspect any peace officer training school that 394

has been approved by the executive director or for which 395
application for approval has been made; 396

(3) Make recommendations, from time to time, to the executive 397
director, the attorney general, and the general assembly regarding 398
the carrying out of the purposes of sections 109.71 to 109.77 of 399
the Revised Code; 400

(4) Report to the attorney general from time to time, and to 401
the governor and the general assembly at least annually, 402
concerning the activities of the commission; 403

(5) Establish fees for the services the commission offers 404
under sections 109.71 to 109.79 of the Revised Code, including, 405
but not limited to, fees for training, certification, and testing; 406

(6) Perform such other acts as are necessary or appropriate 407
to carry out the powers and duties of the commission as set forth 408
in sections 109.71 to 109.77 of the Revised Code. 409

(D) In establishing the requirements, under division (A)(12) 410
of this section, the commission may consider any portions of the 411
curriculum for instruction on the topic of animal husbandry 412
practices, if any, of the Ohio state university college of 413
veterinary medicine. No person or entity that fails to provide 414
instruction on traditional animal husbandry methods and training 415
techniques, including customary owner-performed practices, shall 416
qualify to train a humane agent for appointment under section 417
1717.06 of the Revised Code. 418

Sec. 109.745. (A) The attorney general shall provide training 419
for peace officers in investigating and handling violations of 420
section 2905.32 of the Revised Code. The training shall include 421
all of the following: 422

(1) Identifying violations of section 2905.32 of the Revised 423
Code; 424

(2) Methods used in identifying victims of violations of section 2905.32 of the Revised Code who are citizens of the United States or a foreign country, including preliminary interviewing techniques and appropriate questioning methods; 425
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(3) Methods for prosecuting persons who violate section 2905.32 of the Revised Code; 429
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(4) Methods of increasing effective collaboration with nongovernmental organizations and other social service organizations in the course of a criminal action regarding a violation of section 2905.32 of the Revised Code; 431
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(5) Methods for protecting the rights of victims of violations of section 2905.32 of the Revised Code, including the need to consider human rights and the special needs of women and children who are victims of violations of that section and to treat victims as victims rather than as criminals; 435
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(6) Methods for promoting the safety of victims of violations of section 2905.32 of the Revised Code, including the training of peace officers to quickly recognize victims of a violation of that section who are citizens of the United States or citizens of a foreign country. 440
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(B) Any organization, person, or other governmental agency with an interest and expertise in trafficking in persons may submit information or materials to the attorney general regarding the development and presentation of the training required under this section. The attorney general, in developing the training required by this section, shall consider any information submitted pursuant to this division. 445
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Sec. 109.746. (A) The attorney general shall prepare public awareness programs that are designed to educate potential victims of violations of section 2905.32 of the Revised Code and their 452
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families of the risks of becoming a victim of a violation of that 455
section. The public awareness programs shall include the following 456
information: 457

(1) Information about the risks of becoming a victim of a 458
violation of section 2905.32 of the Revised Code, including 459
information about common recruitment techniques, use of debt 460
bondage and other coercive tactics, the risk of maltreatment, 461
rape, exposure to HIV and AIDS and other sexually transmitted 462
diseases, and the psychological harm related to being a victim of 463
a violation of that section; 464

(2) Information about the risks of engaging in a commercial 465
sex act and the possible consequences; 466

(3) Information about victim's rights as well as methods for 467
reporting suspected recruitment activities regarding a violation 468
of that section; 469

(4) Information on telephone hotlines for victims of 470
violations of section 2905.32 of the Revised Code and available 471
services to victims of a violation of that section. 472

(B) The attorney general shall prepare and disseminate public 473
awareness materials to educate the public on the extent of 474
trafficking in persons within the United States and to discourage 475
the demand that fosters the exploitation of persons and that leads 476
to trafficking in persons. The public awareness materials may 477
include information on the impact of trafficking in persons on 478
individual victims who are either citizens of the United States or 479
citizens of a foreign country, aggregate information on 480
trafficking worldwide and domestically, as well as warnings of the 481
potential for criminal consequences for participating in 482
trafficking in persons. The materials may include pamphlets, 483
brochures, posters, advertisements, and any other appropriate 484
methods. 485

(C) The programs and materials described in this section may 486
include information on the impact of trafficking in persons on 487
individual victims, but any information regarding the experiences 488
of those individual victims shall be confidential. 489

(D) The attorney general shall periodically evaluate all 490
public awareness programs and materials under this section to 491
ensure the programs' and materials' effectiveness. 492

(E) Any organization, person, or other governmental agency 493
with an interest and expertise in trafficking in persons may 494
submit information or materials to the attorney general regarding 495
the preparation of the programs and materials required under this 496
section. The attorney general, in developing the programs and 497
materials required by this section, shall consider any information 498
submitted pursuant to this division. 499

(F) As used in this section, "commercial sex act" and "debt 500
bondage" have the same meanings as in section 2905.31 of the 501
Revised Code. 502

Sec. 2305.117. An action brought pursuant to section 2307.54 503
of the Revised Code shall be brought within ten years after the 504
cause of action accrues. For purposes of this section, if the 505
victim of a violation of section 2905.32 of the Revised Code is a 506
minor at the time of the violation, a cause of action brought 507
pursuant to section 2307.54 of the Revised Code accrues upon the 508
date on which the victim reaches the age of majority. 509

Sec. 2307.54. A person who suffers injury or loss to person 510
or property as a result of an act committed in violation of 511
section 2905.32 of the Revised Code has a civil action against the 512
offender and may recover in that action full compensatory damages, 513
punitive or exemplary damages, court costs, other reasonable 514
expenses incurred in maintaining that action, and the reasonable 515

attorney's fees incurred in maintaining that action. 516

Sec. 2317.02. The following persons shall not testify in 517
certain respects: 518

(A) An attorney, concerning a communication made to the 519
attorney by a client in that relation or the attorney's advice to 520
a client, except that the attorney may testify by express consent 521
of the client or, if the client is deceased, by the express 522
consent of the surviving spouse or the executor or administrator 523
of the estate of the deceased client. However, if the client 524
voluntarily testifies or is deemed by section 2151.421 of the 525
Revised Code to have waived any testimonial privilege under this 526
division, the attorney may be compelled to testify on the same 527
subject. 528

The testimonial privilege established under this division 529
does not apply concerning a communication between a client who has 530
since died and the deceased client's attorney if the communication 531
is relevant to a dispute between parties who claim through that 532
deceased client, regardless of whether the claims are by testate 533
or intestate succession or by inter vivos transaction, and the 534
dispute addresses the competency of the deceased client when the 535
deceased client executed a document that is the basis of the 536
dispute or whether the deceased client was a victim of fraud, 537
undue influence, or duress when the deceased client executed a 538
document that is the basis of the dispute. 539

(B)(1) A physician or a dentist concerning a communication 540
made to the physician or dentist by a patient in that relation or 541
the physician's or dentist's advice to a patient, except as 542
otherwise provided in this division, division (B)(2), and division 543
(B)(3) of this section, and except that, if the patient is deemed 544
by section 2151.421 of the Revised Code to have waived any 545

testimonial privilege under this division, the physician may be 546
compelled to testify on the same subject. 547

The testimonial privilege established under this division 548
does not apply, and a physician or dentist may testify or may be 549
compelled to testify, in any of the following circumstances: 550

(a) In any civil action, in accordance with the discovery 551
provisions of the Rules of Civil Procedure in connection with a 552
civil action, or in connection with a claim under Chapter 4123. of 553
the Revised Code, under any of the following circumstances: 554

(i) If the patient or the guardian or other legal 555
representative of the patient gives express consent; 556

(ii) If the patient is deceased, the spouse of the patient or 557
the executor or administrator of the patient's estate gives 558
express consent; 559

(iii) If a medical claim, dental claim, chiropractic claim, 560
or optometric claim, as defined in section 2305.113 of the Revised 561
Code, an action for wrongful death, any other type of civil 562
action, or a claim under Chapter 4123. of the Revised Code is 563
filed by the patient, the personal representative of the estate of 564
the patient if deceased, or the patient's guardian or other legal 565
representative. 566

(b) In any civil action concerning court-ordered treatment or 567
services received by a patient, if the court-ordered treatment or 568
services were ordered as part of a case plan journalized under 569
section 2151.412 of the Revised Code or the court-ordered 570
treatment or services are necessary or relevant to dependency, 571
neglect, or abuse or temporary or permanent custody proceedings 572
under Chapter 2151. of the Revised Code. 573

(c) In any criminal action concerning any test or the results 574
of any test that determines the presence or concentration of 575
alcohol, a drug of abuse, a combination of them, a controlled 576

substance, or a metabolite of a controlled substance in the 577
patient's whole blood, blood serum or plasma, breath, urine, or 578
other bodily substance at any time relevant to the criminal 579
offense in question. 580

(d) In any criminal action against a physician or dentist. In 581
such an action, the testimonial privilege established under this 582
division does not prohibit the admission into evidence, in 583
accordance with the Rules of Evidence, of a patient's medical or 584
dental records or other communications between a patient and the 585
physician or dentist that are related to the action and obtained 586
by subpoena, search warrant, or other lawful means. A court that 587
permits or compels a physician or dentist to testify in such an 588
action or permits the introduction into evidence of patient 589
records or other communications in such an action shall require 590
that appropriate measures be taken to ensure that the 591
confidentiality of any patient named or otherwise identified in 592
the records is maintained. Measures to ensure confidentiality that 593
may be taken by the court include sealing its records or deleting 594
specific information from its records. 595

