

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

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Sub. S. B. No. 3

Senator Faber

Cosponsors: Senators Schaffer, Stivers, Jacobson, Carey, Grendell,

Schuring

—

A BILL

To amend sections 145.27, 145.56, 145.82, 145.95, 1
742.41, 742.47, 2329.66, 2967.16, 2967.17, 2
3305.07, 3307.20, 3307.41, 3309.22, 3309.66, 3
3309.82, 3309.95, 5505.04, and 5505.22 and to 4
enact sections 101.721, 101.921, 121.621, 145.572, 5
742.463, 2901.43, 2929.192, 3305.11, 3307.372, 6
3309.672, and 5505.262 of the Revised Code to 7
provide that the privilege of holding a position 8
of honor, trust, or profit that is forfeited by 9
reason of conviction of certain felonies is not 10
restored on completion of a prison term, period of 11
community control sanctions or pardon or release 12
by the Adult Parole Authority; to impose as part 13
of the sentence of a person convicted of certain 14
felonies committed while serving in such a 15
position the forfeiture of the portion of any 16
public retirement benefit that is based on 17
employer contributions; to provide for the 18
notification of the appropriate public retirement 19
system if a member is charged with one of the 20
felonies that could result in such a forfeiture; 21
and to impose a lifetime ban against serving as, 22

and the termination of any current registration 23
of, a legislative agent, retirement system 24
lobbyist, or executive agency lobbyist upon a 25
person convicted of certain felonies. 26

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

Section 1. That sections 145.27, 145.56, 145.82, 145.95, 27
742.41, 742.47, 2329.66, 2967.16, 2967.17, 3305.07, 3307.20, 28
3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 29
be amended and sections 101.721, 101.921, 121.621, 145.572, 30
742.463, 2901.43, 2929.192, 3305.11, 3307.372, 3309.672, and 31
5505.262 of the Revised Code be enacted to read as follows: 32

Sec. 101.721. (A) No person shall be permitted to register as 33
a legislative agent under division (A) or (B) of section 101.72 of 34
the Revised Code if the person is convicted of or pleads guilty to 35
committing on or after the effective date of this section any of 36
the following offenses that is a felony: 37

(1) A violation of section 2921.02, 2921.03, 2921.05, 38
2921.41, 2921.42, or 2923.32 of the Revised Code; 39

(2) A violation of section 2913.42, 2921.04, 2921.11, 40
2921.12, 2921.31, or 2921.32 of the Revised Code if the person 41
committed the violation while the person was serving in a public 42
office and the conduct constituting the violation was related to 43
the duties of the person's public office or to the person's 44
actions as a public official holding that public office; 45

(3) A violation of an existing or former municipal ordinance 46
or law of this or any other state or the United States that is 47
substantially equivalent to any violation listed in division 48
(A)(1) of this section; 49

(4) A violation of an existing or former municipal ordinance 50

or law of this or any other state or the United States that is 51
substantially equivalent to any violation listed in division 52
(A)(2) of this section if the person committed the violation while 53
the person was serving in a public office and the conduct 54
constituting the violation was related to the duties of the 55
person's public office or to the person's actions as a public 56
official holding that public office; 57

(5) A conspiracy to commit, attempt to commit, or complicity 58
in committing any violation listed in division (A)(1) or described 59
in division (A)(3) of this section; 60

(6) A conspiracy to commit, attempt to commit, or complicity 61
in committing any violation listed in division (A)(2) or described 62
in division (A)(4) of this section if the person committed the 63
violation while the person was serving in a public office and the 64
conduct constituting the violation that was the subject of the 65
conspiracy, that would have constituted the offense attempted, or 66
constituting the violation in which the person was complicit was 67
or would have been related to the duties of the person's public 68
office or to the person's actions as a public official holding 69
that public office. 70

(B) If a legislative agent has registered with the joint 71
legislative ethics committee under division (A) or (B) of section 72
101.72 of the Revised Code and, on or after the effective date of 73
this section and during the period during which the registration 74
is valid, the legislative agent is convicted of or pleads guilty 75
to any felony offense listed or described in division (A)(1), (2), 76
(3), (4), (5), or (6) of this section in the circumstances 77
specified in the particular division, the joint legislative ethics 78
committee immediately upon becoming aware of the conviction or 79
guilty plea shall terminate the registration of the person as a 80
legislative agent, and, after the termination, the ban imposed 81
under division (A) of this section applies to the person. 82

