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Sub. S. B. No. 3

Senator Faber

**Cosponsors: Senators Schaffer, Stivers, Jacobson, Carey, Grendell,
Schuring, Cafaro, Cates, Clancy, Fedor, Goodman, Harris, Mason, Morano,
Niehaus, Padgett, Roberts, Sawyer, Wilson, Gardner, Mumper
Representatives Daniels, Flowers, Reinhard, Schneider, Bacon, Batchelder,
Coley, Collier, Dolan, Evans, Fessler, Gibbs, Goodwin, Hagan, J., Hottinger,
Hughes, Jones, McGregor, R., Patton, Schindel, Setzer, Stebelton, Uecker,
Wachtmann, Widowfield**

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A B I L L

To amend sections 145.27, 145.40, 145.56, 145.82, 1
145.95, 742.37, 742.41, 742.47, 2329.66, 2967.16, 2
2967.17, 3305.07, 3307.20, 3307.41, 3307.56, 3
3309.22, 3309.42, 3309.66, 3309.82, 3309.95, 4
5505.04, 5505.19, and 5505.22 and to enact 5
sections 101.721, 101.921, 121.621, 145.572, 6
742.463, 2901.43, 2929.192, 3305.11, 3307.372, 7
3309.672, and 5505.262 of the Revised Code and to 8
amend Section 305.10 of Am. Sub. H.B. 119 of the 9
127th General Assembly to provide that the 10
privilege of holding a position of honor, trust, 11
or profit that is forfeited by reason of 12
conviction of certain felonies is not restored on 13
completion of a prison term, period of community 14
control sanctions or pardon or release by the 15
Adult Parole Authority; to impose as part of the 16
sentence of a person convicted of certain felonies 17

committed while serving in such a position the 18
forfeiture of the portion of any public retirement 19
benefit that is based on employer contributions; 20
to require that a person subject to a forfeiture 21
order who is eligible to retire obtain spousal 22
consent for a refund of employee contributions; to 23
provide for the notification of the appropriate 24
public retirement system if a member is charged 25
with one of the felonies that could result in such 26
a forfeiture; and to impose a lifetime ban against 27
serving as, the termination of any current 28
registration of, a legislative agent, retirement 29
system lobbyist, or executive agency lobbyist upon 30
a person convicted of certain felonies; to 31
authorize the Inspector General to conduct an 32
investigation of alleged misconduct in the Office 33
of the Attorney General; to make an appropriation 34
of money; and to declare an emergency. 35
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 145.27, 145.40, 145.56, 145.82, 37
145.95, 742.37, 742.41, 742.47, 2329.66, 2967.16, 2967.17, 38
3305.07, 3307.20, 3307.41, 3307.56, 3309.22, 3309.42, 3309.66, 39
3309.82, 3309.95, 5505.04, 5505.19, and 5505.22 be amended and 40
sections 101.721, 101.921, 121.621, 145.572, 742.463, 2901.43, 41
2929.192, 3305.11, 3307.372, 3309.672, and 5505.262 of the Revised 42
Code be enacted to read as follows: 43

Sec. 101.721. (A) No person shall be permitted to register as 44
a legislative agent under division (A) or (B) of section 101.72 of 45
the Revised Code if the person is convicted of or pleads guilty to 46

committing on or after the effective date of this section any of 47
the following offenses that is a felony: 48

(1) A violation of section 2921.02, 2921.03, 2921.05, 49
2921.41, 2921.42, or 2923.32 of the Revised Code; 50

(2) A violation of section 2913.42, 2921.04, 2921.11, 51
2921.12, 2921.31, or 2921.32 of the Revised Code if the person 52
committed the violation while the person was serving in a public 53
office and the conduct constituting the violation was related to 54
the duties of the person's public office or to the person's 55
actions as a public official holding that public office; 56

(3) A violation of an existing or former municipal ordinance 57
or law of this or any other state or the United States that is 58
substantially equivalent to any violation listed in division 59
(A)(1) of this section; 60

(4) A violation of an existing or former municipal ordinance 61
or law of this or any other state or the United States that is 62
substantially equivalent to any violation listed in division 63
(A)(2) of this section if the person committed the violation while 64
the person was serving in a public office and the conduct 65
constituting the violation was related to the duties of the 66
person's public office or to the person's actions as a public 67
official holding that public office; 68

(5) A conspiracy to commit, attempt to commit, or complicity 69
in committing any violation listed in division (A)(1) or described 70
in division (A)(3) of this section; 71

(6) A conspiracy to commit, attempt to commit, or complicity 72
in committing any violation listed in division (A)(2) or described 73
in division (A)(4) of this section if the person committed the 74
violation while the person was serving in a public office and the 75
conduct constituting the violation that was the subject of the 76
conspiracy, that would have constituted the offense attempted, or 77

constituting the violation in which the person was complicit was 78
or would have been related to the duties of the person's public 79
office or to the person's actions as a public official holding 80
that public office. 81

(B) If a legislative agent has registered with the joint 82
legislative ethics committee under division (A) or (B) of section 83
101.72 of the Revised Code and, on or after the effective date of 84
this section and during the period during which the registration 85
is valid, the legislative agent is convicted of or pleads guilty 86
to any felony offense listed or described in division (A)(1), (2), 87
(3), (4), (5), or (6) of this section in the circumstances 88
specified in the particular division, the joint legislative ethics 89
committee immediately upon becoming aware of the conviction or 90
guilty plea shall terminate the registration of the person as a 91
legislative agent, and, after the termination, the ban imposed 92
under division (A) of this section applies to the person. 93

(C) The ban imposed under division (A) of this section is a 94
lifetime ban, and the offender is forever disqualified from 95
registering as a legislative agent under section 101.72 of the 96
Revised Code. 97

(D) For purposes of divisions (A) and (B) of this section, a 98
violation of section 2923.32 of the Revised Code or any other 99
violation or offense that includes as an element a course of 100
conduct or the occurrence of multiple acts is "committed on or 101
after the effective date of this section" if the course of conduct 102
continues, one or more of the multiple acts occurs, or the subject 103
person's accountability for the course of conduct or for one or 104
more of the multiple acts continues, on or after the effective 105
date of this section. 106

(E) As used in this section, "public office" means any 107
elected federal, state, or local government office in this state. 108

Sec. 101.921. (A) No person shall be permitted to register as a retirement system lobbyist under division (A) or (B) of section 101.92 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division.

(B) If a retirement system lobbyist has registered with the joint legislative ethics committee under division (A) or (B) of section 101.92 of the Revised Code, and, on or after the effective date of this section and during the period during which the registration is valid, the retirement system lobbyist is convicted of or pleads guilty to any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division, the joint legislative ethics committee immediately upon becoming aware of the conviction or guilty plea shall terminate the registration of the person as a retirement system lobbyist, and, after the termination, the ban imposed under division (A) of this section applies to the person.

(C) The ban imposed under division (A) of this section is a lifetime ban, and the offender is forever disqualified from registering as a retirement system lobbyist under section 101.92 of the Revised Code.

(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or

more of the multiple acts continues, on or after the effective 140
date of this section. 141

Sec. 121.621. (A) No person shall be permitted to register as 142
an executive agency lobbyist under division (A) or (B) of section 143
121.62 of the Revised Code if the person is convicted of or pleads 144
guilty to committing on or after the effective date of this 145
section any felony offense listed or described in divisions (A)(1) 146
to (6) of section 101.721 of the Revised Code in the circumstances 147
specified in the particular division. 148

(B) If an executive agency lobbyist has registered with the 149
joint legislative ethics committee under division (A) or (B) of 150
section 121.62 of the Revised Code and, on or after the effective 151
date of this section and during the period during which the 152
registration is valid, the executive agency lobbyist is convicted 153
of or pleads guilty to any felony offense listed or described in 154
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 155
the circumstances specified in the particular division, the joint 156
legislative ethics committee immediately upon becoming aware of 157
the conviction or guilty plea shall terminate the registration of 158
the person as an executive agency lobbyist, and, after the 159
termination, the ban imposed under division (A) of this section 160
applies to the person. 161

(C) The ban imposed under divisions (A) and (B) of this 162
section is a lifetime ban, and the offender is forever 163
disqualified from registering as an executive agency lobbyist 164
under section 121.62 of the Revised Code. 165

(D) For purposes of divisions (A) and (B) of this section, a 166
violation of section 2923.32 of the Revised Code or any other 167
violation or offense that includes as an element a course of 168
conduct or the occurrence of multiple acts is "committed on or 169
after the effective date of this section" if the course of conduct 170

continues, one or more of the multiple acts occurs, or the subject 171
person's accountability for the course of conduct or for one or 172
more of the multiple acts continues, on or after the effective 173
date of this section. 174

Sec. 145.27. (A)(1) As used in this division, "personal 175
history record" means information maintained by the public 176
employees retirement board on an individual who is a member, 177
former member, contributor, former contributor, retirant, or 178
beneficiary that includes the address, telephone number, social 179
security number, record of contributions, correspondence with the 180
public employees retirement system, or other information the board 181
determines to be confidential. 182

(2) The records of the board shall be open to public 183
inspection, except that the following shall be excluded, except 184
with the written authorization of the individual concerned: 185

(a) The individual's statement of previous service and other 186
information as provided for in section 145.16 of the Revised Code; 187

(b) The amount of a monthly allowance or benefit paid to the 188
individual; 189

(c) The individual's personal history record. 190

(B) All medical reports and recommendations required by this 191
chapter are privileged, except that copies of such medical reports 192
or recommendations shall be made available to the personal 193
physician, attorney, or authorized agent of the individual 194
concerned upon written release from the individual or the 195
individual's agent, or when necessary for the proper 196
administration of the fund, to the board assigned physician. 197

(C) Any person who is a member or contributor of the system 198
shall be furnished with a statement of the amount to the credit of 199
the individual's account upon written request. The board is not 200

required to answer more than one such request of a person in any 201
one year. The board may issue annual statements of accounts to 202
members and contributors. 203

(D) Notwithstanding the exceptions to public inspection in 204
division (A)(2) of this section, the board may furnish the 205
following information: 206

(1) If a member, former member, contributor, former 207
contributor, or retirant is subject to an order issued under 208
section 2907.15 of the Revised Code or an order issued under 209
division (A) or (B) of section 2929.192 of the Revised Code or is 210
convicted of or pleads guilty to a violation of section 2921.41 of 211
the Revised Code, on written request of a prosecutor as defined in 212
section 2935.01 of the Revised Code, the board shall furnish to 213
the prosecutor the information requested from the individual's 214
personal history record. 215

(2) Pursuant to a court or administrative order issued 216
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 217
Code, the board shall furnish to a court or child support 218
enforcement agency the information required under that section. 219

(3) At the written request of any person, the board shall 220
provide to the person a list of the names and addresses of 221
members, former members, contributors, former contributors, 222
retirants, or beneficiaries. The costs of compiling, copying, and 223
mailing the list shall be paid by such person. 224

(4) Within fourteen days after receiving from the director of 225
job and family services a list of the names and social security 226
numbers of recipients of public assistance pursuant to section 227
5101.181 of the Revised Code, the board shall inform the auditor 228
of state of the name, current or most recent employer address, and 229
social security number of each member whose name and social 230
security number are the same as that of a person whose name or 231

social security number was submitted by the director. The board 232
and its employees shall, except for purposes of furnishing the 233
auditor of state with information required by this section, 234
preserve the confidentiality of recipients of public assistance in 235
compliance with division (A) of section 5101.181 of the Revised 236
Code. 237

(5) The system shall comply with orders issued under section 238
3105.87 of the Revised Code. 239

On the written request of an alternate payee, as defined in 240
section 3105.80 of the Revised Code, the system shall furnish to 241
the alternate payee information on the amount and status of any 242
amounts payable to the alternate payee under an order issued under 243
section 3105.171 or 3105.65 of the Revised Code. 244

(6) At the request of any person, the board shall make 245
available to the person copies of all documents, including 246
resumes, in the board's possession regarding filling a vacancy of 247
an employee member or retirant member of the board. The person who 248
made the request shall pay the cost of compiling, copying, and 249
mailing the documents. The information described in ~~this~~ division 250
(D)(6) of this section is a public record. 251

(E) A statement that contains information obtained from the 252
system's records that is signed by the executive director or an 253
officer of the system and to which the system's official seal is 254
affixed, or copies of the system's records to which the signature 255
and seal are attached, shall be received as true copies of the 256
system's records in any court or before any officer of this state. 257

Sec. 145.40. (A)(1) Subject to the provisions of section 258
145.57 of the Revised Code and except as provided in section 259
145.402 of the Revised Code and division (B) of this section, if a 260
member elects to become exempt from contribution to the public 261
employees retirement system pursuant to section 145.03 of the 262

Revised Code or ceases to be a public employee for any cause other 263
than death, retirement, receipt of a disability benefit, or 264
current employment in a position in which the member has elected 265
to participate in an alternative retirement plan under section 266
3305.05 or 3305.051 of the Revised Code, upon application the 267
public employees retirement board shall pay the member the 268
member's accumulated contributions, plus any applicable amount 269
calculated under section 145.401 of the Revised Code, provided 270
that both the following apply: 271

(a) Three months have elapsed since the member's service 272
subject to this chapter, other than service exempted from 273
contribution pursuant to section 145.03 of the Revised Code, was 274
terminated; 275

(b) The member has not returned to service subject to this 276
chapter, other than service exempted from contribution pursuant to 277
section 145.03 of the Revised Code, during that three-month 278
period. 279

The payment of such accumulated contributions shall cancel 280
the total service credit of such member in the public employees 281
retirement system. 282