(e)(i) If the communication was between a patient who has 596
since died and the deceased patient's physician or dentist, the 597
communication is relevant to a dispute between parties who claim 598
through that deceased patient, regardless of whether the claims 599
are by testate or intestate succession or by inter vivos 600
transaction, and the dispute addresses the competency of the 601
deceased patient when the deceased patient executed a document 602
that is the basis of the dispute or whether the deceased patient 603
was a victim of fraud, undue influence, or duress when the 604
deceased patient executed a document that is the basis of the 605
dispute. 606

(ii) If neither the spouse of a patient nor the executor or 607
administrator of that patient's estate gives consent under 608

division (B)(1)(a)(ii) of this section, testimony or the 609
disclosure of the patient's medical records by a physician, 610
dentist, or other health care provider under division (B)(1)(e)(i) 611
of this section is a permitted use or disclosure of protected 612
health information, as defined in 45 C.F.R. 160.103, and an 613
authorization or opportunity to be heard shall not be required. 614

(iii) Division (B)(1)(e)(i) of this section does not require 615
a mental health professional to disclose psychotherapy notes, as 616
defined in 45 C.F.R. 164.501. 617

(iv) An interested person who objects to testimony or 618
disclosure under division (B)(1)(e)(i) of this section may seek a 619
protective order pursuant to Civil Rule 26. 620

(v) A person to whom protected health information is 621
disclosed under division (B)(1)(e)(i) of this section shall not 622
use or disclose the protected health information for any purpose 623
other than the litigation or proceeding for which the information 624
was requested and shall return the protected health information to 625
the covered entity or destroy the protected health information, 626
including all copies made, at the conclusion of the litigation or 627
proceeding. 628

(2)(a) If any law enforcement officer submits a written 629
statement to a health care provider that states that an official 630
criminal investigation has begun regarding a specified person or 631
that a criminal action or proceeding has been commenced against a 632
specified person, that requests the provider to supply to the 633
officer copies of any records the provider possesses that pertain 634
to any test or the results of any test administered to the 635
specified person to determine the presence or concentration of 636
alcohol, a drug of abuse, a combination of them, a controlled 637
substance, or a metabolite of a controlled substance in the 638
person's whole blood, blood serum or plasma, breath, or urine at 639
any time relevant to the criminal offense in question, and that 640

conforms to section 2317.022 of the Revised Code, the provider, 641
except to the extent specifically prohibited by any law of this 642
state or of the United States, shall supply to the officer a copy 643
of any of the requested records the provider possesses. If the 644
health care provider does not possess any of the requested 645
records, the provider shall give the officer a written statement 646
that indicates that the provider does not possess any of the 647
requested records. 648

(b) If a health care provider possesses any records of the 649
type described in division (B)(2)(a) of this section regarding the 650
person in question at any time relevant to the criminal offense in 651
question, in lieu of personally testifying as to the results of 652
the test in question, the custodian of the records may submit a 653
certified copy of the records, and, upon its submission, the 654
certified copy is qualified as authentic evidence and may be 655
admitted as evidence in accordance with the Rules of Evidence. 656
Division (A) of section 2317.422 of the Revised Code does not 657
apply to any certified copy of records submitted in accordance 658
with this division. Nothing in this division shall be construed to 659
limit the right of any party to call as a witness the person who 660
administered the test to which the records pertain, the person 661
under whose supervision the test was administered, the custodian 662
of the records, the person who made the records, or the person 663
under whose supervision the records were made. 664

(3)(a) If the testimonial privilege described in division 665
(B)(1) of this section does not apply as provided in division 666
(B)(1)(a)(iii) of this section, a physician or dentist may be 667
compelled to testify or to submit to discovery under the Rules of 668
Civil Procedure only as to a communication made to the physician 669
or dentist by the patient in question in that relation, or the 670
physician's or dentist's advice to the patient in question, that 671
related causally or historically to physical or mental injuries 672

that are relevant to issues in the medical claim, dental claim, 673
chiropractic claim, or optometric claim, action for wrongful 674
death, other civil action, or claim under Chapter 4123. of the 675
Revised Code. 676

(b) If the testimonial privilege described in division (B)(1) 677
of this section does not apply to a physician or dentist as 678
provided in division (B)(1)(c) of this section, the physician or 679
dentist, in lieu of personally testifying as to the results of the 680
test in question, may submit a certified copy of those results, 681
and, upon its submission, the certified copy is qualified as 682
authentic evidence and may be admitted as evidence in accordance 683
with the Rules of Evidence. Division (A) of section 2317.422 of 684
the Revised Code does not apply to any certified copy of results 685
submitted in accordance with this division. Nothing in this 686
division shall be construed to limit the right of any party to 687
call as a witness the person who administered the test in 688
question, the person under whose supervision the test was 689
administered, the custodian of the results of the test, the person 690
who compiled the results, or the person under whose supervision 691
the results were compiled. 692

(4) The testimonial privilege described in division (B)(1) of 693
this section is not waived when a communication is made by a 694
physician to a pharmacist or when there is communication between a 695
patient and a pharmacist in furtherance of the physician-patient 696
relation. 697

(5)(a) As used in divisions (B)(1) to (4) of this section, 698
"communication" means acquiring, recording, or transmitting any 699
information, in any manner, concerning any facts, opinions, or 700
statements necessary to enable a physician or dentist to diagnose, 701
treat, prescribe, or act for a patient. A "communication" may 702
include, but is not limited to, any medical or dental, office, or 703
hospital communication such as a record, chart, letter, 704

memorandum, laboratory test and results, x-ray, photograph, 705
financial statement, diagnosis, or prognosis. 706

(b) As used in division (B)(2) of this section, "health care 707
provider" means a hospital, ambulatory care facility, long-term 708
care facility, pharmacy, emergency facility, or health care 709
practitioner. 710

(c) As used in division (B)(5)(b) of this section: 711

(i) "Ambulatory care facility" means a facility that provides 712
medical, diagnostic, or surgical treatment to patients who do not 713
require hospitalization, including a dialysis center, ambulatory 714
surgical facility, cardiac catheterization facility, diagnostic 715
imaging center, extracorporeal shock wave lithotripsy center, home 716
health agency, inpatient hospice, birthing center, radiation 717
therapy center, emergency facility, and an urgent care center. 718
"Ambulatory health care facility" does not include the private 719
office of a physician or dentist, whether the office is for an 720
individual or group practice. 721

(ii) "Emergency facility" means a hospital emergency 722
department or any other facility that provides emergency medical 723
services. 724

(iii) "Health care practitioner" has the same meaning as in 725
section 4769.01 of the Revised Code. 726

(iv) "Hospital" has the same meaning as in section 3727.01 of 727
the Revised Code. 728

(v) "Long-term care facility" means a nursing home, 729
residential care facility, or home for the aging, as those terms 730
are defined in section 3721.01 of the Revised Code; an adult care 731
facility, as defined in section 3722.01 of the Revised Code; a 732
nursing facility or intermediate care facility for the mentally 733
retarded, as those terms are defined in section 5111.20 of the 734
Revised Code; a facility or portion of a facility certified as a 735

skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 736
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 738
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(d) As used in divisions (B)(1) and ~~(B)~~(2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 740
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 743
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(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code. 746
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(C)(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, 757
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the cleric may be compelled to testify on the same subject except 767
when disclosure of the information is in violation of a sacred 768
trust. 769

(2) As used in division (C) of this section: 770

(a) "Cleric" means a member of the clergy, rabbi, priest, 771
Christian ~~science~~ Science practitioner, or regularly ordained, 772
accredited, or licensed minister of an established and legally 773
cognizable church, denomination, or sect. 774

(b) "Sacred trust" means a confession or confidential 775
communication made to a cleric in the cleric's ecclesiastical 776
capacity in the course of discipline enjoined by the church to 777
which the cleric belongs, including, but not limited to, the 778
Catholic Church, if both of the following apply: 779

(i) The confession or confidential communication was made 780
directly to the cleric. 781

(ii) The confession or confidential communication was made in 782
the manner and context that places the cleric specifically and 783
strictly under a level of confidentiality that is considered 784
inviolable by canon law or church doctrine. 785

(D) Husband or wife, concerning any communication made by one 786
to the other, or an act done by either in the presence of the 787
other, during coverture, unless the communication was made, or act 788
done, in the known presence or hearing of a third person competent 789
to be a witness; and such rule is the same if the marital relation 790
has ceased to exist; 791

(E) A person who assigns a claim or interest, concerning any 792
matter in respect to which the person would not, if a party, be 793
permitted to testify; 794

(F) A person who, if a party, would be restricted under 795
section 2317.03 of the Revised Code, when the property or thing is 796

sold or transferred by an executor, administrator, guardian, 797
trustee, heir, devisee, or legatee, shall be restricted in the 798
same manner in any action or proceeding concerning the property or 799
thing. 800

(G)(1) A school guidance counselor who holds a valid educator 801
license from the state board of education as provided for in 802
section 3319.22 of the Revised Code, a trafficking-in-persons 803
caseworker, a person licensed under Chapter 4757. of the Revised 804
Code as a professional clinical counselor, professional counselor, 805
social worker, independent social worker, marriage and family 806
therapist ~~or~~, independent marriage and family therapist, or a 807
person registered under Chapter 4757. of the Revised Code as a 808
social work assistant concerning a confidential communication 809
received from a client in that relation or the person's advice to 810
a client unless any of the following applies: 811

(a) The communication or advice indicates clear and present 812
danger to the client or other persons. For the purposes of this 813
division, cases in which there are indications of present or past 814
child abuse or neglect of the client constitute a clear and 815
present danger. 816