(C) The ban imposed under division (A) of this section is a 83
lifetime ban, and the offender is forever disqualified from 84
registering as a legislative agent under section 101.72 of the 85
Revised Code. 86

(D) For purposes of divisions (A) and (B) of this section, a 87
violation of section 2923.32 of the Revised Code or any other 88
violation or offense that includes as an element a course of 89
conduct or the occurrence of multiple acts is "committed on or 90
after the effective date of this section" if the course of conduct 91
continues, one or more of the multiple acts occurs, or the subject 92
person's accountability for the course of conduct or for one or 93
more of the multiple acts continues, on or after the effective 94
date of this section. 95

(E) As used in this section, "public office" means any 96
elected federal, state, or local government office in this state. 97

Sec. 101.921. (A) No person shall be permitted to register as 98
a retirement system lobbyist under division (A) or (B) of section 99
101.92 of the Revised Code if the person is convicted of or pleads 100
guilty to committing on or after the effective date of this 101
section any felony offense listed or described in divisions (A)(1) 102
to (6) of section 101.721 of the Revised Code in the circumstances 103
specified in the particular division. 104

(B) If a retirement system lobbyist has registered with the 105
joint legislative ethics committee under division (A) or (B) of 106
section 101.92 of the Revised Code, and, on or after the effective 107
date of this section and during the period during which the 108
registration is valid, the retirement system lobbyist is convicted 109
of or pleads guilty to any felony offense listed or described in 110
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 111
the circumstances specified in the particular division, the joint 112
legislative ethics committee immediately upon becoming aware of 113

the conviction or guilty plea shall terminate the registration of 114
the person as a retirement system lobbyist, and, after the 115
termination, the ban imposed under division (A) of this section 116
applies to the person. 117

(C) The ban imposed under division (A) of this section is a 118
lifetime ban, and the offender is forever disqualified from 119
registering as a retirement system lobbyist under section 101.92 120
of the Revised Code. 121

(D) For purposes of divisions (A) and (B) of this section, a 122
violation of section 2923.32 of the Revised Code or any other 123
violation or offense that includes as an element a course of 124
conduct or the occurrence of multiple acts is "committed on or 125
after the effective date of this section" if the course of conduct 126
continues, one or more of the multiple acts occurs, or the subject 127
person's accountability for the course of conduct or for one or 128
more of the multiple acts continues, on or after the effective 129
date of this section. 130

Sec. 121.621. (A) No person shall be permitted to register as 131
an executive agency lobbyist under division (A) or (B) of section 132
121.62 of the Revised Code if the person is convicted of or pleads 133
guilty to committing on or after the effective date of this 134
section any felony offense listed or described in divisions (A)(1) 135
to (6) of section 101.721 of the Revised Code in the circumstances 136
specified in the particular division. 137

(B) If an executive agency lobbyist has registered with the 138
joint legislative ethics committee under division (A) or (B) of 139
section 121.62 of the Revised Code and, on or after the effective 140
date of this section and during the period during which the 141
registration is valid, the executive agency lobbyist is convicted 142
of or pleads guilty to any felony offense listed or described in 143
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 144

the circumstances specified in the particular division, the joint 145
legislative ethics committee immediately upon becoming aware of 146
the conviction or guilty plea shall terminate the registration of 147
the person as an executive agency lobbyist, and, after the 148
termination, the ban imposed under division (A) of this section 149
applies to the person. 150

(C) The ban imposed under divisions (A) and (B) of this 151
section is a lifetime ban, and the offender is forever 152
disqualified from registering as an executive agency lobbyist 153
under section 121.62 of the Revised Code. 154

(D) For purposes of divisions (A) and (B) of this section, a 155
violation of section 2923.32 of the Revised Code or any other 156
violation or offense that includes as an element a course of 157
conduct or the occurrence of multiple acts is "committed on or 158
after the effective date of this section" if the course of conduct 159
continues, one or more of the multiple acts occurs, or the subject 160
person's accountability for the course of conduct or for one or 161
more of the multiple acts continues, on or after the effective 162
date of this section. 163