(2) A member described in division (A)(1) of this section who 283
is married at the time of application for payment and is eligible 284
for age and service retirement under section 145.32, 145.33, 285
145.331, or 145.34 of the Revised Code or would be eligible for 286
age and service retirement under any of those sections but for a 287
forfeiture ordered under division (A) or (B) of section 2929.192 288
of the Revised Code shall submit with the application a written 289
statement by the member's spouse attesting that the spouse 290
consents to the payment of the member's accumulated contributions. 291
Consent shall be valid only if it is signed and witnessed by a 292
notary public. 293

The board may waive the requirement of consent if the spouse 294
is incapacitated or cannot be located, or for any other reason 295
specified by the board. Consent or waiver is effective only with 296
regard to the spouse who is the subject of the consent or waiver. 297

(B) This division applies to any member who is employed in a 298
position in which the member has made an election under section 299
3305.05 or 3305.051 of the Revised Code and due to the election 300
ceases to be a public employee for purposes of that position. 301

Subject to section 145.57 of the Revised Code, the public 302
employees retirement system shall do the following: 303

(1) On receipt of a certified copy of a form evidencing an 304
election under section 3305.05 or 3305.051 of the Revised Code, 305
pay to the appropriate provider, in accordance with section 306
3305.052 of the Revised Code, the amount described in section 307
3305.052 of the Revised Code; 308

(2) If a member has accumulated contributions, in addition to 309
those subject to division (B)(1) of this section, standing to the 310
credit of the member's individual account and is not otherwise 311
employed in a position in which the member is considered a public 312
employee for the purposes of that position, pay, to the provider 313
the member selected pursuant to section 3305.05 or 3305.051 of the 314
Revised Code, the member's accumulated contributions. The payment 315
shall be made on the member's application. 316

(C) Payment of a member's accumulated contributions under 317
division (B) of this section cancels the member's total service 318
credit in the public employees retirement system. A member whose 319
accumulated contributions are paid to a provider pursuant to 320
division (B) of this section is forever barred from claiming or 321
purchasing service credit under the public employees retirement 322
system for the period of employment attributable to those 323
contributions. 324

Sec. 145.56. The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, any other right accrued or accruing to any individual, under this chapter, or under any municipal retirement system established subject to this chapter under the laws of this state or any charter, the various funds created by this chapter, or under such municipal retirement system, and all moneys, investments, and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code and are exempt from any county, municipal, or other local tax, except taxes imposed pursuant to section 5748.02 or 5748.08 of the Revised Code and, except as provided in sections 145.57, 145.572, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter and sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

Sec. 145.572. (A)(1) Notwithstanding any other provision of this chapter, the following shall be subject to a forfeiture ordered under division (A) or (B) of section 2929.192 of the Revised Code:

(a) The right of a member to receive any payment under a pension, annuity, allowance, or other type of benefit under this chapter, other than a payment of the accumulated contributions standing to the person's credit under this chapter;

(b) The right of a contributor to receive a benefit under division (B) of section 145.384 of the Revised Code, other than a payment of the person's contributions made under section 145.38 or

145.383 of the Revised Code. 356

(2) The public employees retirement system shall comply with 357
a forfeiture order issued under division (A) or (B) of section 358
2929.192 of the Revised Code at the time the member or contributor 359
applies for payment of the person's accumulated contributions. 360
Upon payment of the person's contributions and cancellation of any 361
corresponding service credit, a person who is subject to the 362
forfeiture order described in this division may not restore any 363
canceled service credit under this chapter or the provisions of 364
Chapter 742., 3305., 3307., 3309., or 5505. of the Revised Code. 365

(B) Notwithstanding any other provision of this chapter, if 366
the system receives notice pursuant to section 2901.43 of the 367
Revised Code that a person who has accumulated contributions 368
standing to the person's credit pursuant to this chapter is 369
charged with any offense or violation listed or described in 370
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 371
that is a felony in the circumstances specified in the particular 372
division, all of the following apply: 373

(1) No payment of those accumulated contributions or of any 374
other amount or amounts to be paid to a person who is a 375
contributor under this chapter upon the person's withdrawal of 376
contributions pursuant to this chapter shall be made prior to 377
whichever of the following is applicable: 378

(a) If the person is convicted of or pleads guilty to the 379
charge and forfeiture is ordered under division (A) or (B) of 380
section 2929.192 of the Revised Code, the day on which the system 381
receives from the court a copy of the journal entry of the 382
offender's sentence under that section; 383

(b) If the charge against the person is dismissed, the person 384
is found not guilty of the charge, or the person is found not 385
guilty by reason of insanity of the charge, the day on which the 386

system receives notice of the final disposition of the charge. 387

(2) The system shall not process any application for payment 388
under this chapter from the person prior to the final disposition 389
of the charge. 390

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 391
of this section, sections 145.201 to 145.70 of the Revised Code do 392
not apply to a PERS defined contribution plan, except that a PERS 393
defined contribution plan may incorporate provisions of those 394
sections as specified in the plan document. 395

(B) The following sections of Chapter 145. of the Revised 396
Code apply to a PERS defined contribution plan: 145.22, 145.221, 397
145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 398
145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 399
145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 145.69, 400
and 145.70 of the Revised Code. 401

(C) A PERS defined contribution plan that includes definitely 402
determinable benefits may incorporate by reference all or part of 403
sections 145.201 to 145.79 of the Revised Code to allow a member 404
participating in the plan to purchase service credit or to be 405
eligible for any of the following: 406

(1) Retirement, disability, survivor, or death benefits; 407

(2) Health or long-term care insurance or any other type of 408
health care benefit; 409

(3) Additional increases under section 145.323 of the Revised 410
Code; 411

(4) A refund of contributions made by or on behalf of a 412
member. 413

With respect to the benefits described in division (C)(1) of 414
this section, the public employees retirement board may establish 415
eligibility requirements and benefit formulas or amounts that 416

differ from those of members participating in the PERS defined 417
benefit plan. With respect to the purchase of service credit by a 418
member participating in a PERS defined contribution plan, the 419
board may reduce the cost of the service credit to reflect the 420
different benefit formula established for the member. 421

Sec. 145.95. Subject to sections 145.38, 145.56, ~~and~~ 145.57, 422
and 145.572 of the Revised Code, the right of a member 423
participating in a PERS defined contribution plan to any payment 424
or benefit accruing from contributions made by or on behalf of the 425
member under sections 145.85 and 145.86 of the Revised Code shall 426
vest in accordance with this section. 427

A member's right to any payment or benefit that is based on 428
the member's contributions is nonforfeitable. 429

A member's right to any payment or benefit that is based on 430
contributions by the member's employer is nonforfeitable as 431
specified by the plan selected by the member. 432

Sec. 742.37. The board of trustees of the Ohio police and 433
fire pension fund shall adopt rules for the management of the fund 434
and for the disbursement of benefits and pensions as set forth in 435
this section and section 742.39 of the Revised Code. Any payment 436
of a benefit or pension under this section is subject to the 437
provisions of section 742.461 of the Revised Code. Notwithstanding 438
any other provision of this section, no pension or benefit paid or 439
determined under division (B) or (C) of this section or section 440
742.39 of the Revised Code shall exceed the limit established by 441
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 442
2085, 26 U.S.C.A. 415, as amended. 443

(A) Persons who were receiving benefit or pension payments 444
from a police relief and pension fund established under former 445
section 741.32 of the Revised Code, or from a firemen's relief and 446

pension fund established under former section 521.02 or 741.02 of 447
the Revised Code, at the time the assets of the fund were 448
transferred to the Ohio police and fire pension fund, known at 449
that time as the police and firemen's disability and pension fund, 450
shall receive benefit and pension payments from the Ohio police 451
and fire pension fund in the same amount and subject to the same 452
conditions as such payments were being made from the former fund 453
on the date of the transfer. 454

(B) A member of the fund who, pursuant to law, elected to 455
receive benefits and pensions from a police relief and pension 456
fund established under former section 741.32 of the Revised Code, 457
or from a firemen's relief and pension fund established under 458
former section 741.02 of the Revised Code, in accordance with the 459
rules of the fund governing the granting of benefits or pensions 460
therefrom in force on April 1, 1947, shall receive benefits and 461
pensions from the Ohio police and fire pension fund in accordance 462
with such rules; provided, that any member of the fund who is not 463
receiving a benefit or pension from the fund on August 12, 1975, 464
may, upon application for a benefit or pension to be received on 465
or after August 12, 1975, elect to receive a benefit or pension in 466
accordance with division (C) of this section. 467

(C) Members of the fund who have not elected to receive 468
benefits and pensions from a police relief and pension fund or a 469
firemen's relief and pension fund in accordance with the rules of 470
the fund in force on April 1, 1947, shall receive pensions and 471
benefits in accordance with the following provisions: 472

(1) A member of the fund who has completed twenty-five years 473
of active service in a police or fire department and has attained 474
forty-eight years of age may, at the member's election, retire 475
from the police or fire department. Upon notifying the board in 476
writing of the election, the member shall receive an annual 477
pension, payable in twelve monthly installments, in an amount 478

equal to a percentage of the member's average annual salary. The 479
percentage shall be the sum of two and one-half per cent for each 480
of the first twenty years the member was in the active service of 481
the department, plus two per cent for each of the twenty-first to 482
twenty-fifth years the member was in the active service of the 483
department, plus one and one-half per cent for each year in excess 484
of twenty-five years the member was in the active service of the 485
department. The annual pension shall not exceed seventy-two per 486
cent of the member's average annual salary. 487

A member who completed twenty-five years of active service, 488
has resigned or been discharged, and has left the sum deducted 489
from the member's salary on deposit in the pension fund shall, 490
upon attaining forty-eight years of age, be entitled to receive a 491
normal service pension benefit computed and paid under division 492
(C)(1) of this section. 493

While participating in the deferred retirement option plan 494
established under section 742.43 of the Revised Code, a member 495
shall not be considered to have elected retirement under division 496
(C)(1) of this section. On notifying the board under division 497
(B)(1) of section 742.444 of the Revised Code of the member's 498
election to terminate active service, a member described in 499
division (B) of that section shall receive an annual pension under 500
division (C)(1) of this section calculated in accordance with 501
section 742.442 of the Revised Code and rules that shall be 502
adopted by the board of trustees of the Ohio police and fire 503
pension fund. 504

(2) A member of the fund who has served fifteen or more years 505
as an active member of a police or fire department and who 506
voluntarily resigns or is discharged from the department for any 507
reason other than dishonesty, cowardice, intemperate habits, or 508
conviction of a felony, shall receive an annual pension, payable 509
in twelve monthly installments, in an amount equal to one and 510

one-half per cent of the member's average annual salary multiplied 511
by the number of full years the member was in the active service 512
of the department. The pension payments shall not commence until 513
the member has attained the age of forty-eight years and until 514
twenty-five years have elapsed from the date on which the member 515
became a full-time regular police officer or firefighter in the 516
department. 517

(3) A member of the fund who has completed fifteen or more 518
years of active service in a police or fire department and who has 519
attained sixty-two years of age, may retire from the department 520
and, upon notifying the board in writing of the election to 521
retire, shall receive an annual pension, payable in twelve monthly 522
installments, in an amount equal to a percentage of the member's 523
average annual salary. The percentage shall be the sum of two and 524
one-half per cent for each of the first twenty years the member 525
was in the active service of the department, plus two per cent for 526
each of the twenty-first to twenty-fifth years the member was in 527
the active service of the department, plus one and one-half per 528
cent for each year in excess of twenty-five years the member was 529
in the active service of the department. The annual pension shall 530
not exceed seventy-two per cent of the member's average annual 531
salary. 532

(4) With the exception of those persons who may make 533
application for benefits as provided in section 742.26 of the 534
Revised Code, no person receiving a pension or other benefit under 535
division (C) of this section on or after July 24, 1986, shall be 536
entitled to apply for any new, changed, or different benefit. 537

If a member covered by division (C) of this section or 538
section 742.38 of the Revised Code dies prior to the time the 539
member has received a payment and leaves a surviving spouse or 540
dependent child, the surviving spouse or dependent child shall 541
receive a pension under division (D) or (E) of this section. 542

(D)(1) Except as provided in division (D)(2) of this section, 543
a surviving spouse of a deceased member of the fund or a surviving 544
spouse described in division (D)(4) of this section shall receive 545
a monthly pension as follows: 546

(a) For the period beginning July 1, 1999, and ending June 547
30, 2000, five hundred fifty dollars; 548

(b) For the period beginning July 1, 2000, and ending June 549
30, 2002, five hundred fifty dollars plus an amount determined by 550
multiplying five hundred fifty dollars by the average percentage 551
change in the consumer price index, not exceeding three per cent, 552
as determined by the board under former section 742.3716 of the 553
Revised Code; 554

(c) For the period beginning July 1, 2002, and the period 555
beginning the first day of July of each year thereafter and 556
continuing for the following twelve months, an amount equal to the 557
monthly amount paid during the prior twelve-month period plus 558
sixteen dollars and fifty cents. 559

(2) A surviving spouse of a deceased member of the fund shall 560
receive a monthly pension of four hundred ten dollars if the 561
surviving spouse is eligible for a benefit under division (B) or 562
(D) of section 742.63 of the Revised Code. If the surviving spouse 563
ceases to be eligible for a benefit under division (B) or (D) of 564
section 742.63 of the Revised Code, the pension shall be 565
increased, effective the first day of the first month following 566
the day on which the surviving spouse ceases to be eligible for 567
the benefit, to the amount it would be under division (D)(1) of 568
this section had the spouse never been eligible for a benefit 569
under division (B) or (D) of section 742.63 of the Revised Code. 570