(b) The client gives express consent to the testimony. 817

(c) If the client is deceased, the surviving spouse or the 818
executor or administrator of the estate of the deceased client 819
gives express consent. 820

(d) The client voluntarily testifies, in which case the 821
school guidance counselor, trafficking-in-persons caseworker, or 822
person licensed or registered under Chapter 4757. of the Revised 823
Code may be compelled to testify on the same subject. 824

(e) The court in camera determines that the information 825
communicated by the client is not germane to the counselor-client, 826
trafficking-in-persons caseworker-client, marriage and family 827

therapist-client, or social worker-client relationship. 828

(f) A court, in an action brought against a school, its 829
administration, or any of its personnel by the client, rules after 830
an in-camera inspection that the testimony of the school guidance 831
counselor is relevant to that action. 832

(g) The testimony is sought in a civil action and concerns 833
court-ordered treatment or services received by a patient as part 834
of a case plan journalized under section 2151.412 of the Revised 835
Code or the court-ordered treatment or services are necessary or 836
relevant to dependency, neglect, or abuse or temporary or 837
permanent custody proceedings under Chapter 2151. of the Revised 838
Code. 839

(2) Nothing in division (G)(1) of this section shall relieve 840
a school guidance counselor, trafficking-in-persons caseworker, or 841
a person licensed or registered under Chapter 4757. of the Revised 842
Code from the requirement to report information concerning child 843
abuse or neglect under section 2151.421 of the Revised Code. 844

(3) As used in this section, "trafficking-in-persons 845
caseworker" means a person who has received specialized training 846
in the counseling of victims of a violation of section 2905.32 of 847
the Revised Code and who meets one of the following requirements: 848

(a) The person has a master's degree in counseling or a 849
related field or has one year of counseling experience, at least 850
six months of which is in the counseling of victims of a violation 851
of section 2905.32 of the Revised Code. 852

(b) The person has at least forty hours of training in 853
counseling victims of a violation of section 2905.32 of the 854
Revised Code and is supervised by an individual who satisfies 855
division (G)(3)(a) of this section. 856

(c) The person is a psychotherapist. 857

(H) A mediator acting under a mediation order issued under 858
division (A) of section 3109.052 of the Revised Code or otherwise 859
issued in any proceeding for divorce, dissolution, legal 860
separation, annulment, or the allocation of parental rights and 861
responsibilities for the care of children, in any action or 862
proceeding, other than a criminal, delinquency, child abuse, child 863
neglect, or dependent child action or proceeding, that is brought 864
by or against either parent who takes part in mediation in 865
accordance with the order and that pertains to the mediation 866
process, to any information discussed or presented in the 867
mediation process, to the allocation of parental rights and 868
responsibilities for the care of the parents' children, or to the 869
awarding of parenting time rights in relation to their children; 870

(I) A communications assistant, acting within the scope of 871
the communication assistant's authority, when providing 872
telecommunications relay service pursuant to section 4931.35 of 873
the Revised Code or Title II of the "Communications Act of 1934," 874
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 875
made through a telecommunications relay service. Nothing in this 876
section shall limit the obligation of a communications assistant 877
to divulge information or testify when mandated by federal law or 878
regulation or pursuant to subpoena in a criminal proceeding. 879

Nothing in this section shall limit any immunity or privilege 880
granted under federal law or regulation. 881

(J)(1) A chiropractor in a civil proceeding concerning a 882
communication made to the chiropractor by a patient in that 883
relation or the chiropractor's advice to a patient, except as 884
otherwise provided in this division. The testimonial privilege 885
established under this division does not apply, and a chiropractor 886
may testify or may be compelled to testify, in any civil action, 887
in accordance with the discovery provisions of the Rules of Civil 888
Procedure in connection with a civil action, or in connection with 889

a claim under Chapter 4123. of the Revised Code, under any of the 890
following circumstances: 891

(a) If the patient or the guardian or other legal 892
representative of the patient gives express consent. 893

(b) If the patient is deceased, the spouse of the patient or 894
the executor or administrator of the patient's estate gives 895
express consent. 896

(c) If a medical claim, dental claim, chiropractic claim, or 897
optometric claim, as defined in section 2305.113 of the Revised 898
Code, an action for wrongful death, any other type of civil 899
action, or a claim under Chapter 4123. of the Revised Code is 900
filed by the patient, the personal representative of the estate of 901
the patient if deceased, or the patient's guardian or other legal 902
representative. 903

(2) If the testimonial privilege described in division (J)(1) 904
of this section does not apply as provided in division (J)(1)(c) 905
of this section, a chiropractor may be compelled to testify or to 906
submit to discovery under the Rules of Civil Procedure only as to 907
a communication made to the chiropractor by the patient in 908
question in that relation, or the chiropractor's advice to the 909
patient in question, that related causally or historically to 910
physical or mental injuries that are relevant to issues in the 911
medical claim, dental claim, chiropractic claim, or optometric 912
claim, action for wrongful death, other civil action, or claim 913
under Chapter 4123. of the Revised Code. 914

(3) The testimonial privilege established under this division 915
does not apply, and a chiropractor may testify or be compelled to 916
testify, in any criminal action or administrative proceeding. 917

(4) As used in ~~this~~ division (J) of this section, 918
"communication" means acquiring, recording, or transmitting any 919
information, in any manner, concerning any facts, opinions, or 920

statements necessary to enable a chiropractor to diagnose, treat, 921
or act for a patient. A communication may include, but is not 922
limited to, any chiropractic, office, or hospital communication 923
such as a record, chart, letter, memorandum, laboratory test and 924
results, x-ray, photograph, financial statement, diagnosis, or 925
prognosis. 926

(K)(1) Except as provided under division (K)(2) of this 927
section, a critical incident stress management team member 928
concerning a communication received from an individual who 929
receives crisis response services from the team member, or the 930
team member's advice to the individual, during a debriefing 931
session. 932

(2) The testimonial privilege established under division 933
(K)(1) of this section does not apply if any of the following are 934
true: 935

(a) The communication or advice indicates clear and present 936
danger to the individual who receives crisis response services or 937
to other persons. For purposes of this division, cases in which 938
there are indications of present or past child abuse or neglect of 939
the individual constitute a clear and present danger. 940

(b) The individual who received crisis response services 941
gives express consent to the testimony. 942

(c) If the individual who received crisis response services 943
is deceased, the surviving spouse or the executor or administrator 944
of the estate of the deceased individual gives express consent. 945

(d) The individual who received crisis response services 946
voluntarily testifies, in which case the team member may be 947
compelled to testify on the same subject. 948

(e) The court in camera determines that the information 949
communicated by the individual who received crisis response 950
services is not germane to the relationship between the individual 951

and the team member.	952
(f) The communication or advice pertains or is related to any criminal act.	953 954
(3) As used in division (K) of this section:	955
(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.	956 957 958 959
(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network.	960 961 962 963 964
(c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster.	965 966 967
(L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional.	968 969 970 971 972 973
(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:	974 975 976
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	977 978
(b) Has education, training, and experience in all of the following:	979 980
(i) Providing workplace-based services designed to address	981

employer and employee productivity issues;	982
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	983 984 985 986
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	987 988 989 990
(iv) Selecting and evaluating available community resources;	991
(v) Making appropriate referrals;	992
(vi) Local and national employee assistance agreements;	993
(vii) Client confidentiality.	994
(3) Division (L)(1) of this section does not apply to any of the following:	995 996
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	997 998 999 1000
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1001 1002 1003
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1004 1005 1006
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	1007 1008 1009
(e) A civil or criminal malpractice action brought against	1010

the employee assistance professional;	1011
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	1012 1013 1014
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	1015 1016
Sec. 2743.191. (A)(1) There is hereby created in the state treasury the reparations fund, which shall be used only for the following purposes:	1017 1018 1019
(a) The payment of awards of reparations that are granted by the attorney general;	1020 1021
(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;	1022 1023 1024
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	1025 1026
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	1027 1028
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	1029 1030
(f) The costs of investigation and decision-making as certified by the attorney general;	1031 1032
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	1033 1034 1035
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	1036 1037 1038
(i) The cost of printing and distributing the pamphlet	1039

prepared by the attorney general pursuant to section 109.42 of the Revised Code;

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

(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;

(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(1) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;

(m) The costs of administering the adult parole authority's supervision of sexually violent predators with an active global positioning system device pursuant to section 2971.05 of the Revised Code;

(n) The costs of providing the services to victims of violations of section 2905.32 of the Revised Code pursuant to sections 2930.22 and 2930.23 of the Revised Code.