Sec. 145.27. (A)(1) As used in this division, "personal 164
history record" means information maintained by the public 165
employees retirement board on an individual who is a member, 166
former member, contributor, former contributor, retirant, or 167
beneficiary that includes the address, telephone number, social 168
security number, record of contributions, correspondence with the 169
public employees retirement system, or other information the board 170
determines to be confidential. 171

(2) The records of the board shall be open to public 172
inspection, except that the following shall be excluded, except 173
with the written authorization of the individual concerned: 174

(a) The individual's statement of previous service and other 175

information as provided for in section 145.16 of the Revised Code;	176
(b) The amount of a monthly allowance or benefit paid to the individual;	177 178
(c) The individual's personal history record.	179
(B) All medical reports and recommendations required by this chapter 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 from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.	180 181 182 183 184 185 186
(C) Any person who is a member or contributor of the system shall be furnished with a statement of the amount to the credit of the individual's account upon written request. The board is not required to answer more than one such request of a person in any one year. The board may issue annual statements of accounts to members and contributors.	187 188 189 190 191 192
(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:	193 194 195
(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.	196 197 198 199 200 201 202 203 204
(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised	205 206

Code, the board shall furnish to a court or child support 207
enforcement agency the information required under that section. 208

(3) At the written request of any person, the board shall 209
provide to the person a list of the names and addresses of 210
members, former members, contributors, former contributors, 211
retirants, or beneficiaries. The costs of compiling, copying, and 212
mailing the list shall be paid by such person. 213

(4) Within fourteen days after receiving from the director of 214
job and family services a list of the names and social security 215
numbers of recipients of public assistance pursuant to section 216
5101.181 of the Revised Code, the board shall inform the auditor 217
of state of the name, current or most recent employer address, and 218
social security number of each member whose name and social 219
security number are the same as that of a person whose name or 220
social security number was submitted by the director. The board 221
and its employees shall, except for purposes of furnishing the 222
auditor of state with information required by this section, 223
preserve the confidentiality of recipients of public assistance in 224
compliance with division (A) of section 5101.181 of the Revised 225
Code. 226

(5) The system shall comply with orders issued under section 227
3105.87 of the Revised Code. 228

On the written request of an alternate payee, as defined in 229
section 3105.80 of the Revised Code, the system shall furnish to 230
the alternate payee information on the amount and status of any 231
amounts payable to the alternate payee under an order issued under 232
section 3105.171 or 3105.65 of the Revised Code. 233

(6) At the request of any person, the board shall make 234
available to the person copies of all documents, including 235
resumes, in the board's possession regarding filling a vacancy of 236
an employee member or retirant member of the board. The person who 237

made the request shall pay the cost of compiling, copying, and 238
mailing the documents. The information described in ~~this~~ division 239
(D)(6) of this section is a public record. 240

(E) A statement that contains information obtained from the 241
system's records that is signed by the executive director or an 242
officer of the system and to which the system's official seal is 243
affixed, or copies of the system's records to which the signature 244
and seal are attached, shall be received as true copies of the 245
system's records in any court or before any officer of this state. 246

Sec. 145.56. The right of an individual to a pension, an 247
annuity, or a retirement allowance itself, the right of an 248
individual to any optional benefit, any other right accrued or 249
accruing to any individual, under this chapter, or under any 250
municipal retirement system established subject to this chapter 251
under the laws of this state or any charter, the various funds 252
created by this chapter, or under such municipal retirement 253
system, and all moneys, investments, and income from moneys or 254
investments are exempt from any state tax, except the tax imposed 255
by section 5747.02 of the Revised Code and are exempt from any 256
county, municipal, or other local tax, except taxes imposed 257
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 258
except as provided in sections 145.57, 145.572, 3105.171, 3105.65, 259
and 3115.32 and Chapters 3119., 3121., 3123., and 3125. of the 260
Revised Code, shall not be subject to execution, garnishment, 261
attachment, the operation of bankruptcy or insolvency laws, or 262
other process of law whatsoever, and shall be unassignable except 263
as specifically provided in this chapter and sections 3105.171, 264
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 265
of the Revised Code. 266

Sec. 145.572. (A)(1) Notwithstanding any other provision of 267
this chapter, the following shall be subject to a forfeiture 268

ordered under division (A) or (B) of section 2929.192 of the 269
Revised Code: 270

(a) The right of a member to receive any payment under a 271
pension, annuity, allowance, or other type of benefit under this 272
chapter, other than a payment of the accumulated contributions 273
standing to the person's credit under this chapter; 274