(3) A pension paid under this division shall continue during 571
the natural life of the surviving spouse. Benefits to a deceased 572
member's surviving spouse that were terminated under a former 573

version of this section that required termination due to 574
remarriage and were not resumed prior to September 16, 1998, shall 575
resume on the first day of the month immediately following receipt 576
by the board of an application on a form provided by the board. 577

(4) A surviving spouse of a deceased member of or contributor 578
to a fund established under former Chapter 521. or 741. of the 579
Revised Code whose benefit or pension was terminated or not paid 580
due to remarriage shall receive a monthly pension under division 581
(D)(1) of this section. 582

The pension shall commence on the first day of the month 583
immediately following receipt by the board of a completed 584
application on a form provided by the board and evidence 585
acceptable to the board that at the time of death the deceased 586
spouse was a member of or contributor to a police or firemen's 587
relief and pension fund established under former Chapter 521. or 588
741. of the Revised Code and that the surviving spouse's benefits 589
were terminated or not granted due to remarriage. 590

(E)(1) Each surviving child of a deceased member of the fund 591
shall receive a monthly pension until the child attains the age of 592
eighteen years, or marries, whichever event occurs first. A 593
pension under this division, however, shall continue to be payable 594
to a child under age twenty-two who is a student in and attending 595
an institution of learning or training pursuant to a program 596
designed to complete in each school year the equivalent of at 597
least two-thirds of the full-time curriculum requirements of the 598
institution, as determined by the board. If any surviving child, 599
regardless of age at the time of the member's death, because of 600
physical or mental disability, is totally dependent upon the 601
deceased member for support at the time of death, the child shall 602
receive a monthly pension under this division during the child's 603
natural life or until the child has recovered from the disability. 604

(2) An eligible surviving child shall receive a monthly 605

pension as follows: 606

(a) For the period beginning July 1, 2001, and ending June 607
30, 2002, a monthly pension of one hundred fifty dollars plus the 608
cost of living increase provided for in former section 742.3720 of 609
the Revised Code; 610

(b) For the period beginning July 1, 2002, and ending June 611
30, 2003, one hundred sixty-three dollars and fifty cents; 612

(c) For the period beginning July 1, 2003, and the period 613
beginning the first day of each July thereafter and continuing for 614
the following twelve months, an amount equal to the monthly amount 615
paid during the prior twelve-month period plus four dollars and 616
fifty cents. 617

(F)(1) If a deceased member of the fund leaves no surviving 618
spouse or surviving children, but leaves one or two parents 619
dependent upon the deceased member for support, each parent shall 620
be paid a monthly pension. The pensions provided for in this 621
division shall be paid during the natural life of the surviving 622
parents, or until dependency ceases, or until remarriage, 623
whichever event occurs first. 624

(2) Each eligible surviving parent shall be paid a monthly 625
pension as follows: 626

(a) For the period ending June 30, 2002, one hundred six 627
dollars for each parent or two hundred twelve dollars for a sole 628
dependent parent; 629

(b) For the period beginning July 1, 2002, and ending June 630
30, 2003, one hundred nine dollars for each parent or two hundred 631
eighteen dollars for a sole dependent parent; 632

(c) For the period beginning July 1, 2003, and the first day 633
of each July thereafter and continuing for the following twelve 634
months, an amount equal to the monthly amount paid during the 635

prior twelve-month period plus three dollars for each parent or 636
six dollars for a sole dependent parent. 637

(G)(1) Subject to the provisions of section 742.461 of the 638
Revised Code, a member of the fund who voluntarily resigns or is 639
removed from active service in a police or fire department is 640
entitled to receive an amount equal to the sums deducted from the 641
member's salary and credited to the member's account in the fund, 642
except that a member receiving a disability benefit or service 643
pension is not entitled to receive any return of contributions to 644
the fund. 645

(2) A member described in division (G)(1) of this section who 646
is married at the time of application for payment and would be 647
eligible for age and service retirement under this section or 648
section 742.39 of the Revised Code but for a forfeiture ordered 649
under division (A) or (B) of section 2929.192 of the Revised Code 650
shall submit with the application a written statement by the 651
member's spouse attesting that the spouse consents to the payment 652
of the member's accumulated contributions. Consent shall be valid 653
only if it is signed and witnessed by a notary public. The board 654
may waive the requirement of consent if the spouse is 655
incapacitated or cannot be located, or for any other reason 656
specified by the board. Consent or waiver is effective only with 657
regard to the spouse who is the subject of the consent or waiver. 658

(H) On and after January 1, 1970, all pensions shall be 659
increased in accordance with the following provisions: 660

(1) A member of the fund who retired prior to January 1, 661
1967, has attained age sixty-five on January 1, 1970, and was 662
receiving a pension on December 31, 1969, pursuant to division (B) 663
or (C)(1) of this section or former division (C)(2), (3), (4), or 664
(5) of this section, shall have the pension increased by ten per 665
cent. 666

(2) The monthly pension payable to eligible surviving spouses under division (D) of this section shall be increased by forty dollars for each surviving spouse receiving a pension on December 31, 1969.

(3) The monthly pension payable to each eligible child under division (E) of this section shall be increased by ten dollars for each child receiving a pension on December 31, 1969.

(4) The monthly pension payable to each eligible dependent parent under division (F) of this section shall be increased by thirty dollars for each parent receiving a pension on December 31, 1969.

(5) A member of the fund, including a survivor of a member, who is receiving a pension in accordance with the rules governing the granting of pensions and benefits in force on April 1, 1947, that provide an increase in the original pension from time to time pursuant to changes in the salaries of active members, shall not be eligible for the benefits provided in this division.

(I) On and after January 1, 1977, a member of the fund who was receiving a pension or benefit on December 31, 1973, under division (A), (B), (C)(1), or former division (C)(2) or (7) of this section shall have the pension or benefit increased as follows:

(1) If the member's annual pension or benefit is less than two thousand seven hundred dollars, it shall be increased to three thousand dollars.

(2) If the member's annual pension or benefit is two thousand seven hundred dollars or more, it shall be increased by three hundred dollars.

The following shall not be eligible to receive increased pensions or benefits as provided in this division:

(a) A member of the fund who is receiving a pension or benefit in accordance with the rules in force on April 1, 1947, governing the granting of pensions and benefits, which provide an increase in the original pension or benefit from time to time pursuant to changes in the salaries of active members;

(b) A member of the fund who is receiving a pension or benefit under division (A) or (B) of this section, based on funded volunteer or funded part-time service, or off-duty disability, or partial on-duty disability, or early vested service;

(c) A member of the fund who is receiving a pension under division (C)(1) of this section, based on funded volunteer or funded part-time service.

(J) On and after July 1, 1977, a member of the fund who was receiving an annual pension or benefit on December 31, 1973, pursuant to division (B) of this section, based upon partial disability, off-duty disability, or early vested service, or pursuant to former division (C)(3), (5), or (6) of this section, shall have such annual pension or benefit increased by three hundred dollars.

The following are not eligible to receive the increase provided by this division:

(1) A member of the fund who is receiving a pension or benefit in accordance with the rules in force on April 1, 1947, governing the granting of pensions and benefits, which provide an increase in the original pension or benefit from time to time pursuant to changes in the salaries of active members;

(2) A member of the fund who is receiving a pension or benefit under division (B) or (C)(2) of this section or former division (C)(3), (5), or (6) of this section based on volunteer or part-time service.

(K)(1) Except as otherwise provided in this division, every

person who on July 24, 1986, is receiving an age and service or 728
disability pension, allowance, or benefit pursuant to this chapter 729
in an amount less than thirteen thousand dollars a year that is 730
based upon an award made effective prior to February 28, 1984, 731
shall receive an increase of six hundred dollars a year or the 732
amount necessary to increase the pension or benefit to four 733
thousand two hundred dollars after all adjustments required by 734
this section, whichever is greater. 735

(2) Division (K)(1) of this section does not apply to the 736
following: 737

(a) A member of the fund who is receiving a pension or 738
benefit in accordance with rules in force on April 1, 1947, that 739
govern the granting of pensions and benefits and that provide an 740
increase in the original pension or benefit from time to time 741
pursuant to changes in the salaries of active members; 742

(b) A member of the fund who is receiving a pension or 743
benefit based on funded volunteer or funded part-time service. 744

(L) On and after July 24, 1986: 745

(1) The pension of each person receiving a pension under 746
division (D) of this section on July 24, 1986, shall be increased 747
to three hundred ten dollars per month. 748

(2) The pension of each person receiving a pension under 749
division (E) of this section on July 24, 1986, shall be increased 750
to ninety-three dollars per month. 751

Sec. 742.41. (A) As used in this section: 752

(1) "Other system retirant" has the same meaning as in 753
section 742.26 of the Revised Code. 754

(2) "Personal history record" includes a member's, former 755
member's, or other system retirant's name, address, telephone 756
number, social security number, record of contributions, 757

correspondence with the Ohio police and fire pension fund, status 758
of any application for benefits, and any other information deemed 759
confidential by the trustees of the fund. 760

(B) The treasurer of state shall furnish annually to the 761
board of trustees of the fund a sworn statement of the amount of 762
the funds in the treasurer of state's custody belonging to the 763
Ohio police and fire pension fund. The records of the fund shall 764
be open for public inspection except for the following, which 765
shall be excluded, except with the written authorization of the 766
individual concerned: 767

(1) The individual's personal history record; 768

(2) Any information identifying, by name and address, the 769
amount of a monthly allowance or benefit paid to the individual. 770

(C) All medical reports and recommendations required are 771
privileged, except that copies of such medical reports or 772
recommendations shall be made available to the personal physician, 773
attorney, or authorized agent of the individual concerned upon 774
written release received from the individual or the individual's 775
agent or, when necessary for the proper administration of the 776
fund, to the board-assigned physician. 777

(D) Any person who is a member of the fund or an other system 778
retirant shall be furnished with a statement of the amount to the 779
credit of the person's individual account upon the person's 780
written request. The fund need not answer more than one such 781
request of a person in any one year. 782

(E) Notwithstanding the exceptions to public inspection in 783
division (B) of this section, the fund may furnish the following 784
information: 785

(1) If a member, former member, or other system retirant is 786
subject to an order issued under section 2907.15 of the Revised 787
Code or an order issued under division (A) or (B) of section 788

2929.192 of the Revised Code or is convicted of or pleads guilty 789
to a violation of section 2921.41 of the Revised Code, on written 790
request of a prosecutor as defined in section 2935.01 of the 791
Revised Code, the fund shall furnish to the prosecutor the 792
information requested from the individual's personal history 793
record. 794

(2) Pursuant to a court order issued pursuant to Chapter 795
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 796
furnish to a court or child support enforcement agency the 797
information required under that section. 798

(3) At the request of any organization or association of 799
members of the fund, the fund shall provide a list of the names 800
and addresses of members of the fund and other system retirants. 801
The fund shall comply with the request of such organization or 802
association at least once a year and may impose a reasonable 803
charge for the list. 804

(4) Within fourteen days after receiving from the director of 805
job and family services a list of the names and social security 806
numbers of recipients of public assistance pursuant to section 807
5101.181 of the Revised Code, the fund shall inform the auditor of 808
state of the name, current or most recent employer address, and 809
social security number of each member or other system retirant 810
whose name and social security number are the same as that of a 811
person whose name or social security number was submitted by the 812
director. The fund and its employees shall, except for purposes of 813
furnishing the auditor of state with information required by this 814
section, preserve the confidentiality of recipients of public 815
assistance in compliance with division (A) of section 5101.181 of 816
the Revised Code. 817

(5) The fund shall comply with orders issued under section 818
3105.87 of the Revised Code. 819

On the written request of an alternate payee, as defined in 820
section 3105.80 of the Revised Code, the fund shall furnish to the 821
alternate payee information on the amount and status of any 822
amounts payable to the alternate payee under an order issued under 823
section 3105.171 or 3105.65 of the Revised Code. 824

(6) At the request of any person, the fund shall make 825
available to the person copies of all documents, including 826
resumes, in the fund's possession regarding filling a vacancy of a 827
police officer employee member, firefighter employee member, 828
police retirant member, or firefighter retirant member of the 829
board of trustees. The person who made the request shall pay the 830
cost of compiling, copying, and mailing the documents. The 831
information described in this division is a public record. 832

(F) A statement that contains information obtained from the 833
fund's records that is signed by the secretary of the board of 834
trustees of the Ohio police and fire pension fund and to which the 835
board's official seal is affixed, or copies of the fund's records 836
to which the signature and seal are attached, shall be received as 837
true copies of the fund's records in any court or before any 838
officer of this state. 839

Sec. 742.463. (A) Notwithstanding any other provision of this 840
chapter, any payment of accumulated contributions standing to a 841
person's credit under this chapter and any other amount or amounts 842
to be paid to a person who is a contributor under this chapter 843
upon the person's withdrawal of contributions pursuant to this 844
chapter shall be subject to any forfeiture ordered under division 845
(A) or (B) of section 2929.192 of the Revised Code, and the Ohio 846
police and fire pension fund shall comply with that order in 847
making the payment. Upon payment of the person's accumulated 848
contributions and cancellation of the corresponding service 849
credit, a person who is subject to the forfeiture described in 850

this division may not restore the canceled service credit under 851
this chapter or under Chapter 145., 3305., 3307., 3309., or 5505. 852
of the Revised Code. 853

(B) Notwithstanding any other provision of this chapter, if 854
the fund receives notice pursuant to section 2901.43 of the 855
Revised Code that a person who has accumulated contributions 856
standing to the person's credit pursuant to this chapter is 857
charged with any offense or violation listed or described in 858
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 859
that is a felony in the circumstances specified in the particular 860
division, all of the following apply: 861