(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be

credited to the fund, the portions of the proceeds of the sale of 1071
a forfeited vehicle specified in division (C)(2) of section 1072
4503.234 of the Revised Code, payments collected by the department 1073
of rehabilitation and correction from prisoners who voluntarily 1074
participate in an approved work and training program pursuant to 1075
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 1076
all moneys collected by the state pursuant to its right of 1077
subrogation provided in section 2743.72 of the Revised Code shall 1078
be deposited in the fund. 1079

(B) In making an award of reparations, the attorney general 1080
shall render the award against the state. The award shall be 1081
accomplished only through the following procedure, and the 1082
following procedure may be enforced by writ of mandamus directed 1083
to the appropriate official: 1084

(1) The attorney general shall provide for payment of the 1085
claimant or providers in the amount of the award only if the 1086
amount of the award is fifty dollars or more. 1087

(2) The expense shall be charged against all available 1088
unencumbered moneys in the fund. 1089

(3) If sufficient unencumbered moneys do not exist in the 1090
fund, the attorney general shall make application for payment of 1091
the award out of the emergency purposes account or any other 1092
appropriation for emergencies or contingencies, and payment out of 1093
this account or other appropriation shall be authorized if there 1094
are sufficient moneys greater than the sum total of then pending 1095
emergency purposes account requests or requests for releases from 1096
the other appropriations. 1097

(4) If sufficient moneys do not exist in the account or any 1098
other appropriation for emergencies or contingencies to pay the 1099
award, the attorney general shall request the general assembly to 1100
make an appropriation sufficient to pay the award, and no payment 1101

shall be made until the appropriation has been made. The attorney 1102
general shall make this appropriation request during the current 1103
biennium and during each succeeding biennium until a sufficient 1104
appropriation is made. If, prior to the time that an appropriation 1105
is made by the general assembly pursuant to this division, the 1106
fund has sufficient unencumbered funds to pay the award or part of 1107
the award, the available funds shall be used to pay the award or 1108
part of the award, and the appropriation request shall be amended 1109
to request only sufficient funds to pay that part of the award 1110
that is unpaid. 1111

(C) The attorney general shall not make payment on a decision 1112
or order granting an award until all appeals have been determined 1113
and all rights to appeal exhausted, except as otherwise provided 1114
in this section. If any party to a claim for an award of 1115
reparations appeals from only a portion of an award, and a 1116
remaining portion provides for the payment of money by the state, 1117
that part of the award calling for the payment of money by the 1118
state and not a subject of the appeal shall be processed for 1119
payment as described in this section. 1120

(D) The attorney general shall prepare itemized bills for the 1121
costs of printing and distributing the pamphlet the attorney 1122
general prepares pursuant to section 109.42 of the Revised Code. 1123
The itemized bills shall set forth the name and address of the 1124
persons owed the amounts set forth in them. 1125

(E) As used in this section, "DNA analysis" and "DNA 1126
specimen" have the same meanings as in section 109.573 of the 1127
Revised Code. 1128

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 1129
(3) of this section or as otherwise provided in this section, a 1130
prosecution shall be barred unless it is commenced within the 1131
following periods after an offense is committed: 1132

(a) For a felony, six years;	1133
(b) For a misdemeanor other than a minor misdemeanor, two years;	1134 1135
(c) For a minor misdemeanor, six months.	1136
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	1137 1138
(3) Except as otherwise provided in divisions (B) to (H) (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	1139 1140 1141 1142
(a) A violation of section 2903.03, 2903.04, 2905.01, <u>2905.32</u> , 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	1143 1144 1145 1146 1147 1148 1149 1150
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.	1151 1152 1153
(B) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense.	1154 1155 1156 1157 1158 1159
(C) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense involving misconduct in office by a public servant	1160 1161 1162

as defined in section 2921.01 of the Revised Code, at any time 1163
while the accused remains a public servant, or within two years 1164
thereafter. 1165

(D) An offense is committed when every element of the offense 1166
occurs. In the case of an offense of which an element is a 1167
continuing course of conduct, the period of limitation does not 1168
begin to run until such course of conduct or the accused's 1169
accountability for it terminates, whichever occurs first. 1170

(E) A prosecution is commenced on the date an indictment is 1171
returned or an information filed, or on the date a lawful arrest 1172
without a warrant is made, or on the date a warrant, summons, 1173
citation, or other process is issued, whichever occurs first. A 1174
prosecution is not commenced by the return of an indictment or the 1175
filing of an information unless reasonable diligence is exercised 1176
to issue and execute process on the same. A prosecution is not 1177
commenced upon issuance of a warrant, summons, citation, or other 1178
process, unless reasonable diligence is exercised to execute the 1179
same. 1180

(F) The period of limitation shall not run during any time 1181
when the corpus delicti remains undiscovered. 1182

(G) The period of limitation shall not run during any time 1183
when the accused purposely avoids prosecution. Proof that the 1184
accused departed this state or concealed the accused's identity or 1185
whereabouts is prima-facie evidence of the accused's purpose to 1186
avoid prosecution. 1187

(H) The period of limitation shall not run during any time a 1188
prosecution against the accused based on the same conduct is 1189
pending in this state, even though the indictment, information, or 1190
process which commenced the prosecution is quashed or the 1191
proceedings thereon are set aside or reversed on appeal. 1192

(I) The period of limitation for a violation of any provision 1193

of Title XXIX of the Revised Code that involves a physical or 1194
mental wound, injury, disability, or condition of a nature that 1195
reasonably indicates abuse or neglect of a child under eighteen 1196
years of age or of a mentally retarded, developmentally disabled, 1197
or physically impaired child under twenty-one years of age shall 1198
not begin to run until either of the following occurs: 1199

(1) The victim of the offense reaches the age of majority. 1200

(2) A public children services agency, or a municipal or 1201
county peace officer that is not the parent or guardian of the 1202
child, in the county in which the child resides or in which the 1203
abuse or neglect is occurring or has occurred has been notified 1204
that abuse or neglect is known, suspected, or believed to have 1205
occurred. 1206

(J) The period of limitation for a violation of section 1207
2905.32 of the Revised Code that involves a child under eighteen 1208
years of age shall not begin to run until the victim of the 1209
offense reaches the age of majority. 1210

(K) As used in this section, "peace officer" has the same 1211
meaning as in section 2935.01 of the Revised Code. 1212

Sec. 2905.31. As used in sections 2905.31 to 2905.34 of the 1213
Revised Code: 1214

(A) "Commercial sex act" means any sex act on account of 1215
which anything of value is directly or indirectly given, promised 1216
to, or received by any person. 1217

(B) "Debt bondage" means the status or condition of a debtor 1218
arising from a pledge by the debtor of the debtor's personal 1219
services or those of a person under the debtor's control as 1220
security for a debt if the value of those services is not applied 1221
toward the liquidation of the debt or if the length or nature of 1222
those services is not limited and defined. 1223

<u>(C) "Financial harm" includes activity that would be a</u>	1224
<u>violation of section 2905.22 of the Revised Code and employment</u>	1225
<u>contracts that violate Chapter 1335. of the Revised Code.</u>	1226
<u>(D) "Labor" means work of economic or financial value.</u>	1227
<u>(E) "Organization" has the same meaning as in section 2901.23</u>	1228
<u>of the Revised Code.</u>	1229
<u>(F) "Pattern of trafficking in persons" means that both of</u>	1230
<u>the following apply:</u>	1231
<u>(1) A person has committed two or more instances of</u>	1232
<u>trafficking in persons, whether or not there has been a prior</u>	1233
<u>conviction or guilty plea, that are not so closely related to each</u>	1234
<u>other and connected in time and place that they constitute a</u>	1235
<u>single event.</u>	1236
<u>(2) At least one of the incidents forming the pattern of</u>	1237
<u>trafficking in persons occurs on or after the effective date of</u>	1238
<u>this section.</u>	1239
<u>(G) "Services" means an ongoing relationship between persons</u>	1240
<u>in which a person performs activities at the behest of, under the</u>	1241
<u>supervision of, or for the benefit of another person.</u>	1242
<u>(H) "Sexually explicit performance" means a live, public,</u>	1243
<u>private, photographed, recorded, or videotaped act intended to</u>	1244
<u>sexually arouse, satisfy the sexual desires of, or appeal to the</u>	1245
<u>prurient interests of any person.</u>	1246
<u>(I) "Trafficking in persons" means that a person knowingly</u>	1247
<u>does either of the following:</u>	1248
<u>(1) Engages in, attempts to engage in, conspires to engage</u>	1249
<u>in, or recruits, lures, entices, harbors, transports, provides, or</u>	1250
<u>obtains or attempts to recruit, lure, entice, harbor, transport,</u>	1251
<u>provide, or obtain another person to engage in a violation of</u>	1252
<u>section 2905.01, 2905.02, 2907.21, 2907.22, 2907.32, 2907.321,</u>	1253

2907.322, or 2907.323 of the Revised Code or a violation of any 1254
former law of this state, any existing or former municipal 1255
ordinance or law of another state or the United States, or any 1256
existing or former law of any nation other than the United States 1257
that is or was substantially equivalent to one of these offenses 1258
and either of the following applies: 1259

(a) For an adult victim, the offender recruited, lured, 1260
enticed, harbored, transported, provided, or obtained or attempted 1261
to recruit, lure, entice, harbor, transport, provide, or obtain 1262
the victim for the purpose of engaging in a commercial sex act, a 1263
sexually explicit performance, labor, or services by doing one of 1264
the following: 1265

(i) By causing or threatening to cause serious bodily harm to 1266
the victim or another person; 1267

(ii) By physically restraining the victim or another person; 1268

(iii) By knowingly destroying, concealing, removing, 1269
confiscating, or possessing any actual or purported passport or 1270
other immigration document or any other actual or purported 1271
government identification document of another person; 1272

(iv) By means of the abuse or threatened abuse of the law or 1273
legal process; 1274

(v) By extortion; 1275

(vi) By deception or fraud; 1276

(vii) By debt bondage; 1277

(viii) By causing or threatening to cause financial harm to 1278
any person; 1279

(ix) By facilitating or controlling a person's access to any 1280
addictive controlled substance; 1281

(x) By causing any scheme, plan, or pattern to cause a person 1282
to believe that if the person does not perform a commercial sex 1283

act, sexually explicit performance, labor, or services that person 1284
will suffer serious physical harm or unlawful restraint. 1285

(b) If the victim is a minor, the offender recruited, lured, 1286
enticed, harbored, transported, provided, or obtained or attempted 1287
to recruit, lure, entice, harbor, transport, provide, or obtain 1288
the victim for the purpose of engaging in a commercial sex act, a 1289
sexually explicit performance, labor, or services by any means. 1290