(b) The right of a contributor to receive a benefit under 275
division (B) of section 145.384 of the Revised Code, other than a 276
payment of the person's contributions made under section 145.38 or 277
145.383 of the Revised Code. 278

(2) The public employees retirement system shall comply with 279
a forfeiture order issued under division (A) or (B) of section 280
2929.192 of the Revised Code at the time the member or contributor 281
applies for payment of the person's accumulated contributions. 282
Upon payment of the person's contributions and cancellation of any 283
corresponding service credit, a person who is subject to the 284
forfeiture order described in this division may not restore any 285
canceled service credit under this chapter or the provisions of 286
Chapter 742., 3305., 3307., 3309., or 5505. of the Revised Code. 287

(B) Notwithstanding any other provision of this chapter, if 288
the system receives notice pursuant to section 2901.43 of the 289
Revised Code that a person who has accumulated contributions 290
standing to the person's credit pursuant to this chapter is 291
charged with any offense or violation listed or described in 292
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 293
that is a felony in the circumstances specified in the particular 294
division, all of the following apply: 295

(1) No payment of those accumulated contributions or of any 296
other amount or amounts to be paid to a person who is a 297
contributor under this chapter upon the person's withdrawal of 298
contributions pursuant to this chapter shall be made prior to 299

whichever of the following is applicable: 300

(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; 301
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(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. 306
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(2) The system shall not process any application for payment under this chapter from the person prior to the final disposition of the charge. 310
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Sec. 145.82. (A) Except as provided in divisions (B) and (C) of this section, sections 145.201 to 145.70 of the Revised Code do not apply to a PERS defined contribution plan, except that a PERS defined contribution plan may incorporate provisions of those sections as specified in the plan document. 313
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(B) The following sections of Chapter 145. of the Revised Code apply to a PERS defined contribution plan: 145.22, 145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 145.69, and 145.70 of the Revised Code. 318
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(C) A PERS defined contribution plan that includes definitely determinable benefits may incorporate by reference all or part of sections 145.201 to 145.79 of the Revised Code to allow a member participating in the plan to purchase service credit or to be eligible for any of the following: 324
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(1) Retirement, disability, survivor, or death benefits; 329

(2) Health or long-term care insurance or any other type of health care benefit; 330
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(3) Additional increases under section 145.323 of the Revised Code; 332
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(4) A refund of contributions made by or on behalf of a member. 334
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With respect to the benefits described in division (C)(1) of this section, the public employees retirement board may establish eligibility requirements and benefit formulas or amounts that differ from those of members participating in the PERS defined benefit plan. With respect to the purchase of service credit by a member participating in a PERS defined contribution plan, the board may reduce the cost of the service credit to reflect the different benefit formula established for the member. 336
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Sec. 145.95. Subject to sections 145.38, 145.56, ~~and~~ 145.57, and 145.572 of the Revised Code, the right of a member participating in a PERS defined contribution plan to any payment or benefit accruing from contributions made by or on behalf of the member under sections 145.85 and 145.86 of the Revised Code shall vest in accordance with this section. 344
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A member's right to any payment or benefit that is based on the member's contributions is nonforfeitable. 350
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A member's right to any payment or benefit that is based on contributions by the member's employer is nonforfeitable as specified by the plan selected by the member. 352
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Sec. 742.41. (A) As used in this section: 355

(1) "Other system retirant" has the same meaning as in section 742.26 of the Revised Code. 356
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(2) "Personal history record" includes a member's, former 358

member's, or other system retirant's name, address, telephone 359
number, social security number, record of contributions, 360
correspondence with the Ohio police and fire pension fund, status 361
of any application for benefits, and any other information deemed 362
confidential by the trustees of the fund. 363

(B) The treasurer of state shall furnish annually to the 364
board of trustees of the fund a sworn statement of the amount of 365
the funds in the treasurer of state's custody belonging to the 366
Ohio police and fire pension fund. The records of the fund shall 367
be open for public inspection except for the following, which 368
shall be excluded, except with the written authorization of the 369
individual concerned: 370

(1) The individual's personal history record; 371

(2) Any information identifying, by name and address, the 372
amount of a monthly allowance or benefit paid to the individual. 373