(1) No payment of those accumulated contributions or of any 862
other amount or amounts to be paid to a person who is a 863
contributor under this chapter upon the person's withdrawal of 864
contributions pursuant to this chapter shall be made prior to 865
whichever of the following is applicable: 866

(a) If the person is convicted of or pleads guilty to the 867
charge and forfeiture is ordered under division (A) or (B) of 868
section 2929.192 of the Revised Code, the day on which the fund 869
receives from the court a copy of the journal entry of the 870
offender's sentence under that section; 871

(b) If the charge against the person is dismissed, the person 872
is found not guilty of the charge, or the person is found not 873
guilty by reason of insanity of the charge, the day on which the 874
fund receives notice of the final disposition of the charge. 875

(2) The fund shall not process any application for payment 876
under this chapter from the person prior to the final disposition 877
of the charge. 878

Sec. 742.47. Except as provided in ~~section~~ sections 742.461, 879
742.463, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 880

3121., 3123., and 3125. of the Revised Code, sums of money due or 881
to become due to any individual from the Ohio police and fire 882
pension fund are not liable to attachment, garnishment, levy, or 883
seizure under any legal or equitable process or any other process 884
of law whatsoever, whether those sums remain with the treasurer of 885
the fund or any officer or agent of the board of trustees of the 886
fund or are in the course of transmission to the individual 887
entitled to them, but shall inure wholly to the benefit of that 888
individual. 889

Sec. 2329.66. (A) Every person who is domiciled in this state 890
may hold property exempt from execution, garnishment, attachment, 891
or sale to satisfy a judgment or order, as follows: 892

(1)(a) In the case of a judgment or order regarding money 893
owed for health care services rendered or health care supplies 894
provided to the person or a dependent of the person, one parcel or 895
item of real or personal property that the person or a dependent 896
of the person uses as a residence. Division (A)(1)(a) of this 897
section does not preclude, affect, or invalidate the creation 898
under this chapter of a judgment lien upon the exempted property 899
but only delays the enforcement of the lien until the property is 900
sold or otherwise transferred by the owner or in accordance with 901
other applicable laws to a person or entity other than the 902
surviving spouse or surviving minor children of the judgment 903
debtor. Every person who is domiciled in this state may hold 904
exempt from a judgment lien created pursuant to division (A)(1)(a) 905
of this section the person's interest, not to exceed five thousand 906
dollars, in the exempted property. 907

(b) In the case of all other judgments and orders, the 908
person's interest, not to exceed five thousand dollars, in one 909
parcel or item of real or personal property that the person or a 910
dependent of the person uses as a residence. 911

(2) The person's interest, not to exceed one thousand 912
dollars, in one motor vehicle; 913

(3) The person's interest, not to exceed two hundred dollars 914
in any particular item, in wearing apparel, beds, and bedding, and 915
the person's interest, not to exceed three hundred dollars in each 916
item, in one cooking unit and one refrigerator or other food 917
preservation unit; 918

(4)(a) The person's interest, not to exceed four hundred 919
dollars, in cash on hand, money due and payable, money to become 920
due within ninety days, tax refunds, and money on deposit with a 921
bank, savings and loan association, credit union, public utility, 922
landlord, or other person. Division (A)(4)(a) of this section 923
applies only in bankruptcy proceedings. This exemption may include 924
the portion of personal earnings that is not exempt under division 925
(A)(13) of this section. 926

(b) Subject to division (A)(4)(d) of this section, the 927
person's interest, not to exceed two hundred dollars in any 928
particular item, in household furnishings, household goods, 929
appliances, books, animals, crops, musical instruments, firearms, 930
and hunting and fishing equipment, that are held primarily for the 931
personal, family, or household use of the person; 932

(c) Subject to division (A)(4)(d) of this section, the 933
person's interest in one or more items of jewelry, not to exceed 934
four hundred dollars in one item of jewelry and not to exceed two 935
hundred dollars in every other item of jewelry; 936

(d) Divisions (A)(4)(b) and (c) of this section do not 937
include items of personal property listed in division (A)(3) of 938
this section. 939

If the person does not claim an exemption under division 940
(A)(1) of this section, the total exemption claimed under division 941
(A)(4)(b) of this section shall be added to the total exemption 942

claimed under division (A)(4)(c) of this section, and the total 943
shall not exceed two thousand dollars. If the person claims an 944
exemption under division (A)(1) of this section, the total 945
exemption claimed under division (A)(4)(b) of this section shall 946
be added to the total exemption claimed under division (A)(4)(c) 947
of this section, and the total shall not exceed one thousand five 948
hundred dollars. 949

(5) The person's interest, not to exceed an aggregate of 950
seven hundred fifty dollars, in all implements, professional 951
books, or tools of the person's profession, trade, or business, 952
including agriculture; 953

(6)(a) The person's interest in a beneficiary fund set apart, 954
appropriated, or paid by a benevolent association or society, as 955
exempted by section 2329.63 of the Revised Code; 956

(b) The person's interest in contracts of life or endowment 957
insurance or annuities, as exempted by section 3911.10 of the 958
Revised Code; 959

(c) The person's interest in a policy of group insurance or 960
the proceeds of a policy of group insurance, as exempted by 961
section 3917.05 of the Revised Code; 962

(d) The person's interest in money, benefits, charity, 963
relief, or aid to be paid, provided, or rendered by a fraternal 964
benefit society, as exempted by section 3921.18 of the Revised 965
Code; 966

(e) The person's interest in the portion of benefits under 967
policies of sickness and accident insurance and in lump sum 968
payments for dismemberment and other losses insured under those 969
policies, as exempted by section 3923.19 of the Revised Code. 970

(7) The person's professionally prescribed or medically 971
necessary health aids; 972

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	973 974 975
(9) The person's interest in the following:	976
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	977 978
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	979 980
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	981 982
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	983 984
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	985 986 987
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code.	988 989
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or , in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, <u>and in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code</u> , and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred	990 991 992 993 994 995 996 997 998 999 1000 1001 1002

compensation program offered by the Ohio public employees deferred 1003
compensation board, a government unit, or a municipal corporation, 1004
or the person's other accrued or accruing rights, as exempted by 1005
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 1006
5505.22 of the Revised Code, and the person's right to benefits 1007
from the Ohio public safety officers death benefit fund; 1008

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 1009
3121.03, and 3123.06 of the Revised Code, the person's right to 1010
receive a payment under any pension, annuity, or similar plan or 1011
contract, not including a payment from a stock bonus or 1012
profit-sharing plan or a payment included in division (A)(6)(b) or 1013
(10)(a) of this section, on account of illness, disability, death, 1014
age, or length of service, to the extent reasonably necessary for 1015
the support of the person and any of the person's dependents, 1016
except if all the following apply: 1017

(i) The plan or contract was established by or under the 1018
auspices of an insider that employed the person at the time the 1019
person's rights under the plan or contract arose. 1020

(ii) The payment is on account of age or length of service. 1021

(iii) The plan or contract is not qualified under the 1022
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 1023
amended. 1024

(c) Except for any portion of the assets that were deposited 1025
for the purpose of evading the payment of any debt and except as 1026
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 1027
3123.06 of the Revised Code, the person's right in the assets held 1028
in, or to receive any payment under, any individual retirement 1029
account, individual retirement annuity, "Roth IRA," or education 1030
individual retirement account that provides benefits by reason of 1031
illness, disability, death, or age, to the extent that the assets, 1032
payments, or benefits described in division (A)(10)(c) of this 1033

section are attributable to any of the following: 1034

(i) Contributions of the person that were less than or equal 1035
to the applicable limits on deductible contributions to an 1036
individual retirement account or individual retirement annuity in 1037
the year that the contributions were made, whether or not the 1038
person was eligible to deduct the contributions on the person's 1039
federal tax return for the year in which the contributions were 1040
made; 1041

(ii) Contributions of the person that were less than or equal 1042
to the applicable limits on contributions to a Roth IRA or 1043
education individual retirement account in the year that the 1044
contributions were made; 1045

(iii) Contributions of the person that are within the 1046
applicable limits on rollover contributions under subsections 219, 1047
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 1048
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 1049
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1050

(d) Except for any portion of the assets that were deposited 1051
for the purpose of evading the payment of any debt and except as 1052
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 1053
3123.06 of the Revised Code, the person's right in the assets held 1054
in, or to receive any payment under, any Keogh or "H.R. 10" plan 1055
that provides benefits by reason of illness, disability, death, or 1056
age, to the extent reasonably necessary for the support of the 1057
person and any of the person's dependents. 1058

(11) The person's right to receive spousal support, child 1059
support, an allowance, or other maintenance to the extent 1060
reasonably necessary for the support of the person and any of the 1061
person's dependents; 1062

(12) The person's right to receive, or moneys received during 1063
the preceding twelve calendar months from, any of the following: 1064

(a) An award of reparations under sections 2743.51 to 2743.72 1065
of the Revised Code, to the extent exempted by division (D) of 1066
section 2743.66 of the Revised Code; 1067

(b) A payment on account of the wrongful death of an 1068
individual of whom the person was a dependent on the date of the 1069
individual's death, to the extent reasonably necessary for the 1070
support of the person and any of the person's dependents; 1071

(c) Except in cases in which the person who receives the 1072
payment is an inmate, as defined in section 2969.21 of the Revised 1073
Code, and in which the payment resulted from a civil action or 1074
appeal against a government entity or employee, as defined in 1075
section 2969.21 of the Revised Code, a payment, not to exceed five 1076
thousand dollars, on account of personal bodily injury, not 1077
including pain and suffering or compensation for actual pecuniary 1078
loss, of the person or an individual for whom the person is a 1079
dependent; 1080

(d) A payment in compensation for loss of future earnings of 1081
the person or an individual of whom the person is or was a 1082
dependent, to the extent reasonably necessary for the support of 1083
the debtor and any of the debtor's dependents. 1084

(13) Except as provided in sections 3119.80, 3119.81, 1085
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 1086
earnings of the person owed to the person for services in an 1087
amount equal to the greater of the following amounts: 1088

(a) If paid weekly, thirty times the current federal minimum 1089
hourly wage; if paid biweekly, sixty times the current federal 1090
minimum hourly wage; if paid semimonthly, sixty-five times the 1091
current federal minimum hourly wage; or if paid monthly, one 1092
hundred thirty times the current federal minimum hourly wage that 1093
is in effect at the time the earnings are payable, as prescribed 1094
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 1095

U.S.C. 206(a)(1), as amended;	1096
(b) Seventy-five per cent of the disposable earnings owed to the person.	1097 1098
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	1099 1100 1101
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	1102 1103
(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;	1104 1105 1106 1107
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;	1108 1109 1110 1111
(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.	1112 1113 1114
(B) As used in this section:	1115
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	1116 1117 1118 1119
(2) "Insider" means:	1120
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	1121 1122 1123 1124 1125

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a

lease or operating agreement. 1157

(e) An insider, as otherwise defined in this section, of a 1158
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 1159
(iv) of this section applies, as if the person or entity were a 1160
person who claims an exemption; 1161

(f) A managing agent of the person who claims an exemption. 1162

(3) "Participant account" has the same meaning as in section 1163
148.01 of the Revised Code. 1164

(4) "Government unit" has the same meaning as in section 1165
148.06 of the Revised Code. 1166

(C) For purposes of this section, "interest" shall be 1167
determined as follows: 1168

(1) In bankruptcy proceedings, as of the date a petition is 1169
filed with the bankruptcy court commencing a case under Title 11 1170
of the United States Code; 1171

(2) In all cases other than bankruptcy proceedings, as of the 1172
date of an appraisal, if necessary under section 2329.68 of the 1173
Revised Code, or the issuance of a writ of execution. 1174

An interest, as determined under division (C)(1) or (2) of 1175
this section, shall not include the amount of any lien otherwise 1176
valid pursuant to section 2329.661 of the Revised Code. 1177

Sec. 2901.43. (A)(1) As used in this section: 1178

(a) "Public retirement system," "alternative retirement 1179
plan," and "prosecutor" have the same meanings as in section 1180
2907.15 of the Revised Code. 1181

(b) "Position of honor, trust, or profit" has the same 1182
meaning as in section 2929.192 of the Revised Code. 1183

(2) For purposes of divisions (B) and (C) of this section, a 1184
violation of section 2923.32 of the Revised Code or any other 1185

violation or offense that includes as an element a course of 1186
conduct or the occurrence of multiple acts is "committed on or 1187
after the effective date of this section" if the course of conduct 1188
continues, one or more of the multiple acts occurs, or the subject 1189
person's accountability for the course of conduct or for one or 1190
more of the multiple acts continues, on or after the effective 1191
date of this section. 1192

(B) Upon the filing of charges against a person alleging that 1193
the person committed on or after the effective date of this 1194
section any violation or offense specified in division (C) of this 1195
section, if the person allegedly committed the violation or 1196
offense while serving in a position of honor, trust, or profit and 1197
if the person is an electing employee participating in an 1198
alternative retirement plan or a member of a public retirement 1199
system, the prosecutor who is assigned the case shall send written 1200
notice that those charges have been filed against that person to 1201
the alternative retirement plan in which the person is a 1202
participant or the public retirement system in which the person is 1203
a member, whichever is applicable. The written notice shall 1204
specifically identify the person charged. 1205

(C) Division (B) of this section applies when a person is 1206
charged with committing on or after the effective date of this 1207
section any offense or violation listed or described in divisions 1208
(D)(1) to (3) of section 2929.192 of the Revised Code that is a 1209
felony, in the circumstances specified in the particular division. 1210