(2) Benefits financially or receives anything of value from 1291
participation as an organizer, supervisor, financier, or manager 1292
in a scheme or course of conduct described in division (H)(1) of 1293
this section. 1294

Sec. 2905.32. (A) No person shall engage in a pattern of 1295
trafficking in persons. 1296

(B) Whoever violates this section is guilty of trafficking in 1297
persons, a felony of the first degree. 1298

(C) Evidence of any of the following does not constitute a 1299
defense to a violation of this section: 1300

(1) The victim's sexual history or history of performing a 1301
commercial sex act; 1302

(2) The victim's connection by blood or marriage to the 1303
defendant; 1304

(3) Consent of or permission by the victim or any other 1305
person on the victim's behalf to performing a commercial sex act 1306
or a sexually explicit performance; 1307

(4) The victim's age. 1308

(D) In addition to any other penalty or disposition 1309
authorized or required by law, the court shall order any person 1310
who is convicted of, pleads guilty to, or is adjudicated a 1311
delinquent child for a violation of division (A) of this section 1312

to forfeit any proceeds, as defined in section 2981.01 of the 1313
Revised Code, that were derived from or acquired through the 1314
commission of a violation of division (A) of this section. The 1315
provisions of Chapter 2981. of the Revised Code shall govern the 1316
forfeiture of the proceeds described in this division except that 1317
proceeds forfeited under that chapter for the commission of a 1318
violation of division (A) of this section shall first be used to 1319
pay restitution to the victim of a violation of division (A) of 1320
this section as provided in section 2929.181 of the Revised Code, 1321
as well as to pay any punitive or exemplary damages awarded to 1322
that victim in a civil action filed pursuant to section 2307.54 of 1323
the Revised Code. 1324

Sec. 2905.33. (A) An organization that knowingly aids a 1325
person in or participates in a violation of section 2905.32 of the 1326
Revised Code is criminally liable in accordance with section 1327
2901.23 of the Revised Code. 1328

(B) In addition to any fine imposed under section 2901.23 of 1329
the Revised Code, if an organization is convicted of violating 1330
section 2905.32 of the Revised Code, the court may do any of the 1331
following: 1332

(1) Order the dissolution or reorganization of the 1333
organization; 1334

(2) Order the suspension or revocation of any license, 1335
permit, or prior approval granted to the organization by any state 1336
agency; 1337

(3) Order the surrender of the organization's charter if the 1338
organization is organized under the laws of this state or the 1339
revocation of the organization's certificate to conduct business 1340
in this state if the organization is not organized under the laws 1341
of this state. 1342

Sec. 2905.34. If a victim of a violation of section 2905.32 1343
of the Revised Code violates any provision of Title XXIX of the 1344
Revised Code, it is an affirmative defense to a charge of a 1345
violation of that provision that the victim was under duress or 1346
coercion at the time the victim violated that provision and the 1347
victim committed the violation because of that duress or coercion. 1348

Sec. 2921.22. (A) No person, knowing that a felony has been 1349
or is being committed, shall knowingly fail to report such 1350
information to law enforcement authorities. 1351

(B) Except for conditions that are within the scope of 1352
division (E) of this section, no physician, limited practitioner, 1353
nurse, or other person giving aid to a sick or injured person 1354
shall negligently fail to report to law enforcement authorities 1355
any gunshot or stab wound treated or observed by the physician, 1356
limited practitioner, nurse, or person, or any serious physical 1357
harm to persons that the physician, limited practitioner, nurse, 1358
or person knows or has reasonable cause to believe resulted from 1359
an offense of violence. 1360

(C) No person who discovers the body or acquires the first 1361
knowledge of the death of a person shall fail to report the death 1362
immediately to a physician whom the person knows to be treating 1363
the deceased for a condition from which death at such time would 1364
not be unexpected, or to a law enforcement officer, an ambulance 1365
service, an emergency squad, or the coroner in a political 1366
subdivision in which the body is discovered, the death is believed 1367
to have occurred, or knowledge concerning the death is obtained. 1368

(D) No person shall fail to provide upon request of the 1369
person to whom a report required by division (C) of this section 1370
was made, or to any law enforcement officer who has reasonable 1371
cause to assert the authority to investigate the circumstances 1372

surrounding the death, any facts within the person's knowledge 1373
that may have a bearing on the investigation of the death. 1374

(E)(1) As used in this division, "burn injury" means any of 1375
the following: 1376

(a) Second or third degree burns; 1377

(b) Any burns to the upper respiratory tract or laryngeal 1378
edema due to the inhalation of superheated air; 1379

(c) Any burn injury or wound that may result in death; 1380

(d) Any physical harm to persons caused by or as the result 1381
of the use of fireworks, novelties and trick noisemakers, and wire 1382
sparklers, as each is defined by section 3743.01 of the Revised 1383
Code. 1384

(2) No physician, nurse, or limited practitioner who, outside 1385
a hospital, sanitarium, or other medical facility, attends or 1386
treats a person who has sustained a burn injury that is inflicted 1387
by an explosion or other incendiary device or that shows evidence 1388
of having been inflicted in a violent, malicious, or criminal 1389
manner shall fail to report the burn injury immediately to the 1390
local arson, or fire and explosion investigation, bureau, if there 1391
is a bureau of this type in the jurisdiction in which the person 1392
is attended or treated, or otherwise to local law enforcement 1393
authorities. 1394

(3) No manager, superintendent, or other person in charge of 1395
a hospital, sanitarium, or other medical facility in which a 1396
person is attended or treated for any burn injury that is 1397
inflicted by an explosion or other incendiary device or that shows 1398
evidence of having been inflicted in a violent, malicious, or 1399
criminal manner shall fail to report the burn injury immediately 1400
to the local arson, or fire and explosion investigation, bureau, 1401
if there is a bureau of this type in the jurisdiction in which the 1402
person is attended or treated, or otherwise to local law 1403

enforcement authorities. 1404

(4) No person who is required to report any burn injury under 1405
division (E)(2) or (3) of this section shall fail to file, within 1406
three working days after attending or treating the victim, a 1407
written report of the burn injury with the office of the state 1408
fire marshal. The report shall comply with the uniform standard 1409
developed by the state fire marshal pursuant to division (A)(15) 1410
of section 3737.22 of the Revised Code. 1411

(5) Anyone participating in the making of reports under 1412
division (E) of this section or anyone participating in a judicial 1413
proceeding resulting from the reports is immune from any civil or 1414
criminal liability that otherwise might be incurred or imposed as 1415
a result of such actions. Notwithstanding section 4731.22 of the 1416
Revised Code, the physician-patient relationship is not a ground 1417
for excluding evidence regarding a person's burn injury or the 1418
cause of the burn injury in any judicial proceeding resulting from 1419
a report submitted under division (E) of this section. 1420

(F)(1) Any doctor of medicine or osteopathic medicine, 1421
hospital intern or resident, registered or licensed practical 1422
nurse, psychologist, social worker, independent social worker, 1423
social work assistant, professional clinical counselor, or 1424
professional counselor who knows or has reasonable cause to 1425
believe that a patient or client has been the victim of domestic 1426
violence, as defined in section 3113.31 of the Revised Code, shall 1427
note that knowledge or belief and the basis for it in the 1428
patient's or client's records. 1429

(2) Notwithstanding section 4731.22 of the Revised Code, the 1430
doctor-patient privilege shall not be a ground for excluding any 1431
information regarding the report containing the knowledge or 1432
belief noted under division (F)(1) of this section, and the 1433
information may be admitted as evidence in accordance with the 1434
Rules of Evidence. 1435

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; ~~or~~ a communications assistant and those who are a party to a telecommunications relay service call; or a victim of a violation of section 2905.32 of the Revised Code and a trafficking-in-persons caseworker, as defined in section 2317.02 of the Revised Code.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to section 3793.06 of the Revised Code.

(6) Disclosure would amount to revealing information acquired 1467
by the actor in the course of the actor's duties in connection 1468
with a bona fide program for providing counseling services to 1469
victims of crimes that are violations of section 2907.02 or 1470
2907.05 of the Revised Code or to victims of felonious sexual 1471
penetration in violation of former section 2907.12 of the Revised 1472
Code. As used in this division, "counseling services" include 1473
services provided in an informal setting by a person who, by 1474
education or experience, is competent to provide those services. 1475

(H) No disclosure of information pursuant to this section 1476
gives rise to any liability or recrimination for a breach of 1477
privilege or confidence. 1478

(I) Whoever violates division (A) or (B) of this section is 1479
guilty of failure to report a crime. Violation of division (A) of 1480
this section is a misdemeanor of the fourth degree. Violation of 1481
division (B) of this section is a misdemeanor of the second 1482
degree. 1483

(J) Whoever violates division (C) or (D) of this section is 1484
guilty of failure to report knowledge of a death, a misdemeanor of 1485
the fourth degree. 1486

(K)(1) Whoever negligently violates division (E) of this 1487
section is guilty of a minor misdemeanor. 1488

(2) Whoever knowingly violates division (E) of this section 1489
is guilty of a misdemeanor of the second degree. 1490

Sec. 2923.01. (A) No person, with purpose to commit or to 1491
promote or facilitate the commission of aggravated murder, murder, 1492
kidnapping, compelling prostitution, promoting prostitution, 1493
trafficking in persons, aggravated arson, arson, aggravated 1494
robbery, robbery, aggravated burglary, burglary, engaging in a 1495
pattern of corrupt activity, corrupting another with drugs, a 1496

felony drug trafficking, manufacturing, processing, or possession 1497
offense, theft of drugs, or illegal processing of drug documents, 1498
the commission of a felony offense of unauthorized use of a 1499
vehicle, illegally transmitting multiple commercial electronic 1500
mail messages or unauthorized access of a computer in violation of 1501
section 2923.421 of the Revised Code, or the commission of a 1502
violation of any provision of Chapter 3734. of the Revised Code, 1503
other than section 3734.18 of the Revised Code, that relates to 1504
hazardous wastes, shall do either of the following: 1505