(C) All medical reports and recommendations required are 374
privileged, except that copies of such medical reports or 375
recommendations shall be made available to the personal physician, 376
attorney, or authorized agent of the individual concerned upon 377
written release received from the individual or the individual's 378
agent or, when necessary for the proper administration of the 379
fund, to the board-assigned physician. 380

(D) Any person who is a member of the fund or an other system 381
retirant shall be furnished with a statement of the amount to the 382
credit of the person's individual account upon the person's 383
written request. The fund need not answer more than one such 384
request of a person in any one year. 385

(E) Notwithstanding the exceptions to public inspection in 386
division (B) of this section, the fund may furnish the following 387
information: 388

(1) If a member, former member, or other system retirant is 389

subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code 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 fund shall furnish to the prosecutor the information requested from the individual's personal history record.

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

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

(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 fund shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member or other system retirant whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The fund and its employees shall, except for purposes of furnishing the auditor of state with information required by this section, preserve the confidentiality of recipients of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

(5) The fund shall comply with orders issued under section

3105.87 of the Revised Code. 422

On the written request of an alternate payee, as defined in 423
section 3105.80 of the Revised Code, the fund shall furnish to the 424
alternate payee information on the amount and status of any 425
amounts payable to the alternate payee under an order issued under 426
section 3105.171 or 3105.65 of the Revised Code. 427

(6) At the request of any person, the fund shall make 428
available to the person copies of all documents, including 429
resumes, in the fund's possession regarding filling a vacancy of a 430
police officer employee member, firefighter employee member, 431
police retirant member, or firefighter retirant member of the 432
board of trustees. The person who made the request shall pay the 433
cost of compiling, copying, and mailing the documents. The 434
information described in this division is a public record. 435

(F) A statement that contains information obtained from the 436
fund's records that is signed by the secretary of the board of 437
trustees of the Ohio police and fire pension fund and to which the 438
board's official seal is affixed, or copies of the fund's records 439
to which the signature and seal are attached, shall be received as 440
true copies of the fund's records in any court or before any 441
officer of this state. 442

Sec. 742.463. (A) Notwithstanding any other provision of this 443
chapter, any payment of accumulated contributions standing to a 444
person's credit under this chapter and any other amount or amounts 445
to be paid to a person who is a contributor under this chapter 446
upon the person's withdrawal of contributions pursuant to this 447
chapter shall be subject to any forfeiture ordered under division 448
(A) or (B) of section 2929.192 of the Revised Code, and the Ohio 449
police and fire pension fund shall comply with that order in 450
making the payment. Upon payment of the person's accumulated 451
contributions and cancellation of the corresponding service 452

credit, a person who is subject to the forfeiture described in 453
this division may not restore the canceled service credit under 454
this chapter or under Chapter 145., 3305., 3307., 3309., or 5505. 455
of the Revised Code. 456

(B) Notwithstanding any other provision of this chapter, if 457
the fund receives notice pursuant to section 2901.43 of the 458
Revised Code that a person who has accumulated contributions 459
standing to the person's credit pursuant to this chapter is 460
charged with any offense or violation listed or described in 461
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 462
that is a felony in the circumstances specified in the particular 463
division, all of the following apply: 464

(1) No payment of those accumulated contributions or of any 465
other amount or amounts to be paid to a person who is a 466
contributor under this chapter upon the person's withdrawal of 467
contributions pursuant to this chapter shall be made prior to 468
whichever of the following is applicable: 469

(a) If the person is convicted of or pleads guilty to the 470
charge and forfeiture is ordered under division (A) or (B) of 471
section 2929.192 of the Revised Code, the day on which the fund 472
receives from the court a copy of the journal entry of the 473
offender's sentence under that section; 474

(b) If the charge against the person is dismissed, the person 475
is found not guilty of the charge, or the person is found not 476
guilty by reason of insanity of the charge, the day on which the 477
fund receives notice of the final disposition of the charge. 478

(2) The fund shall not process any application for payment 479
under this chapter from the person prior to the final disposition 480
of the charge. 481

Sec. 742.47. Except as provided in ~~section~~ sections 742.461, 482

742.463, 3105.171, 3105.65,⁷ and 3115.32 and Chapters 3119., 483
3121., 3123., and 3125. of the Revised Code, sums of money due or 484
to become due to any individual from the Ohio police and fire 485
pension fund are not liable to attachment, garnishment, levy, or 486
seizure under any legal or equitable process or any other process 487
of law whatsoever, whether those sums remain with the treasurer of 488
the fund or any officer or agent of the board of trustees of the 489
fund or are in the course of transmission to the individual 490
entitled to them, but shall inure wholly to the benefit of that 491
individual. 492