Sec. 2929.192. (A) If an offender is being sentenced for any 1211
felony offense listed in division (D) of this section that was 1212
committed on or after the effective date of this section, if the 1213
offender committed the offense while serving in a position of 1214
honor, trust, or profit, and if the offender, at the time of the 1215
commission of the offense, was a member of any public retirement 1216

system or a participant in an alternative retirement plan, in 1217
addition to any other sanction it imposes under section 2929.14, 1218
2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code but 1219
subject to division (B) of this section, the court shall order the 1220
forfeiture to the public retirement system or alternative 1221
retirement plan in which the offender was a member or participant 1222
of the offender's right to a retirement allowance, pension, 1223
disability benefit, or other right or benefit, other than payment 1224
of the offender's accumulated contributions, earned by reason of 1225
the offender's being a member of the public retirement system or 1226
alternative retirement plan. A forfeiture ordered under this 1227
division is part of, and shall be included in, the sentence of the 1228
offender. The court shall send a copy of the journal entry 1229
imposing sentence on the offender to the appropriate public 1230
retirement system or alternative retirement plan in which the 1231
offender was a member or participant. 1232

(B) In any case in which a sentencing court is required to 1233
order forfeiture of an offender's right to a retirement allowance, 1234
pension, disability benefit, or other right or benefit under 1235
division (A) of this section, the offender may request a hearing 1236
regarding the forfeiture by delivering to the court prior to 1237
sentencing a written request for a hearing. If a request for a 1238
hearing is made by the offender prior to sentencing, the court 1239
shall conduct the hearing before sentencing. The court shall 1240
notify the offender, the prosecutor who handled the case in which 1241
the offender was convicted of or pleaded guilty to the offense for 1242
which the forfeiture order was imposed, and the appropriate public 1243
retirement system, or alternative retirement plan provider, 1244
whichever is applicable, or, if more than one is specified in the 1245
motion, the applicable combination of these, of the hearing. A 1246
hearing scheduled under this division shall be limited to a 1247
consideration of whether there is good cause based on evidence 1248
presented by the offender for the forfeiture order not to be 1249

issued. If the court determines based on evidence presented by the 1250
offender that there is good cause for the forfeiture order not to 1251
be issued, the court shall not issue the forfeiture order. If the 1252
offender does not request a hearing prior to sentencing or if the 1253
court conducts a hearing but does not determine based on evidence 1254
presented by the offender that there is good cause for the 1255
forfeiture order not to be issued, the court shall order the 1256
forfeiture described in division (A) of this section in accordance 1257
with that division and shall send a copy of the journal entry 1258
imposing sentence on the offender to the appropriate public 1259
retirement system or alternative retirement plan in which the 1260
offender was a member or participant. 1261

(C) Upon receipt of a copy of the journal entry imposing 1262
sentence on an offender under division (A) or (B) of this section 1263
that contains an order of forfeiture of a type described in that 1264
division, the public retirement system or alternative retirement 1265
plan in which the offender was a member or participant shall 1266
comply with the forfeiture order on application for a refund of 1267
the accumulated contributions of the member or participant. 1268

(D) Division (A) of this section applies regarding an 1269
offender who is convicted of or pleads guilty to any of the 1270
following offenses committed on or after the effective date of 1271
this section that is a felony and who committed the offense while 1272
serving in a position of honor, trust, or profit: 1273

(1) A violation of section 2921.02 or 2923.32 of the Revised 1274
Code or a violation of section 2921.41 of the Revised Code that is 1275
a felony of the third degree; 1276

(2) A violation of an existing or former municipal ordinance 1277
or law of this or any other state or the United States that is 1278
substantially equivalent to any violation listed in division 1279
(D)(1) of this section; 1280

(3) A conspiracy to commit, attempt to commit, or complicity 1281
in committing any violation listed in division (D)(1) or described 1282
in division (D)(2) of this section. 1283

(E) For purposes of divisions (A) and (D) of this section, a 1284
violation of section 2923.32 of the Revised Code or any other 1285
violation or offense that includes as an element a course of 1286
conduct or the occurrence of multiple acts is "committed on or 1287
after the effective date of this section" if the course of conduct 1288
continues, one or more of the multiple acts occurs, or the subject 1289
person's accountability for the course of conduct or for one or 1290
more of the multiple acts continues, on or after the effective 1291
date of this section. 1292

(F) As used in this section: 1293

(1) "Position of honor, trust, or profit" means any of the 1294
following: 1295

(a) An elective office of the state or any political 1296
subdivision of the state; 1297

(b) A position on any board or commission of the state that 1298
is appointed by the governor or the attorney general; 1299

(c) A position as a public official or employee, as defined 1300
in section 102.01 of the Revised Code, who is required to file a 1301
disclosure statement under section 102.02 of the Revised Code; 1302

(d) A position as a prosecutor, as defined in section 2935.01 1303
of the Revised Code; 1304

(e) A position as a peace officer, as defined in section 1305
2935.01 of the Revised Code, or as the superintendent or a trooper 1306
of the state highway patrol. 1307

(2) "Public retirement system" and "alternative retirement 1308
plan" have the same meanings as in section 2907.15 of the Revised 1309
Code. 1310

(3) "Accumulated contributions" means whichever of the 1311
following is applicable: 1312

(a) Regarding an offender who is a member of the public 1313
employees retirement system, except as otherwise provided in 1314
division (F)(3)(a) of this section, "accumulated contributions" 1315
has the same meaning as in section 145.01 of the Revised Code. For 1316
a member participating in a PERS defined contribution plan, 1317
"accumulated contributions" means the contributions made under 1318
section 145.85 of the Revised Code and any earnings on those 1319
contributions. For a member participating in a PERS defined 1320
contribution plan that includes definitely determinable benefits, 1321
"accumulated contributions" means the contributions made under 1322
section 145.85 of the Revised Code, any earnings on those 1323
contributions, and additionally any amounts paid by the member to 1324
purchase service credits. 1325

(b) Regarding an offender who is or was a member of the Ohio 1326
police and fire pension fund, "accumulated contributions" means 1327
the amount payable to a member under division (G) of section 1328
742.37 of the Revised Code. 1329

(c) Regarding an offender who is a member of the state 1330
teachers retirement system, except as otherwise provided in 1331
division (F)(3)(c) of this section, "accumulated contributions" 1332
has the same meaning as in section 3307.50 of the Revised Code. 1333
For a member participating in an STRS defined contribution plan, 1334
"accumulated contributions" means the contributions made under 1335
section 3307.26 of the Revised Code to participate in a plan 1336
established under section 3307.81 of the Revised Code and any 1337
earnings on those contributions. For a member participating in a 1338
STRS defined contribution plan that includes definitely 1339
determinable benefits, "accumulated contributions" means the 1340
contributions made under section 3307.26 of the Revised Code to 1341
participate in a plan established under section 3307.81 of the 1342

Revised Code, any earnings on those contributions, and 1343
additionally any amounts paid by the member to purchase service 1344
credits. 1345

(d) Regarding an offender who is or was a member of the 1346
school employees retirement system, "accumulated contributions" 1347
has the same meaning as in section 3309.01 of the Revised Code and 1348
also includes employee contributions made under section 3309.85 of 1349
the Revised Code and any earnings on those contributions. 1350

(e) Regarding an offender who is or was a member of the state 1351
highway patrol retirement system, "accumulated contributions" has 1352
the same meaning as in section 5505.01 of the Revised Code. 1353

(f) Regarding an offender who is or was participating in an 1354
alternative retirement plan, "accumulated contributions" means the 1355
amounts contributed to an alternative retirement plan 1356
participant's account by the plan participant pursuant to section 1357
3305.06 of the Revised Code and any earnings on those 1358
contributions. 1359

Sec. 2967.16. (A) Except as provided in division (D) of this 1360
section, when a paroled prisoner has faithfully performed the 1361
conditions and obligations of the paroled prisoner's parole and 1362
has obeyed the rules and regulations adopted by the adult parole 1363
authority that apply to the paroled prisoner, the authority upon 1364
the recommendation of the superintendent of parole supervision may 1365
enter upon its minutes a final release and thereupon shall issue 1366
to the paroled prisoner a certificate of final release, but the 1367
authority shall not grant a final release earlier than one year 1368
after the paroled prisoner is released from the institution on 1369
parole, and, in the case of a paroled prisoner whose minimum 1370
sentence is life imprisonment, the authority shall not grant a 1371
final release earlier than five years after the paroled prisoner 1372
is released from the institution on parole. 1373

(B)(1) When a prisoner who has been released under a period 1374
of post-release control pursuant to section 2967.28 of the Revised 1375
Code has faithfully performed the conditions and obligations of 1376
the released prisoner's post-release control sanctions and has 1377
obeyed the rules and regulations adopted by the adult parole 1378
authority that apply to the released prisoner or has the period of 1379
post-release control terminated by a court pursuant to section 1380
2929.141 of the Revised Code, the authority, upon the 1381
recommendation of the superintendent of parole supervision, may 1382
enter upon its minutes a final release and, upon the entry of the 1383
final release, shall issue to the released prisoner a certificate 1384
of final release. In the case of a prisoner who has been released 1385
under a period of post-release control pursuant to division (B) of 1386
section 2967.28 of the Revised Code, the authority shall not grant 1387
a final release earlier than one year after the released prisoner 1388
is released from the institution under a period of post-release 1389
control. The authority shall classify the termination of 1390
post-release control as favorable or unfavorable depending on the 1391
offender's conduct and compliance with the conditions of 1392
supervision. In the case of a released prisoner whose sentence is 1393
life imprisonment, the authority shall not grant a final release 1394
earlier than five years after the released prisoner is released 1395
from the institution under a period of post-release control. 1396

(2) The department of rehabilitation and correction, no later 1397
than six months after ~~the effective date of this section~~ July 8, 1398
2002, shall adopt a rule in accordance with Chapter 119. of the 1399
Revised Code that establishes the criteria for the classification 1400
of a post-release control termination as "favorable" or 1401
"unfavorable." 1402

(C) ~~The~~ (1) Except as provided in division (C)(2) of this 1403
section, the following prisoners or person shall be restored to 1404
the rights and privileges forfeited by a conviction: 1405

~~(1)~~(a) A prisoner who has served the entire prison term that 1406
comprises or is part of the prisoner's sentence and has not been 1407
placed under any post-release control sanctions; 1408

~~(2)~~(b) A prisoner who has been granted a final release by the 1409
adult parole authority pursuant to division (A) or (B) of this 1410
section; 1411

~~(3)~~(c) A person who has completed the period of a community 1412
control sanction or combination of community control sanctions, as 1413
defined in section 2929.01 of the Revised Code, that was imposed 1414
by the sentencing court. 1415

(2)(a) As used in division (C)(2)(c) of this section: 1416

(i) "Position of honor, trust, or profit" has the same 1417
meaning as in section 2929.192 of the Revised Code. 1418

(ii) "Public office" means any elected federal, state, or 1419
local government office in this state. 1420

(b) For purposes of division (C)(2)(c) of this section, a 1421
violation of section 2923.32 of the Revised Code or any other 1422
violation or offense that includes as an element a course of 1423
conduct or the occurrence of multiple acts is "committed on or 1424
after the effective date of this amendment" if the course of 1425
conduct continues, one or more of the multiple acts occurs, or the 1426
subject person's accountability for the course of conduct or for 1427
one or more of the multiple acts continues, on or after the 1428
effective date of this amendment. 1429

(c) Division (C)(1) of this section does not restore a 1430
prisoner or person to the privilege of holding a position of 1431
honor, trust, or profit if the prisoner or person was convicted of 1432
or pleaded guilty to committing on or after the effective date of 1433
this amendment any of the following offenses that is a felony: 1434

(i) A violation of section 2921.02, 2921.03, 2921.05, 1435

2921.41, 2921.42, or 2923.32 of the Revised Code; 1436

(ii) A violation of section 2913.42, 2921.04, 2921.11, 1437
2921.12, 2921.31, or 2921.32 of the Revised Code, when the person 1438
committed the violation while the person was serving in a public 1439
office and the conduct constituting the violation was related to 1440
the duties of the person's public office or to the person's 1441
actions as a public official holding that public office; 1442

(iii) A violation of an existing or former municipal 1443
ordinance or law of this or any other state or the United States 1444
that is substantially equivalent to any violation listed in 1445
division (C)(2)(c)(i) of this section; 1446

(iv) A violation of an existing or former municipal ordinance 1447
or law of this or any other state or the United States that is 1448
substantially equivalent to any violation listed in division 1449
(C)(2)(c)(ii) of this section, when the person committed the 1450
violation while the person was serving in a public office and the 1451
conduct constituting the violation was related to the duties of 1452
the person's public office or to the person's actions as a public 1453
official holding that public office; 1454

(v) A conspiracy to commit, attempt to commit, or complicity 1455
in committing any offense listed in division (C)(2)(c)(i) or 1456
described in division (C)(2)(c)(iii) of this section; 1457

(vi) A conspiracy to commit, attempt to commit, or complicity 1458
in committing any offense listed in division (C)(2)(c)(ii) or 1459
described in division (C)(2)(c)(iv) of this section, if the person 1460
committed the violation while the person was serving in a public 1461
office and the conduct constituting the offense that was the 1462
subject of the conspiracy, that would have constituted the offense 1463
attempted, or constituting the offense in which the person was 1464
complicit was or would have been related to the duties of the 1465
person's public office or to the person's actions as a public 1466

official holding that public office. 1467

(D) Division (A) of this section does not apply to a prisoner 1468
in the shock incarceration program established pursuant to section 1469
5120.031 of the Revised Code. 1470

(E) The adult parole authority shall record the final release 1471
of a parolee or prisoner in the official minutes of the authority. 1472

Sec. 2967.17. (A) The adult parole authority, in its 1473
discretion, may grant an administrative release to any of the 1474
following: 1475

(1) A parole violator or release violator serving another 1476
felony sentence in a correctional institution within or without 1477
this state for the purpose of consolidation of the records or if 1478
justice would best be served; 1479