(1) With another person or persons, plan or aid in planning 1506
the commission of any of the specified offenses; 1507

(2) Agree with another person or persons that one or more of 1508
them will engage in conduct that facilitates the commission of any 1509
of the specified offenses. 1510

(B) No person shall be convicted of conspiracy unless a 1511
substantial overt act in furtherance of the conspiracy is alleged 1512
and proved to have been done by the accused or a person with whom 1513
the accused conspired, subsequent to the accused's entrance into 1514
the conspiracy. For purposes of this section, an overt act is 1515
substantial when it is of a character that manifests a purpose on 1516
the part of the actor that the object of the conspiracy should be 1517
completed. 1518

(C) When the offender knows or has reasonable cause to 1519
believe that a person with whom the offender conspires also has 1520
conspired or is conspiring with another to commit the same 1521
offense, the offender is guilty of conspiring with that other 1522
person, even though the other person's identity may be unknown to 1523
the offender. 1524

(D) It is no defense to a charge under this section that, in 1525
retrospect, commission of the offense that was the object of the 1526
conspiracy was impossible under the circumstances. 1527

(E) A conspiracy terminates when the offense or offenses that
are its objects are committed or when it is abandoned by all
conspirators. In the absence of abandonment, it is no defense to a
charge under this section that no offense that was the object of
the conspiracy was committed.

(F) A person who conspires to commit more than one offense is
guilty of only one conspiracy, when the offenses are the object of
the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to
commit a specific offense or of complicity in the commission of or
attempt to commit the specific offense, the person shall not be
convicted of conspiracy involving the same offense.

(H)(1) No person shall be convicted of conspiracy upon the
testimony of a person with whom the defendant conspired,
unsupported by other evidence.

(2) If a person with whom the defendant allegedly has
conspired testifies against the defendant in a case in which the
defendant is charged with conspiracy and if the testimony is
supported by other evidence, the court, when it charges the jury,
shall state substantially the following:

"The testimony of an accomplice that is supported by other
evidence does not become inadmissible because of the accomplice's
complicity, moral turpitude, or self-interest, but the admitted or
claimed complicity of a witness may affect the witness'
credibility and make the witness' testimony subject to grave
suspicion, and require that it be weighed with great caution.

It is for you, as jurors, in the light of all the facts
presented to you from the witness stand, to evaluate such
testimony and to determine its quality and worth or its lack of
quality and worth."

(3) "Conspiracy," as used in division (H)(1) of this section,

does not include any conspiracy that results in an attempt to 1559
commit an offense or in the commission of an offense. 1560

(I) The following are affirmative defenses to a charge of 1561
conspiracy: 1562

(1) After conspiring to commit an offense, the actor thwarted 1563
the success of the conspiracy under circumstances manifesting a 1564
complete and voluntary renunciation of the actor's criminal 1565
purpose. 1566

(2) After conspiring to commit an offense, the actor 1567
abandoned the conspiracy prior to the commission of or attempt to 1568
commit any offense that was the object of the conspiracy, either 1569
by advising all other conspirators of the actor's abandonment, or 1570
by informing any law enforcement authority of the existence of the 1571
conspiracy and of the actor's participation in the conspiracy. 1572

(J) Whoever violates this section is guilty of conspiracy, 1573
which is one of the following: 1574

(1) A felony of the first degree, when one of the objects of 1575
the conspiracy is aggravated murder, murder, trafficking in 1576
persons, or an offense for which the maximum penalty is 1577
imprisonment for life; 1578

(2) A felony of the next lesser degree than the most serious 1579
offense that is the object of the conspiracy, when the most 1580
serious offense that is the object of the conspiracy is a felony 1581
of the first, second, third, or fourth degree; 1582

(3) A felony punishable by a fine of not more than 1583
twenty-five thousand dollars or imprisonment for not more than 1584
eighteen months, or both, when the offense that is the object of 1585
the conspiracy is a violation of any provision of Chapter 3734. of 1586
the Revised Code, other than section 3734.18 of the Revised Code, 1587
that relates to hazardous wastes; 1588

(4) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree. 1589
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(K) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of the Revised Code, other than this section. In such a case, however: 1592
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(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, division (A) of this section defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy; 1596
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(2) Divisions (B) to (I) of this section are incorporated by reference in the conspiracy offense defined by the other section or sections of the Revised Code. 1600
1601
1602

(L)(1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2), (3), (4), and (5) of section 2923.32 of the Revised Code. 1603
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(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing, or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under division (J)(2) or (4) of this section and Chapter 2929. of the Revised Code, both of the following apply: 1607
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(a) The provisions of divisions (D), (F), and (G) of section 2925.03, division (D) of section 2925.04, division (D) of section 2925.05, division (D) of section 2925.06, and division (E) of section 2925.11 of the Revised Code that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that 1614
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would apply under the appropriate provisions of those divisions to 1620
a person who is convicted of or pleads guilty to the felony drug 1621
trafficking, manufacturing, processing, or possession offense that 1622
is the most serious offense that is the basis of the conspiracy 1623
shall apply to the person who is convicted of or pleads guilty to 1624
the conspiracy as if the person had been convicted of or pleaded 1625
guilty to the felony drug trafficking, manufacturing, processing, 1626
or possession offense that is the most serious offense that is the 1627
basis of the conspiracy. 1628

(b) The court that imposes sentence upon the person who is 1629
convicted of or pleads guilty to the conspiracy shall comply with 1630
the provisions identified as being applicable under division 1631
(L)(2) of this section, in addition to any other penalty or 1632
sanction that it imposes for the conspiracy under division (J)(2) 1633
or (4) of this section and Chapter 2929. of the Revised Code. 1634

(M) As used in this section: 1635

(1) "Felony drug trafficking, manufacturing, processing, or 1636
possession offense" means any of the following that is a felony: 1637

(a) A violation of section 2925.03, 2925.04, 2925.05, or 1638
2925.06 of the Revised Code; 1639

(b) A violation of section 2925.11 of the Revised Code that 1640
is not a minor drug possession offense. 1641

(2) "Minor drug possession offense" has the same meaning as 1642
in section 2925.01 of the Revised Code. 1643

Sec. 2929.18. (A) Except as otherwise provided in this 1644
division and in addition to imposing court costs pursuant to 1645
section 2947.23 of the Revised Code, the court imposing a sentence 1646
upon an offender for a felony may sentence the offender to any 1647
financial sanction or combination of financial sanctions 1648
authorized under this section or, in the circumstances specified 1649

in section 2929.32 of the Revised Code, may impose upon the 1650
offender a fine in accordance with that section. Financial 1651
sanctions that may be imposed pursuant to this section include, 1652
but are not limited to, the following: 1653

(1) ~~Restitution~~ Except as otherwise provided in section 1654
2929.181 of the Revised Code, restitution by the offender to the 1655
victim of the offender's crime or any survivor of the victim, in 1656
an amount based on the victim's economic loss. If the court 1657
imposes restitution, the court shall order that the restitution be 1658
made to the victim in open court, to the adult probation 1659
department that serves the county on behalf of the victim, to the 1660
clerk of courts, or to another agency designated by the court. If 1661
the court imposes restitution, at sentencing, the court shall 1662
determine the amount of restitution to be made by the offender. If 1663
the court imposes restitution, the court may base the amount of 1664
restitution it orders on an amount recommended by the victim, the 1665
offender, a presentence investigation report, estimates or 1666
receipts indicating the cost of repairing or replacing property, 1667
and other information, provided that the amount the court orders 1668
as restitution shall not exceed the amount of the economic loss 1669
suffered by the victim as a direct and proximate result of the 1670
commission of the offense. If the court decides to impose 1671
restitution, the court shall hold a hearing on restitution if the 1672
offender, victim, or survivor disputes the amount. All restitution 1673
payments shall be credited against any recovery of economic loss 1674
in a civil action brought by the victim or any survivor of the 1675
victim against the offender. 1676

If the court imposes restitution, the court may order that 1677
the offender pay a surcharge of not more than five per cent of the 1678
amount of the restitution otherwise ordered to the entity 1679
responsible for collecting and processing restitution payments. 1680

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code. 1711
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(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following: 1713
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(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code; 1716
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(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. 1719
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section. 1725
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(c) Reimbursement by the offender for costs pursuant to 1741

section 2929.71 of the Revised Code. 1742

(B)(1) For a first, second, or third degree felony violation 1743
of any provision of Chapter 2925., 3719., or 4729. of the Revised 1744
Code, the sentencing court shall impose upon the offender a 1745
mandatory fine of at least one-half of, but not more than, the 1746
maximum statutory fine amount authorized for the level of the 1747
offense pursuant to division (A)(3) of this section. If an 1748
offender alleges in an affidavit filed with the court prior to 1749
sentencing that the offender is indigent and unable to pay the 1750
mandatory fine and if the court determines the offender is an 1751
indigent person and is unable to pay the mandatory fine described 1752
in this division, the court shall not impose the mandatory fine 1753
upon the offender. 1754

(2) Any mandatory fine imposed upon an offender under 1755
division (B)(1) of this section and any fine imposed upon an 1756
offender under division (A)(2) or (3) of this section for any 1757
fourth or fifth degree felony violation of any provision of 1758
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 1759
to law enforcement agencies pursuant to division (F) of section 1760
2925.03 of the Revised Code. 1761