Sec. 2329.66. (A) Every person who is domiciled in this state 493
may hold property exempt from execution, garnishment, attachment, 494
or sale to satisfy a judgment or order, as follows: 495

(1)(a) In the case of a judgment or order regarding money 496
owed for health care services rendered or health care supplies 497
provided to the person or a dependent of the person, one parcel or 498
item of real or personal property that the person or a dependent 499
of the person uses as a residence. Division (A)(1)(a) of this 500
section does not preclude, affect, or invalidate the creation 501
under this chapter of a judgment lien upon the exempted property 502
but only delays the enforcement of the lien until the property is 503
sold or otherwise transferred by the owner or in accordance with 504
other applicable laws to a person or entity other than the 505
surviving spouse or surviving minor children of the judgment 506
debtor. Every person who is domiciled in this state may hold 507
exempt from a judgment lien created pursuant to division (A)(1)(a) 508
of this section the person's interest, not to exceed five thousand 509
dollars, in the exempted property. 510

(b) In the case of all other judgments and orders, the 511
person's interest, not to exceed five thousand dollars, in one 512
parcel or item of real or personal property that the person or a 513

dependent of the person uses as a residence.	514
(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;	515 516
(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;	517 518 519 520 521
(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.	522 523 524 525 526 527 528 529
(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;	530 531 532 533 534 535
(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;	536 537 538 539
(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section.	540 541 542
If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division	543 544

(A)(4)(b) of this section shall be added to the total exemption 545
claimed under division (A)(4)(c) of this section, and the total 546
shall not exceed two thousand dollars. If the person claims an 547
exemption under division (A)(1) of this section, the total 548
exemption claimed under division (A)(4)(b) of this section shall 549
be added to the total exemption claimed under division (A)(4)(c) 550
of this section, and the total shall not exceed one thousand five 551
hundred dollars. 552

(5) The person's interest, not to exceed an aggregate of 553
seven hundred fifty dollars, in all implements, professional 554
books, or tools of the person's profession, trade, or business, 555
including agriculture; 556

(6)(a) The person's interest in a beneficiary fund set apart, 557
appropriated, or paid by a benevolent association or society, as 558
exempted by section 2329.63 of the Revised Code; 559

(b) The person's interest in contracts of life or endowment 560
insurance or annuities, as exempted by section 3911.10 of the 561
Revised Code; 562

(c) The person's interest in a policy of group insurance or 563
the proceeds of a policy of group insurance, as exempted by 564
section 3917.05 of the Revised Code; 565

(d) The person's interest in money, benefits, charity, 566
relief, or aid to be paid, provided, or rendered by a fraternal 567
benefit society, as exempted by section 3921.18 of the Revised 568
Code; 569

(e) The person's interest in the portion of benefits under 570
policies of sickness and accident insurance and in lump sum 571
payments for dismemberment and other losses insured under those 572
policies, as exempted by section 3923.19 of the Revised Code. 573

(7) The person's professionally prescribed or medically 574
necessary health aids; 575

(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; 576
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578

(9) The person's interest in the following: 579

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code; 580
581

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code; 582
583

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code; 584
585

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 586
587

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 588
589
590

(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code. 591
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(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, and in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, 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 593
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compensation program offered by the Ohio public employees deferred 606
compensation board, a government unit, or a municipal corporation, 607
or the person's other accrued or accruing rights, as exempted by 608
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 609
5505.22 of the Revised Code, and the person's right to benefits 610
from the Ohio public safety officers death benefit fund; 611

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 612
3121.03, and 3123.06 of the Revised Code, the person's right to 613
receive a payment under any pension, annuity, or similar plan or 614
contract, not including a payment from a stock bonus or 615
profit-sharing plan or a payment included in division (A)(6)(b) or 616
(10)(a) of this section, on account of illness, disability, death, 617
age, or length of service, to the extent reasonably necessary for 618
the support of the person and any of the person's dependents, 619
except if all the following apply: 620