(2) A parole violator at large or release violator at large 1480
whose case has been inactive for at least ten years following the 1481
date of declaration of the parole violation or the violation of a 1482
post-release control sanction; 1483

(3) A parolee taken into custody by the immigration and 1484
naturalization service of the United States department of justice 1485
and deported from the United States. 1486

(B)(1)(a) As used in divisions (B)(2) and (3) of this 1487
section, "position of honor, trust, or profit" has the same 1488
meaning as in section 2929.192 of the Revised Code. 1489

(b) For purposes of divisions (B)(2) and (3) of this section, 1490
a violation of section 2923.32 of the Revised Code or any other 1491
violation or offense that includes as an element a course of 1492
conduct or the occurrence of multiple acts is "committed on or 1493
after the effective date of this amendment" if the course of 1494
conduct continues, one or more of the multiple acts occurs, or the 1495
subject person's accountability for the course of conduct or for 1496

one or more of the multiple acts continues, on or after the 1497
effective date of this amendment. 1498

(2) The adult parole authority shall not grant an 1499
administrative release except upon the concurrence of a majority 1500
of the parole board and approval of the chief of the adult parole 1501
authority. An administrative release does not restore for the 1502
person to whom it is granted the rights and privileges forfeited 1503
by conviction as provided in section 2961.01 of the Revised Code. 1504
Any person granted an administrative release under this section 1505
may subsequently apply for a commutation of sentence for the 1506
purpose of regaining the rights and privileges forfeited by 1507
conviction, except that the privilege of circulating or serving as 1508
a witness for the signing of any declaration of candidacy and 1509
petition, voter registration application, or nominating, 1510
initiative, referendum, or recall petition forfeited under section 1511
2961.01 of the Revised Code may not be restored under this section 1512
and except that the privilege of holding a position of honor, 1513
trust, or profit may not be restored under this section to a 1514
person in the circumstances described in division (B)(3) of this 1515
section. 1516

(3) The privilege of holding a position of honor, trust, or 1517
profit may not be restored under this section to a person who was 1518
convicted of or pleaded guilty to committing on or after the 1519
effective date of this amendment any violation or offense listed 1520
in divisions (C)(2)(c)(i) to (vi) of section 2967.16 of the 1521
Revised Code that is a felony. 1522

Sec. 3305.07. (A) Neither the state nor a public institution 1523
of higher education shall be a party to any contract purchased in 1524
whole or in part with contributions to an alternative retirement 1525
plan made under section 3305.06 of the Revised Code. No 1526
retirement, death, or other benefits shall be payable by the state 1527

or by any public institution of higher education under any 1528
alternative retirement plan elected pursuant to this chapter. 1529

(B)(1) Except as provided under division (B)(2) of this 1530
section and sections 3305.08 ~~and~~, 3305.09, and 3305.11 of the 1531
Revised Code, benefits shall be paid to an electing employee or 1532
the employee's beneficiaries in accordance with the alternative 1533
retirement plan adopted by the public institution of higher 1534
education at which the employee is employed. 1535

(2) A benefit or payment shall not be paid under an 1536
investment option prior to the time an electing employee dies, 1537
terminates employment with the public institution of higher 1538
education, or, if provided under the alternative retirement plan 1539
or investment option, becomes disabled, except that the provider 1540
of the investment option shall transfer the employee's account 1541
balance to another provider as provided under section 3305.053 of 1542
the Revised Code. 1543

Sec. 3305.11. (A) Notwithstanding any other provision of this 1544
chapter, any payment of accumulated contributions standing to a 1545
person's credit under this chapter and any other amount or amounts 1546
to be paid to a person who is a contributor under this chapter 1547
upon the person's withdrawal of contributions pursuant to this 1548
chapter shall be subject to any forfeiture ordered under division 1549
(A) or (B) of section 2929.192 of the Revised Code, and the 1550
provider of an alternative retirement plan shall comply with that 1551
order in making the payment. Upon payment of the person's 1552
accumulated contributions and cancellation of the corresponding 1553
service credit, a person who is subject to the forfeiture 1554
described in this division may not restore the canceled service 1555
credit under this chapter or under Chapter 145., 742., 3307., 1556
3309., or 5505. of the Revised Code. 1557

(B) Notwithstanding any other provision of this chapter, if 1558

the provider of an alternative retirement plan receives notice 1559
pursuant to section 2901.43 of the Revised Code that a person who 1560
has accumulated contributions standing to the person's credit 1561
pursuant to this chapter is charged with any offense or violation 1562
listed or described in divisions (D)(1) to (3) of section 2929.192 1563
of the Revised Code that is a felony in the circumstances 1564
specified in the particular division, all of the following apply: 1565

(1) No payment of those accumulated contributions or of any 1566
other amount or amounts to be paid to a person who is a 1567
contributor under this chapter upon the person's withdrawal of 1568
contributions pursuant to this chapter shall be made prior to 1569
whichever of the following is applicable: 1570

(a) If the person is convicted of or pleads guilty to the 1571
charge and forfeiture is ordered under division (A) or (B) of 1572
section 2929.192 of the Revised Code, the day on which the 1573
provider receives from the court a copy of the journal entry of 1574
the offender's sentence under that section; 1575

(b) If the charge against the person is dismissed, the person 1576
is found not guilty of the charge, or the person is found not 1577
guilty by reason of insanity of the charge, the day on which the 1578
provider receives notice of the final disposition of the charge. 1579

(2) The provider of an alternative retirement plan shall not 1580
process any application for payment under this chapter from the 1581
person prior to the final disposition of the charge. 1582

Sec. 3307.20. (A) As used in this section: 1583

(1) "Personal history record" means information maintained by 1584
the state teachers retirement board on an individual who is a 1585
member, former member, contributor, former contributor, retirant, 1586
or beneficiary that includes the address, telephone number, social 1587
security number, record of contributions, correspondence with the 1588

state teachers retirement system, or other information the board determines to be confidential. 1589
1590

(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code. 1591
1592

(B) The records of the board shall be open to public inspection, except for the following, which shall be excluded, except with the written authorization of the individual concerned: 1593
1594
1595

(1) The individual's personal records provided for in section 3307.23 of the Revised Code; 1596
1597

(2) The individual's personal history record; 1598

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. 1599
1600

(C) All medical reports and recommendations under sections 3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, except that copies of such medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or, when necessary for the proper administration of the fund, to the board assigned physician. 1601
1602
1603
1604
1605
1606
1607
1608

(D) Any person who is a member or contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year. 1609
1610
1611
1612

(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information: 1613
1614
1615

(1) If a member, former member, retirant, contributor, or former contributor is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) 1616
1617
1618

or (B) of section 2929.192 of the Revised Code or is convicted of 1619
or pleads guilty to a violation of section 2921.41 of the Revised 1620
Code, on written request of a prosecutor as defined in section 1621
2935.01 of the Revised Code, the board shall furnish to the 1622
prosecutor the information requested from the individual's 1623
personal history record. 1624

(2) Pursuant to a court or administrative order issued under 1625
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1626
Revised Code, the board shall furnish to a court or child support 1627
enforcement agency the information required under that section. 1628

(3) At the written request of any person, the board shall 1629
provide to the person a list of the names and addresses of 1630
members, former members, retirants, contributors, former 1631
contributors, or beneficiaries. The costs of compiling, copying, 1632
and mailing the list shall be paid by such person. 1633

(4) Within fourteen days after receiving from the director of 1634
job and family services a list of the names and social security 1635
numbers of recipients of public assistance pursuant to section 1636
5101.181 of the Revised Code, the board shall inform the auditor 1637
of state of the name, current or most recent employer address, and 1638
social security number of each member whose name and social 1639
security number are the same as that of a person whose name or 1640
social security number was submitted by the director. The board 1641
and its employees shall, except for purposes of furnishing the 1642
auditor of state with information required by this section, 1643
preserve the confidentiality of recipients of public assistance in 1644
compliance with division (A) of section 5101.181 of the Revised 1645
Code. 1646

(5) The system shall comply with orders issued under section 1647
3105.87 of the Revised Code. 1648

On the written request of an alternate payee, as defined in 1649

section 3105.80 of the Revised Code, the system shall furnish to 1650
the alternate payee information on the amount and status of any 1651
amounts payable to the alternate payee under an order issued under 1652
section 3105.171 or 3105.65 of the Revised Code. 1653

(6) At the request of any person, the board shall make 1654
available to the person copies of all documents, including 1655
resumes, in the board's possession regarding filling a vacancy of 1656
a contributing member or retired teacher member of the board. The 1657
person who made the request shall pay the cost of compiling, 1658
copying, and mailing the documents. The information described in 1659
this division is a public record. 1660

(F) A statement that contains information obtained from the 1661
system's records that is signed by an officer of the retirement 1662
system and to which the system's official seal is affixed, or 1663
copies of the system's records to which the signature and seal are 1664
attached, shall be received as true copies of the system's records 1665
in any court or before any officer of this state. 1666

Sec. 3307.372. (A) Notwithstanding any other provision of 1667
this chapter, any payment of accumulated contributions standing to 1668
a person's credit under this chapter and any other amount or 1669
amounts to be paid to a person who is a contributor under this 1670
chapter upon the person's withdrawal of contributions pursuant to 1671
this chapter shall be subject to any forfeiture ordered under 1672
division (A) or (B) of section 2929.192 of the Revised Code, and 1673
the state teachers retirement system shall comply with that order 1674
in making the payment. Upon payment of the person's accumulated 1675
contributions and cancellation of the corresponding service 1676
credit, a person who is subject to the forfeiture described in 1677
this division may not restore the canceled service credit under 1678
this chapter or under Chapter 145., 742., 3305., 3309., or 5505. 1679
of the Revised Code. 1680

(B) Notwithstanding any other provision of this chapter, if the system receives notice pursuant to section 2901.43 of the Revised Code that a person who has accumulated contributions standing to the person's credit pursuant to this chapter is charged with any offense or violation listed or described in divisions (D)(1) to (3) of section 2929.192 of the Revised Code that is a felony in the circumstances specified in the particular division, all of the following apply:

(1) No payment of those accumulated contributions or of any other amount or amounts to be paid to a person who is a contributor under this chapter upon the person's withdrawal of contributions pursuant to this chapter shall be made prior to whichever of the following is applicable:

(a) If the person is convicted of or pleads guilty to the charge and forfeiture is ordered under division (A) or (B) of section 2929.192 of the Revised Code, the day on which the system receives from the court a copy of the journal entry of the offender's sentence under that section;

(b) If the charge against the person is dismissed, the person is found not guilty of the charge, or the person is found not guilty by reason of insanity of the charge, the day on which the system receives notice of the final disposition of the charge.

(2) The system shall not process any application for payment under this chapter from the person prior to the final disposition of the charge.

Sec. 3307.41. The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, or any other right or benefit accrued or accruing to any individual under this chapter, the various funds created by section 3307.14 of the Revised Code, and all moneys, investments, and income from moneys or investments are

exempt from any state tax, except the tax imposed by section 1712
5747.02 of the Revised Code, and are exempt from any county, 1713
municipal, or other local tax, except taxes imposed pursuant to 1714
section 5748.02 or 5748.08 of the Revised Code, and, except as 1715
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1716
3121.02, 3121.03, 3123.06, ~~and~~ 3307.37, and 3307.372 of the 1717
Revised Code, shall not be subject to execution, garnishment, 1718
attachment, the operation of bankruptcy or insolvency laws, or any 1719
other process of law whatsoever, and shall be unassignable except 1720
as specifically provided in this chapter or sections 3105.171, 1721
3105.65, ~~and~~ 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 1722
3123.06 of the Revised Code. 1723

Sec. 3307.56. (A)(1) Subject to sections 3307.37 and 3307.561 1724
of the Revised Code and except as provided in division (B)(2) of 1725
this section, a member participating in the plan described in 1726
sections 3307.50 to 3307.79 of the Revised Code who ceases to be a 1727
teacher for any cause other than death, retirement, receipt of a 1728
disability benefit, or current employment in a position in which 1729
the member has elected to participate in an alternative retirement 1730
plan under section 3305.05 or 3305.051 of the Revised Code, upon 1731
application, shall be paid the accumulated contributions standing 1732
to the credit of the member's individual account in the teachers' 1733
savings fund plus an amount calculated in accordance with section 1734
3307.563 of the Revised Code. If the member or the member's legal 1735
representative cannot be found within ten years after the member 1736
ceased making contributions pursuant to section 3307.26 of the 1737
Revised Code, the accumulated contributions may be transferred to 1738
the guarantee fund and thereafter paid to the member, to the 1739
member's beneficiaries, or to the member's estate, upon proper 1740
application. 1741

(2) A member described in division (A)(1) of this section who 1742
is married at the time of application for payment and is eligible 1743

for age and service retirement under section 3307.58 or 3307.59 of 1744
the Revised Code or would be eligible for age and service 1745
retirement under either of those sections but for a forfeiture 1746
ordered under division (A) or (B) of section 2929.192 of the 1747
Revised Code shall submit with the application a written statement 1748
by the member's spouse attesting that the spouse consents to the 1749
payment of the member's accumulated contributions. Consent shall 1750
be valid only if it is signed and witnessed by a notary public. If 1751
the statement is not submitted under this division, the 1752
application shall be considered an application for service 1753
retirement and shall be subject to division (G)(1) of section 1754
3307.60 of the Revised Code. 1755

The state teachers retirement board may waive the requirement 1756
of consent if the spouse is incapacitated or cannot be located, or 1757
for any other reason specified by the board. Consent or waiver is 1758
effective only with regard to the spouse who is the subject of the 1759
consent or waiver. 1760