(3) For a fourth degree felony OVI offense and for a third 1762
degree felony OVI offense, the sentencing court shall impose upon 1763
the offender a mandatory fine in the amount specified in division 1764
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 1765
is applicable. The mandatory fine so imposed shall be disbursed as 1766
provided in the division pursuant to which it is imposed. 1767

(4) Notwithstanding any fine otherwise authorized or required 1768
to be imposed under division (A)(2) or (3) or (B)(1) of this 1769
section or section 2929.31 of the Revised Code for a violation of 1770
section 2925.03 of the Revised Code, in addition to any penalty or 1771
sanction imposed for that offense under section 2925.03 or 1772
sections 2929.11 to 2929.18 of the Revised Code and in addition to 1773

the forfeiture of property in connection with the offense as 1774
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the 1775
court that sentences an offender for a violation of section 1776
2925.03 of the Revised Code may impose upon the offender a fine in 1777
addition to any fine imposed under division (A)(2) or (3) of this 1778
section and in addition to any mandatory fine imposed under 1779
division (B)(1) of this section. The fine imposed under division 1780
(B)(4) of this section shall be used as provided in division (H) 1781
of section 2925.03 of the Revised Code. A fine imposed under 1782
division (B)(4) of this section shall not exceed whichever of the 1783
following is applicable: 1784

(a) The total value of any personal or real property in which 1785
the offender has an interest and that was used in the course of, 1786
intended for use in the course of, derived from, or realized 1787
through conduct in violation of section 2925.03 of the Revised 1788
Code, including any property that constitutes proceeds derived 1789
from that offense; 1790

(b) If the offender has no interest in any property of the 1791
type described in division (B)(4)(a) of this section or if it is 1792
not possible to ascertain whether the offender has an interest in 1793
any property of that type in which the offender may have an 1794
interest, the amount of the mandatory fine for the offense imposed 1795
under division (B)(1) of this section or, if no mandatory fine is 1796
imposed under division (B)(1) of this section, the amount of the 1797
fine authorized for the level of the offense imposed under 1798
division (A)(3) of this section. 1799

(5) Prior to imposing a fine under division (B)(4) of this 1800
section, the court shall determine whether the offender has an 1801
interest in any property of the type described in division 1802
(B)(4)(a) of this section. Except as provided in division (B)(6) 1803
or (7) of this section, a fine that is authorized and imposed 1804
under division (B)(4) of this section does not limit or affect the 1805

imposition of the penalties and sanctions for a violation of 1806
section 2925.03 of the Revised Code prescribed under those 1807
sections or sections 2929.11 to 2929.18 of the Revised Code and 1808
does not limit or affect a forfeiture of property in connection 1809
with the offense as prescribed in sections 2925.42 to 2925.45 of 1810
the Revised Code. 1811

(6) If the sum total of a mandatory fine amount imposed for a 1812
first, second, or third degree felony violation of section 2925.03 1813
of the Revised Code under division (B)(1) of this section plus the 1814
amount of any fine imposed under division (B)(4) of this section 1815
does not exceed the maximum statutory fine amount authorized for 1816
the level of the offense under division (A)(3) of this section or 1817
section 2929.31 of the Revised Code, the court may impose a fine 1818
for the offense in addition to the mandatory fine and the fine 1819
imposed under division (B)(4) of this section. The sum total of 1820
the amounts of the mandatory fine, the fine imposed under division 1821
(B)(4) of this section, and the additional fine imposed under 1822
division (B)(6) of this section shall not exceed the maximum 1823
statutory fine amount authorized for the level of the offense 1824
under division (A)(3) of this section or section 2929.31 of the 1825
Revised Code. The clerk of the court shall pay any fine that is 1826
imposed under division (B)(6) of this section to the county, 1827
township, municipal corporation, park district as created pursuant 1828
to section 511.18 or 1545.04 of the Revised Code, or state law 1829
enforcement agencies in this state that primarily were responsible 1830
for or involved in making the arrest of, and in prosecuting, the 1831
offender pursuant to division (F) of section 2925.03 of the 1832
Revised Code. 1833

(7) If the sum total of the amount of a mandatory fine 1834
imposed for a first, second, or third degree felony violation of 1835
section 2925.03 of the Revised Code plus the amount of any fine 1836
imposed under division (B)(4) of this section exceeds the maximum 1837

statutory fine amount authorized for the level of the offense 1838
under division (A)(3) of this section or section 2929.31 of the 1839
Revised Code, the court shall not impose a fine under division 1840
(B)(6) of this section. 1841

(C)(1) The offender shall pay reimbursements imposed upon the 1842
offender pursuant to division (A)(5)(a) of this section to pay the 1843
costs incurred by the department of rehabilitation and correction 1844
in operating a prison or other facility used to confine offenders 1845
pursuant to sanctions imposed under section 2929.14 or 2929.16 of 1846
the Revised Code to the treasurer of state. The treasurer of state 1847
shall deposit the reimbursements in the confinement cost 1848
reimbursement fund that is hereby created in the state treasury. 1849
The department of rehabilitation and correction shall use the 1850
amounts deposited in the fund to fund the operation of facilities 1851
used to confine offenders pursuant to sections 2929.14 and 2929.16 1852
of the Revised Code. 1853

(2) Except as provided in section 2951.021 of the Revised 1854
Code, the offender shall pay reimbursements imposed upon the 1855
offender pursuant to division (A)(5)(a) of this section to pay the 1856
costs incurred by a county pursuant to any sanction imposed under 1857
this section or section 2929.16 or 2929.17 of the Revised Code or 1858
in operating a facility used to confine offenders pursuant to a 1859
sanction imposed under section 2929.16 of the Revised Code to the 1860
county treasurer. The county treasurer shall deposit the 1861
reimbursements in the sanction cost reimbursement fund that each 1862
board of county commissioners shall create in its county treasury. 1863
The county shall use the amounts deposited in the fund to pay the 1864
costs incurred by the county pursuant to any sanction imposed 1865
under this section or section 2929.16 or 2929.17 of the Revised 1866
Code or in operating a facility used to confine offenders pursuant 1867
to a sanction imposed under section 2929.16 of the Revised Code. 1868

(3) Except as provided in section 2951.021 of the Revised 1869

Code, the offender shall pay reimbursements imposed upon the 1870
offender pursuant to division (A)(5)(a) of this section to pay the 1871
costs incurred by a municipal corporation pursuant to any sanction 1872
imposed under this section or section 2929.16 or 2929.17 of the 1873
Revised Code or in operating a facility used to confine offenders 1874
pursuant to a sanction imposed under section 2929.16 of the 1875
Revised Code to the treasurer of the municipal corporation. The 1876
treasurer shall deposit the reimbursements in a special fund that 1877
shall be established in the treasury of each municipal 1878
corporation. The municipal corporation shall use the amounts 1879
deposited in the fund to pay the costs incurred by the municipal 1880
corporation pursuant to any sanction imposed under this section or 1881
section 2929.16 or 2929.17 of the Revised Code or in operating a 1882
facility used to confine offenders pursuant to a sanction imposed 1883
under section 2929.16 of the Revised Code. 1884

(4) Except as provided in section 2951.021 of the Revised 1885
Code, the offender shall pay reimbursements imposed pursuant to 1886
division (A)(5)(a) of this section for the costs incurred by a 1887
private provider pursuant to a sanction imposed under this section 1888
or section 2929.16 or 2929.17 of the Revised Code to the provider. 1889

(D) Except as otherwise provided in this division, a 1890
financial sanction imposed pursuant to division (A) or (B) of this 1891
section is a judgment in favor of the state or a political 1892
subdivision in which the court that imposed the financial sanction 1893
is located, and the offender subject to the financial sanction is 1894
the judgment debtor. A financial sanction of reimbursement imposed 1895
pursuant to division (A)(5)(a)(ii) of this section upon an 1896
offender who is incarcerated in a state facility or a municipal 1897
jail is a judgment in favor of the state or the municipal 1898
corporation, and the offender subject to the financial sanction is 1899
the judgment debtor. A financial sanction of reimbursement imposed 1900
upon an offender pursuant to this section for costs incurred by a 1901

private provider of sanctions is a judgment in favor of the 1902
private provider, and the offender subject to the financial 1903
sanction is the judgment debtor. A financial sanction of 1904
restitution imposed pursuant to this section is an order in favor 1905
of the victim of the offender's criminal act that can be collected 1906
through execution as described in division (D)(1) of this section 1907
or through an order as described in division (D)(2) of this 1908
section, and the offender shall be considered for purposes of the 1909
collection as the judgment debtor. Imposition of a financial 1910
sanction and execution on the judgment does not preclude any other 1911
power of the court to impose or enforce sanctions on the offender. 1912
Once the financial sanction is imposed as a judgment or order 1913
under this division, the victim, private provider, state, or 1914
political subdivision may bring an action to do any of the 1915
following: 1916

(1) Obtain execution of the judgment or order through any 1917
available procedure, including: 1918

(a) An execution against the property of the judgment debtor 1919
under Chapter 2329. of the Revised Code; 1920

(b) An execution against the person of the judgment debtor 1921
under Chapter 2331. of the Revised Code; 1922

(c) A proceeding in aid of execution under Chapter 2333. of 1923
the Revised Code, including: 1924

(i) A proceeding for the examination of the judgment debtor 1925
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 1926
of the Revised Code; 1927

(ii) A proceeding for attachment of the person of the 1928
judgment debtor under section 2333.28 of the Revised Code; 1929

(iii) A creditor's suit under section 2333.01 of the Revised 1930
Code. 1931

(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	1932 1933
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	1934 1935
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	1936 1937
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	1938 1939 1940 1941
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.	1955 1956 1957 1958 1959 1960 1961
(H) No financial sanction imposed under this section or	1962

section 2929.32 of the Revised Code shall preclude a victim from bringing a civil action against the offender.

Sec. 2929.181. (A) The court shall require an offender who is convicted of or pleads guilty to a violation of section 2905.32 of the Revised Code to pay restitution to the victim of the offender's crime or to any survivor of that victim.

(B) Restitution under this section shall include all of the following:

(1) The cost of medical and psychological treatment for the victim;

(2) The cost of physical and occupational therapy and rehabilitation for the victim;

(3) The cost of necessary transportation, temporary housing, and child care for the victim;

(4) Attorney's fees and other costs;

(5) The greater of the following:

(a) The gross income or value to the defendant of all commercial sex acts, sexually explicit performances, labor, or services of the victim that were performed as a result of the offense;

(b) The value of the victim's labor that was performed as a result of the offense as guaranteed under the minimum wage and overtime provisions of the "Fair Labor Standards Act," 52 Stat. 1062, 29 U.S.C.A. 201, as amended, and state labor laws.

(6) The return of property of the victim, the cost of damage to property of the victim, or full value of the property if the property is destroyed;

(7) Compensation for emotional distress, pain, and suffering;

(8) Expenses incurred by an adult victim in relocating away

from the defendant, including, but not limited to, deposits for 1992
utilities and telephone service, deposits for rental housing, 1993
temporary lodging, food expenses, clothing, and personal items. 1994
Expenses incurred pursuant to this division shall be verified by a 1995
law enforcement agency to be necessary for the personal safety of 1996
the victim or by a mental health treatment provider to be 1997
necessary for the emotional well-being of the victim. 1998

(C) The offender shall promptly pay restitution to the victim 1999
upon the conviction of the offender, with the proceeds from 2000
property forfeited pursuant to division (D) of section 2905.32 and 2001
Chapter 2981. of the Revised Code applied first to the payment of 2002
restitution notwithstanding any provision in that chapter to the 2003
contrary. The return of the victim to the victim's home country or 2004
other absence of the victim from the jurisdiction shall not 2005
prevent the victim from receiving restitution. 2006

(D) As used in this section, "commercial sex act," "labor," 2007
"services," and "sexually explicit performance" have the same 2008
meanings as in section 2905.31 of the Revised Code. 2009

Sec. 2930.21. A law enforcement agency shall take all steps 2010
necessary to identify victims of violations of section 2905.32 of 2011
the Revised Code, including interviewing all persons charged with 2012
a violation of section 2907.25 of the Revised Code. A law 2013
enforcement agency that identifies a victim of a violation of 2014
section 2905.32 of the Revised Code shall provide reasonable 2015
protection to the victim to prevent recapture of the victim by the 2016
person who committed the violation or the associates of that 2017
person, secure the victim and the victim's family from threats, 2018
reprisals, or intimidation by the person who committed the 2019
violation or the associates of that person, and ensure that the 2020
victim has an opportunity to consult with a victim advocate or 2021
other appropriate person to develop a safety plan for the victim. 2022

Sec. 2930.22. (A) Within one hundred eighty days of the 2023
effective date of this section, the attorney general, in 2024
consultation with the directors of the departments of job and 2025
family services, health, and mental health and the state public 2026
defender, or their designees, shall develop a plan for the 2027
provision of appropriate services for victims of violations of 2028
section 2905.32 of the Revised Code and dependent children 2029
accompanying the victims, including, but not limited to, the 2030
following: 2031

(1) Appropriate housing, considering the person's status as a 2032
victim of crime, and including safe conditions for sleeping, 2033
eating, and personal hygiene; 2034

(2) Psychological counseling in a language the victim can 2035
comprehend; 2036

(3) Medical assistance in a language the victim can 2037
comprehend; 2038

(4) Employment, educational, and training opportunities for 2039
the victim; 2040

(5) Legal assistance in a language the victim can comprehend. 2041

(B) A victim's residence in a shelter or other facility shall 2042
be voluntary. 2043

(C) A victim of a violation of section 2905.32 of the Revised 2044
Code shall be given the option to communicate with and receive 2045
visits from family, friends, an attorney, and victim's rights 2046
advocates. 2047

(D) Whenever possible, a victim of a violation of section 2048
2905.32 of the Revised Code shall not be housed in a prison or 2049
other detention facility for accused or convicted offenders. A 2050
child victim of a violation of section 2905.32 of the Revised Code 2051
shall not be housed in a prison or other detention facility for 2052

accused or convicted offenders under any circumstances. 2053

(E) The attorney general shall take into consideration the 2054
age, gender, and special needs of a victim of a violation of 2055
section 2905.32 of the Revised Code and the victim's dependent 2056
children in creating a plan to provide services to victims of 2057
violations of that section and in delivering services to those 2058
victims and children. 2059

(F) To the extent that other sources of funding for victim 2060
services are unavailable, the costs of providing the services to 2061
victims of a violation of section 2905.32 of the Revised Code 2062
described in this section shall be paid out of funds from the 2063
reparations fund created pursuant to section 2743.191 of the 2064
Revised Code. 2065

Sec. 2930.23. (A) A victim of a violation of section 2905.32 2066
of the Revised Code who is a minor shall be provided with 2067
appropriate services, which may include an explanation of the 2068
victim's rights, privacy, housing, care, and age-appropriate 2069
support and rights. 2070

(B) The Ohio Supreme court shall develop special procedures 2071
to accommodate witnesses who are minors, including procedures for 2072
taking the testimony of a minor outside a court setting or by 2073
video and procedures to ensure that all testimony of a minor 2074
witness and all court proceedings otherwise involving a minor take 2075
place with the minor's parent, legal guardian, or foster parent 2076
present. 2077

(C) The department of job and family services shall develop 2078
procedures for reuniting the minor with family members in the 2079
minor's country of origin or destination country whenever it is 2080
possible and safe to do so. 2081

(D) The departments of health and mental health shall develop 2082

procedures for providing special physical and mental health care 2083
tailored to the minor's needs. 2084

(E) To the extent that other sources of funding for victim 2085
services are unavailable, the costs of providing the services to 2086
victims of a violation of section 2905.32 of the Revised Code 2087
described in this section shall be paid out of funds from the 2088
reparations fund created pursuant to section 2743.191 of the 2089
Revised Code. 2090

Section 2. That existing sections 109.42, 109.73, 2317.02, 2091
2743.191, 2901.13, 2921.22, 2923.01, and 2929.18 of the Revised 2092
Code are hereby repealed. 2093

Section 3. (A) There is hereby created the Ohio Prevention of 2094
Trafficking in Persons Task Force, consisting of eleven members to 2095
be appointed by the Governor. The task force shall develop and 2096
implement a plan for the prevention of trafficking in persons. The 2097
task force shall study all aspects of trafficking, including, but 2098
not limited to, sex trafficking and labor trafficking of citizens 2099
of the United States and citizens of foreign countries. 2100

(B) The task force shall include the following members: 2101

(1) A representative from the Attorney General's office; 2102

(2) A representative from the Ohio Association of Chiefs of 2103
Police; 2104

(3) A representative from the Buckeye State Sheriffs 2105
Association; 2106

(4) A representative from the Department of Public Safety, 2107
representing the State Highway Patrol; 2108

(5) A representative from the Department of Health; 2109

(6) A representative from the Department of Job and Family 2110
services; 2111

(7) A representative from the Supreme Court;	2112
(8) Four persons with experience in the private sector or academic institutions with the issues involved in trafficking in persons, children's services, and runaway services.	2113 2114 2115
(C) The task force shall carry out the following activities:	2116
(1) Develop a state plan for the prevention of trafficking in persons;	2117 2118
(2) Explore the establishment of state policies for time limits for the issuance of the law enforcement agency endorsement regulations, 8 C.F.R. 214.11(f)(1)(2006);	2119 2120 2121
(3) Recommend policies to enable the state to work with nongovernmental organizations to prevent trafficking in persons and provide assistance to citizens of the United States and foreign nations who are victims of trafficking in persons;	2122 2123 2124 2125
(4) Review the existing services and facilities that aid victims of trafficking in persons and recommend a system that would coordinate those services, including, but not limited to, health services, housing, education and job training, English as a second language courses, interpreting services, legal and immigration services, and victim compensation;	2126 2127 2128 2129 2130 2131
(5) Evaluate various approaches used by other state and local governments to increase public awareness of the offense of trafficking in persons;	2132 2133 2134
(6) Recommend ways to protect a victim of trafficking in persons who is a witness to the offense, including evaluating the feasibility of witness relocation, new employment or work permits, protection of the victim's identity and location, and providing the victim with a new identity.	2135 2136 2137 2138 2139
(E) The task force shall submit a report of its findings and recommendations to the Governor, the Speaker of the House of	2140 2141

Representatives, and the President of the Senate by June 30, 2008. 2142
Upon submission of the report, the task force shall cease to 2143
exist. 2144

Section 4. Section 2317.02 of the Revised Code is presented 2145
in this act as a composite of the section as amended by both Sub. 2146
H.B. 144, Sub. S.B. 8, and Am. Sub. S.B. 17 of the 126th General 2147
Assembly. The General Assembly, applying the principle stated in 2148
division (B) of section 1.52 of the Revised Code that amendments 2149
are to be harmonized if reasonably capable of simultaneous 2150
operation, finds that the composite is the resulting version of 2151
the section in effect prior to the effective date of the section 2152
as presented in this act. 2153