(B) This division applies to any member who is employed in a 1761
position in which the member has elected under section 3305.05 or 1762
3305.051 of the Revised Code to participate in an alternative 1763
retirement plan and due to the election ceases to be a teacher for 1764
the purposes of that position. 1765

Subject to sections 3307.37 and 3307.561 of the Revised Code, 1766
the state teachers retirement system shall do the following: 1767

(1) On receipt of a certified copy of an election under 1768
section 3305.05 or 3305.051 of the Revised Code, pay, in 1769
accordance with section 3305.052 of the Revised Code, the amount 1770
described in that section to the appropriate provider; 1771

(2) If a member has accumulated contributions, in addition to 1772
those subject to division (B)(1) of this section, standing to the 1773
credit of a member's individual account and is not otherwise in a 1774

position in which the member is considered a teacher for the 1775
purposes of that position, pay, to the provider the member 1776
selected pursuant to section 3305.05 or 3305.051 of the Revised 1777
Code, the accumulated contributions standing to the credit of the 1778
member's individual account in the teachers' saving fund plus an 1779
amount calculated in accordance with section 3307.80 of the 1780
Revised Code. The payment shall be made on the member's 1781
application. 1782

(C) Payment of a member's accumulated contributions under 1783
division (B) of this section cancels the member's total service 1784
credit in the state teachers retirement system. A member whose 1785
accumulated contributions are paid to a provider pursuant to 1786
division (B) of this section is forever barred from claiming or 1787
purchasing service credit under the state teachers retirement 1788
system for the period of employment attributable to those 1789
contributions. 1790

Sec. 3309.22. (A)(1) As used in this division, "personal 1791
history record" means information maintained by the board on an 1792
individual who is a member, former member, contributor, former 1793
contributor, retirant, or beneficiary that includes the address, 1794
telephone number, social security number, record of contributions, 1795
correspondence with the system, and other information the board 1796
determines to be confidential. 1797

(2) The records of the board shall be open to public 1798
inspection, except for the following, which shall be excluded, 1799
except with the written authorization of the individual concerned: 1800

(a) The individual's statement of previous service and other 1801
information as provided for in section 3309.28 of the Revised 1802
Code; 1803

(b) Any information identifying by name and address the 1804
amount of a monthly allowance or benefit paid to the individual; 1805

(c) The individual's personal history record.	1806
(B) All medical reports and recommendations required by the system are privileged except that copies of such medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.	1807 1808 1809 1810 1811 1812 1813
(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one such request of a person in any one year.	1814 1815 1816 1817
(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:	1818 1819 1820
(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code <u>or an order issued under division (A) or (B) of section 2929.192 of the Revised Code</u> or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.	1821 1822 1823 1824 1825 1826 1827 1828 1829
(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.	1830 1831 1832 1833
(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, retirants, contributors, former	1834 1835 1836

contributors, or beneficiaries. The costs of compiling, copying, 1837
and mailing the list shall be paid by such person. 1838

(4) Within fourteen days after receiving from the director of 1839
job and family services a list of the names and social security 1840
numbers of recipients of public assistance pursuant to section 1841
5101.181 of the Revised Code, the board shall inform the auditor 1842
of state of the name, current or most recent employer address, and 1843
social security number of each contributor whose name and social 1844
security number are the same as that of a person whose name or 1845
social security number was submitted by the director. The board 1846
and its employees shall, except for purposes of furnishing the 1847
auditor of state with information required by this section, 1848
preserve the confidentiality of recipients of public assistance in 1849
compliance with division (A) of section 5101.181 of the Revised 1850
Code. 1851

(5) The system shall comply with orders issued under section 1852
3105.87 of the Revised Code. 1853

On the written request of an alternate payee, as defined in 1854
section 3105.80 of the Revised Code, the system shall furnish to 1855
the alternate payee information on the amount and status of any 1856
amounts payable to the alternate payee under an order issued under 1857
section 3105.171 or 3105.65 of the Revised Code. 1858

(6) At the request of any person, the board shall make 1859
available to the person copies of all documents, including 1860
resumes, in the board's possession regarding filling a vacancy of 1861
an employee member or retirant member of the board. The person who 1862
made the request shall pay the cost of compiling, copying, and 1863
mailing the documents. The information described in this division 1864
is a public record. 1865

(E) A statement that contains information obtained from the 1866
system's records that is signed by an officer of the retirement 1867

system and to which the system's official seal is affixed, or 1868
copies of the system's records to which the signature and seal are 1869
attached, shall be received as true copies of the system's records 1870
in any court or before any officer of this state. 1871

Sec. 3309.42. (A)(1) Subject to sections 3309.43 and 3309.67 1872
of the Revised Code and except as provided in division (B) of this 1873
section, a member who elects to become exempt from contribution to 1874
the school employees retirement system pursuant to section 3309.23 1875
of the Revised Code, or ceases to be an employee for any cause 1876
other than death, retirement, receipt of a disability benefit, or 1877
current employment in a position in which the member has elected 1878
to participate in an alternative retirement plan pursuant to 1879
section 3305.05 or 3305.051 of the Revised Code, shall be paid the 1880
accumulated contributions standing to the credit of the member's 1881
individual account in the employees' savings fund upon application 1882
and subject to such rules as are established by the school 1883
employees retirement board and provided three months have elapsed 1884
since employment, other than employment exempt from contribution 1885
under division (C) of section 3309.23 of the Revised Code, ceased. 1886
1887

(2) A member described in division (A)(1) of this section who 1888
is married at the time of application for payment and would be 1889
eligible for age and service retirement under section 3309.34, 1890
3309.36, or 3309.40 of the Revised Code but for a forfeiture 1891
ordered under division (A) or (B) of section 2929.192 of the 1892
Revised Code shall submit with the application a written statement 1893
by the member's spouse attesting that the spouse consents to the 1894
payment of the member's accumulated contributions. Consent shall 1895
be valid only if it is signed and witnessed by a notary public. 1896
The board may waive the requirement of consent if the spouse is 1897
incapacitated or cannot be located, or for any other reason 1898
specified by the board. Consent or waiver is effective only with 1899

regard to the spouse who is the subject of the consent or waiver. 1900

(B) This division applies to any member who is employed in a 1901
position in which the member has elected under section 3305.05 or 1902
3305.051 of the Revised Code to participate in an alternative 1903
retirement plan and due to the election ceases to be an employee 1904
for purposes of that position. 1905

Subject to sections 3309.43 and 3309.67 of the Revised Code, 1906
the school employees retirement system shall do the following: 1907

(1) On receipt of an election under section 3305.05 or 1908
3305.051 of the Revised Code, pay, in accordance with section 1909
3305.052 of the Revised Code, the amount described in that section 1910
to the appropriate provider; 1911

(2) If a member has accumulated contributions, in addition to 1912
those subject to division (B)(1) of this section, standing to the 1913
credit of the member's individual account and is not otherwise in 1914
a position in which the member is considered an employee for the 1915
purposes of that position, pay, to the provider the member 1916
selected pursuant to section 3305.05 or 3305.051 of the Revised 1917
Code, the accumulated contributions standing to the credit of the 1918
member's individual account in the employees' saving fund. The 1919
payment shall be made on the member's application. 1920

(C) Payment of a member's accumulated contributions under 1921
this section cancels the member's total service credit in the 1922
school employees retirement system. A member whose accumulated 1923
contributions are paid to a provider pursuant to division (B) of 1924
this section is forever barred from claiming or purchasing service 1925
credit under the school employees retirement system for the period 1926
of employment attributable to those contributions. 1927

Sec. 3309.66. The right of an individual to a pension, an 1928
annuity, or a retirement allowance itself, the right of an 1929

individual to any optional benefit, any other right accrued or 1930
accruing to any individual under this chapter, the various funds 1931
created by section 3309.60 of the Revised Code, and all moneys, 1932
investments, and income from moneys and investments are exempt 1933
from any state tax, except the tax imposed by section 5747.02 of 1934
the Revised Code, and are exempt from any county, municipal, or 1935
other local tax, except taxes imposed pursuant to section 5748.02 1936
or 5748.08 of the Revised Code, and, except as provided in 1937
sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 1938
3121.03, 3123.06, ~~and~~ 3309.67, and 3309.672 of the Revised Code, 1939
shall not be subject to execution, garnishment, attachment, the 1940
operation of bankruptcy or insolvency laws, or any other process 1941
of law whatsoever, and shall be unassignable except as 1942
specifically provided in this chapter ~~or~~ and in sections ~~and~~ 1943
3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 1944
and 3123.06 of the Revised Code. 1945

Sec. 3309.672. (A) Notwithstanding any other provision of 1946
this chapter, any payment of accumulated contributions standing to 1947
a person's credit under this chapter and any other amount or 1948
amounts to be paid to a person who is a contributor under this 1949
chapter upon the person's withdrawal of contributions pursuant to 1950
this chapter shall be subject to any forfeiture ordered under 1951
division (A) or (B) of section 2929.192 of the Revised Code, and 1952
the school employees retirement system shall comply with that 1953
order in making the payment. Upon payment of the person's 1954
accumulated contributions and cancellation of the corresponding 1955
service credit, a person who is subject to the forfeiture 1956
described in this division may not restore the canceled service 1957
credit under this chapter or under Chapter 145., 742., 3305., 1958
3307., or 5505. of the Revised Code. 1959

(B) Notwithstanding any other provision of this chapter, if 1960
the system receives notice pursuant to section 2901.43 of the 1961

Revised Code that a person who has accumulated contributions 1962
standing to the person's credit pursuant to this chapter is 1963
charged with any offense or violation listed or described in 1964
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 1965
that is a felony in the circumstances specified in the particular 1966
division, all of the following apply: 1967

(1) No payment of those accumulated contributions or of any 1968
other amount or amounts to be paid to a person who is a 1969
contributor under this chapter upon the person's withdrawal of 1970
contributions pursuant to this chapter shall be made prior to 1971
whichever of the following is applicable: 1972

(a) If the person is convicted of or pleads guilty to the 1973
charge and forfeiture is ordered under division (A) or (B) of 1974
section 2929.192 of the Revised Code, the day on which the system 1975
receives from the court a copy of the journal entry of the 1976
offender's sentence under that section; 1977

(b) If the charge against the person is dismissed, the person 1978
is found not guilty of the charge, or the person is found not 1979
guilty by reason of insanity of the charge, the day on which the 1980
system receives notice of the final disposition of the charge. 1981

(2) The system shall not process any application for payment 1982
under this chapter from the person prior to the final disposition 1983
of the charge. 1984

Sec. 3309.82. (A) Except as provided in division (B) of this 1985
section, sections 3309.02, 3309.021, and 3309.022 and sections 1986
3309.18 to 3309.70 of the Revised Code do not apply to a plan 1987
established under section 3309.81 of the Revised Code, except that 1988
a plan may incorporate provisions of those sections as specified 1989
in the plan document. 1990

(B) The following sections of Chapter 3309. of the Revised 1991

Code apply to a plan established under section 3309.81 of the 1992
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 1993
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 1994
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 1995
3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 1996
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 1997
3309.68, and 3309.70 of the Revised Code. 1998

Sec. 3309.95. Subject to sections 3309.341, 3309.66, ~~and~~ 1999
3309.67, and 3309.672 of the Revised Code, the right of a member 2000
participating in a plan established under section 3309.81 of the 2001
Revised Code to any payment or benefit accruing from contributions 2002
made by or on behalf of the member under sections 3309.85 and 2003
3309.86 of the Revised Code shall vest in accordance with this 2004
section. 2005

A member's right to any payment or benefit that is based on 2006
the member's contributions is nonforfeitable. 2007

A member's right to any payment or benefit that is based on 2008
contributions by the member's employer is nonforfeitable as 2009
specified by the plan selected by the member. 2010

Sec. 5505.04. (A)(1) The general administration and 2011
management of the state highway patrol retirement system and the 2012
making effective of this chapter are hereby vested in the state 2013
highway patrol retirement board. The board may sue and be sued, 2014
plead and be impleaded, contract and be contracted with, and do 2015
all things necessary to carry out this chapter. 2016

The board shall consist of the following members: 2017

(a) The superintendent of the state highway patrol; 2018

(b) Two retirant members who reside in this state; 2019

(c) Five employee-members; 2020

(d) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and who shall have the following qualifications:

(i) The member is a resident of this state.

(ii) Within the three years immediately preceding the appointment, the member has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including the management, analysis, supervision, or investment of assets.

(iii) The member has direct experience in the management, analysis, supervision, or investment of assets.

(iv) The member is not currently employed by the state or a political subdivision of the state.

(e) Two investment expert members, who shall be appointed to four-year terms. One investment expert member shall be appointed by the governor, and one investment expert member shall be jointly appointed by the speaker of the house of representatives and the president of the senate. Each investment expert member shall have the following qualifications:

(i) Each investment expert member shall be a resident of this state.

(ii) Within the three years immediately preceding the appointment, each investment expert member shall not have been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement

system or by any person, partnership, or corporation that has 2052
provided to one of those retirement systems services of a 2053
financial or investment nature, including the management, 2054
analysis, supervision, or investment of assets. 2055

(iii) Each investment expert member shall have direct 2056
experience in the management, analysis, supervision, or investment 2057
of assets. 2058

(2) The board shall annually elect a chairperson and 2059
vice-chairperson from among its members. The vice-chairperson 2060
shall act as chairperson in the absence of the chairperson. A 2061
majority of the members of the board shall constitute a quorum and 2062
any action taken shall be approved by a majority of the members of 2063
the board. The board shall meet not less than once each year, upon 2064
sufficient notice to the members. All meetings of the board shall 2065
be open to the public except executive sessions as set forth in 2066
division (G) of section 121.22 of the Revised Code, and any 2067
portions of any sessions discussing medical records or the degree 2068
of disability of a member excluded from public inspection by this 2069
section. 2070

(3) Any investment expert member appointed to fill a vacancy 2071
occurring prior to the expiration of the term for which the 2072
member's predecessor was appointed holds office until the end of 2073
such term. The member continues in office subsequent to the 2074
expiration date of the member's term until the member's successor 2075
takes office, or until a period of sixty days has elapsed, 2076
whichever occurs first. 2077

(B) The attorney general shall prescribe procedures for the 2078
adoption of rules authorized under this chapter, consistent with 2079
the provision of section 111.15 of the Revised Code under which 2080
all rules shall be filed in order to be effective. Such procedures 2081
shall establish methods by which notice of proposed rules are 2082
given to interested parties and rules adopted by the board 2083

published and otherwise made available. When it files a rule with 2084
the joint committee on agency rule review pursuant to section 2085
111.15 of the Revised Code, the board shall submit to the Ohio 2086
retirement study council a copy of the full text of the rule, and 2087
if applicable, a copy of the rule summary and fiscal analysis 2088
required by division (B) of section 127.18 of the Revised Code. 2089

(C)(1) As used in this division, "personal history record" 2090
means information maintained by the board on an individual who is 2091
a member, former member, retirant, or beneficiary that includes 2092
the address, telephone number, social security number, record of 2093
contributions, correspondence with the system, and other 2094
information the board determines to be confidential. 2095

(2) The records of the board shall be open to public 2096
inspection, except for the following which shall be excluded: the 2097
member's, former member's, retirant's, or beneficiary's personal 2098
history record and the amount of a monthly allowance or benefit 2099
paid to a retirant, beneficiary, or survivor, except with the 2100
written authorization of the individual concerned. All medical 2101
reports and recommendations are privileged except that copies of 2102
such medical reports or recommendations shall be made available to 2103
the individual's personal physician, attorney, or authorized agent 2104
upon written release received from such individual or such 2105
individual's agent, or when necessary for the proper 2106
administration of the fund to the board-assigned physician. 2107

(D) Notwithstanding the exceptions to public inspection in 2108
division (C)(2) of this section, the board may furnish the 2109
following information: 2110

(1) If a member, former member, or retirant is subject to an 2111
order issued under section 2907.15 of the Revised Code or an order 2112
issued under division (A) or (B) of section 2929.192 of the 2113
Revised Code or is convicted of or pleads guilty to a violation of 2114
section 2921.41 of the Revised Code, on written request of a 2115

prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court order issued under Chapters 3119., 3121., and 3123. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under those chapters.

(3) At the written request of any nonprofit organization or association providing services to retirement system members, retirants, or beneficiaries, the board shall provide to the organization or association a list of the names and addresses of members, former members, retirants, or beneficiaries if the organization or association agrees to use such information solely in accordance with its stated purpose of providing services to such individuals and not for the benefit of other persons, organizations, or associations. The costs of compiling, copying, and mailing the list shall be paid by such entity.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as those of a person whose name or social security number was submitted by the director. The board and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

(5) The system shall comply with orders issued under section 3105.87 of the Revised Code.

On the written request of an alternate payee, as defined in 2148
section 3105.80 of the Revised Code, the system shall furnish to 2149
the alternate payee information on the amount and status of any 2150
amounts payable to the alternate payee under an order issued under 2151
section 3105.171 or 3105.65 of the Revised Code. 2152

(6) At the request of any person, the board shall make 2153
available to the person copies of all documents, including 2154
resumes, in the board's possession regarding filling a vacancy of 2155
an employee member or retirant member of the board. The person who 2156
made the request shall pay the cost of compiling, copying, and 2157
mailing the documents. The information described in this division 2158
is a public record. 2159

(E) A statement that contains information obtained from the 2160
system's records that is certified and signed by an officer of the 2161
retirement system and to which the system's official seal is 2162
affixed, or copies of the system's records to which the signature 2163
and seal are attached, shall be received as true copies of the 2164
system's records in any court or before any officer of this state. 2165

Sec. 5505.19. Subject to section 5505.26 of the Revised Code, 2166
a member of the state highway patrol retirement system who ceases 2167
to be an employee of the state highway patrol for any cause except 2168
death, disability, or retirement, upon application filed in 2169
writing with the state highway patrol retirement board, shall be 2170
paid the accumulated contributions, less interest, standing to the 2171
credit of the member's individual account in the employees' 2172
savings fund. Except as otherwise provided in this chapter, five 2173
years after a member ceases to be an employee of the patrol any 2174
balance of accumulated contributions standing to the member's 2175
credit in the employees' savings fund shall be transferred to the 2176
income fund and after that shall be paid from that fund to the 2177
member, or in the case of a deceased member or retirant who dies 2178

leaving no surviving spouse or dependent children or parents, 2179
shall be paid from that fund to the estate of the deceased member 2180
or retirant, upon application to the board. 2181

A member described in this section who is married at the time 2182
of application for payment and would be eligible for age and 2183
service retirement under section 5505.16 or 5505.17 of the Revised 2184
Code but for a forfeiture ordered under division (A) or (B) of 2185
section 2929.192 of the Revised Code shall submit with the 2186
application a written statement by the member's spouse attesting 2187
that the spouse consents to the payment of the member's 2188
accumulated contributions. Consent shall be valid only if it is 2189
signed and witnessed by a notary public. The board may waive the 2190
requirement of consent if the spouse is incapacitated or cannot be 2191
located, or for any other reason specified by the board. Consent 2192
or waiver is effective only with regard to the spouse who is the 2193
subject of the consent or waiver. 2194

Sec. 5505.22. The right of any individual to a pension, or to 2195
the return of accumulated contributions, payable as provided under 2196
this chapter, and all moneys and investments of the state highway 2197
patrol retirement system and income from moneys or investments are 2198
exempt from any state tax, except the tax imposed by section 2199
5747.02 of the Revised Code, and are exempt from any county, 2200
municipal, or other local tax, except taxes imposed pursuant to 2201
section 5748.02 or 5748.08 of the Revised Code, and, except as 2202
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 2203
3121.02, 3121.03, 3123.06, ~~and~~ 5505.26, and 5505.262 of the 2204
Revised Code, shall not be subject to execution, garnishment, 2205
attachment, the operation of bankruptcy or insolvency laws, or any 2206
other process of law whatsoever, and shall be unassignable except 2207
as specifically provided in this chapter. 2208

Sec. 5505.262. (A) Notwithstanding any other provision of 2209

this chapter, any payment of accumulated contributions standing to 2210
a person's credit under this chapter and any other amount or 2211
amounts to be paid to a person who is a contributor under this 2212
chapter upon the person's withdrawal of contributions pursuant to 2213
this chapter shall be subject to any forfeiture ordered under 2214
division (A) or (B) of section 2929.192 of the Revised Code, and 2215
the state highway patrol retirement system shall comply with that 2216
order in making the payment. Upon payment of the person's 2217
accumulated contributions and cancellation of the corresponding 2218
service credit, a person who is subject to the forfeiture 2219
described in this division may not restore the canceled service 2220
credit under this chapter or under Chapter 145., 742., 3305., 2221
3307., or 3309. of the Revised Code. 2222

(B) Notwithstanding any other provision of this chapter, if 2223
the system receives notice pursuant to section 2901.43 of the 2224
Revised Code that a person who has accumulated contributions 2225
standing to the person's credit pursuant to this chapter is 2226
charged with any offense or violation listed or described in 2227
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 2228
that is a felony in the circumstances specified in the particular 2229
division, all of the following apply: 2230

(1) No payment of those accumulated contributions or of any 2231
other amount or amounts to be paid to a person who is a 2232
contributor under this chapter upon the person's withdrawal of 2233
contributions pursuant to this chapter shall be made prior to 2234
whichever of the following is applicable: 2235

(a) If the person is convicted of or pleads guilty to the 2236
charge and forfeiture is ordered under division (A) or (B) of 2237
section 2929.192 of the Revised Code, the day on which the system 2238
receives from the court a copy of the journal entry of the 2239
offender's sentence under that section; 2240

(b) If the charge against the person is dismissed, the person 2241

is found not guilty of the charge, or the person is found not 2242
guilty by reason of insanity of the charge, the day on which the 2243
system receives notice of the final disposition of the charge. 2244

(2) The system shall not process any application for payment 2245
under this chapter from the person prior to the final disposition 2246
of the charge. 2247

Section 2. That existing sections 145.27, 145.40, 145.56, 2248
145.82, 145.95, 742.37, 742.41, 742.47, 2329.66, 2967.16, 2967.17, 2249
3305.07, 3307.20, 3307.41, 3307.56, 3309.22, 3309.42, 3309.66, 2250
3309.82, 3309.95, 5505.04, 5505.19, and 5505.22 of the Revised 2251
Code are hereby repealed. 2252

Section 3. (A) Notwithstanding division (D)(3) of section 2253
121.41 of the Revised Code, the Inspector General shall 2254
investigate the management and operation of the Office of the 2255
Attorney General to determine whether misconduct or wrongful acts 2256
or omissions have been committed or are being committed by the 2257
Attorney General or by present or former employees of or 2258
contractors with the Office of the Attorney General. ("Wrongful 2259
act or omission" has the meaning defined in division (G) of 2260
section 121.41 of the Revised Code.) In conducting the 2261
investigation: 2262

(1) The Inspector General and each deputy inspector general 2263
may administer oaths, examine witnesses under oath, and issue 2264
subpoenas and subpoenas duces tecum to compel the attendance of 2265
witnesses and the production of all kinds of books, records, 2266
papers, and tangible things. Upon the refusal of a witness to be 2267
sworn or to answer any question put to the witness, or if a person 2268
disobeys a subpoena, the Inspector General shall apply to the 2269
court of common pleas for a contempt order, as in the case of 2270
disobedience to the requirements of a subpoena issued from the 2271

court of common pleas, or a refusal to testify in the court. 2272

(2) The Inspector General shall identify other state officers 2273
and agencies that also are conducting contemporaneous 2274
investigations, audits, reviews, or evaluations of the Office of 2275
the Attorney General. The Inspector General is entitled to 2276
coordinate and manage these investigations, audits, reviews, and 2277
evaluations. A state officer or agency that is conducting such an 2278
investigation, audit, review, or evaluation shall cooperate with 2279
the Inspector General in this regard. The Inspector General and 2280
each state officer or agency that is conducting such an 2281
investigation, audit, review, or evaluation shall share 2282
information and avoid duplication of effort. 2283

(B) At the conclusion of the investigation, the Inspector 2284
General shall prepare a detailed final report of the results of 2285
the investigation. The Inspector General shall submit the final 2286
report to the Governor, to the Speaker of the House of 2287
Representatives, and to the President of the Senate. The authority 2288
vested in the Inspector General by this section terminates when 2289
the final report has been submitted. 2290

(C) The Inspector General may enter into any contracts that 2291
are necessary to complete the investigation. The contracts may 2292
include contracts for the services of persons who are experts in a 2293
particular field and whose expertise is necessary to successful 2294
completion of the investigation. 2295

Section 4. That Section 305.10 of Am. Sub. H.B. 119 of the 2296
127th General Assembly be amended to read as follows: 2297

Sec. 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 2298

General Revenue Fund 2299

GRF 965-321 Operating Expenses \$ ~~1,367,372~~ \$ 1,437,901 2300
1,617,372

TOTAL GRF General Revenue Fund	\$	1,367,372	\$	1,437,901	2301
		<u>1,617,372</u>			
General Services Fund Group					2302
4Z3 965-602 Special	\$	425,000	\$	425,000	2303
Investigations					
TOTAL GSF General Services Fund	\$	425,000	\$	425,000	2304
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,792,372	\$	1,862,901	2305
		<u>2,042,372</u>			

INVESTIGATION OF OFFICE OF ATTORNEY GENERAL 2306

Of the foregoing appropriation item 965-321, Operating 2307
Expenses, \$250,000 in fiscal year 2008 shall be used to conduct an 2308
investigation of the Office of the Attorney General under Section 2309
3 of this act. On or before June 30, 2008, any unencumbered 2310
amounts allocated for the investigation of the Office of the 2311
Attorney General are appropriated for the same purpose in fiscal 2312
year 2009. 2313

Section 5. That existing Section 305.10 of Am. Sub. H.B. 119 2314
of the 127th General Assembly is hereby repealed. 2315

Section 6. The General Assembly, applying the principle 2316
stated in division (B) of section 1.52 of the Revised Code that 2317
amendments are to be harmonized if reasonably capable of 2318
simultaneous operation, finds that the following sections, 2319
presented in this act as composites of the sections as amended by 2320
the acts indicated, are the resulting versions of the sections in 2321
effect prior to the effective date of the sections as presented in 2322
this act: 2323

Section 742.47 of the Revised Code as amended by both Sub. 2324
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly. 2325

Section 3307.41 of the Revised Code as amended by both Sub. 2326

H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly.	2327
Section 3309.66 of the Revised Code as amended by Sub. H.B.	2328
535, Am. Sub. S.B. 180, and Sub. S.B. 270 of the 123rd General	2329
Assembly.	2330
Section 5505.22 of the Revised Code as amended by both Sub.	2331
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly.	2332
Section 7. This act is hereby declared to be an emergency	2333
measure necessary for the immediate preservation of the public	2334
peace, health, and safety. The reason for such necessity lies in	2335
the fact that it is essential that an investigation, conducted and	2336
coordinated by the Inspector General, commence as soon as possible	2337
to investigate alleged misconduct and wrongful acts and omissions	2338
in the Office of the Attorney General. Therefore, this act shall	2339
go into immediate effect.	2340