(i) The plan or contract was established by or under the 621
auspices of an insider that employed the person at the time the 622
person's rights under the plan or contract arose. 623

(ii) The payment is on account of age or length of service. 624

(iii) The plan or contract is not qualified under the 625
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 626
amended. 627

(c) Except for any portion of the assets that were deposited 628
for the purpose of evading the payment of any debt and except as 629
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 630
3123.06 of the Revised Code, the person's right in the assets held 631
in, or to receive any payment under, any individual retirement 632
account, individual retirement annuity, "Roth IRA," or education 633
individual retirement account that provides benefits by reason of 634
illness, disability, death, or age, to the extent that the assets, 635
payments, or benefits described in division (A)(10)(c) of this 636

section are attributable to any of the following: 637

(i) Contributions of the person that were less than or equal 638
to the applicable limits on deductible contributions to an 639
individual retirement account or individual retirement annuity in 640
the year that the contributions were made, whether or not the 641
person was eligible to deduct the contributions on the person's 642
federal tax return for the year in which the contributions were 643
made; 644

(ii) Contributions of the person that were less than or equal 645
to the applicable limits on contributions to a Roth IRA or 646
education individual retirement account in the year that the 647
contributions were made; 648

(iii) Contributions of the person that are within the 649
applicable limits on rollover contributions under subsections 219, 650
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 651
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 652
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 653

(d) Except for any portion of the assets that were deposited 654
for the purpose of evading the payment of any debt and except as 655
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 656
3123.06 of the Revised Code, the person's right in the assets held 657
in, or to receive any payment under, any Keogh or "H.R. 10" plan 658
that provides benefits by reason of illness, disability, death, or 659
age, to the extent reasonably necessary for the support of the 660
person and any of the person's dependents. 661

(11) The person's right to receive spousal support, child 662
support, an allowance, or other maintenance to the extent 663
reasonably necessary for the support of the person and any of the 664
person's dependents; 665

(12) The person's right to receive, or moneys received during 666
the preceding twelve calendar months from, any of the following: 667

(a) An award of reparations under sections 2743.51 to 2743.72 668
of the Revised Code, to the extent exempted by division (D) of 669
section 2743.66 of the Revised Code; 670

(b) A payment on account of the wrongful death of an 671
individual of whom the person was a dependent on the date of the 672
individual's death, to the extent reasonably necessary for the 673
support of the person and any of the person's dependents; 674

(c) Except in cases in which the person who receives the 675
payment is an inmate, as defined in section 2969.21 of the Revised 676
Code, and in which the payment resulted from a civil action or 677
appeal against a government entity or employee, as defined in 678
section 2969.21 of the Revised Code, a payment, not to exceed five 679
thousand dollars, on account of personal bodily injury, not 680
including pain and suffering or compensation for actual pecuniary 681
loss, of the person or an individual for whom the person is a 682
dependent; 683

(d) A payment in compensation for loss of future earnings of 684
the person or an individual of whom the person is or was a 685
dependent, to the extent reasonably necessary for the support of 686
the debtor and any of the debtor's dependents. 687

(13) Except as provided in sections 3119.80, 3119.81, 688
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 689
earnings of the person owed to the person for services in an 690
amount equal to the greater of the following amounts: 691

(a) If paid weekly, thirty times the current federal minimum 692
hourly wage; if paid biweekly, sixty times the current federal 693
minimum hourly wage; if paid semimonthly, sixty-five times the 694
current federal minimum hourly wage; or if paid monthly, one 695
hundred thirty times the current federal minimum hourly wage that 696
is in effect at the time the earnings are payable, as prescribed 697
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 698

U.S.C. 206(a)(1), as amended;	699
(b) Seventy-five per cent of the disposable earnings owed to the person.	700 701
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	702 703 704
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	705 706
(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;	707 708 709 710
(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;	711 712 713 714
(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.	715 716 717
(B) As used in this section:	718
(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.	719 720 721 722
(2) "Insider" means:	723
(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;	724 725 726 727 728

(b) If the person who claims an exemption is a corporation, a 729
director or officer of the corporation; a person in control of the 730
corporation; a partnership in which the corporation is a general 731
partner; a general partner of the corporation; or a relative of a 732
general partner, director, officer, or person in control of the 733
corporation; 734

(c) If the person who claims an exemption is a partnership, a 735
general partner in the partnership; a general partner of the 736
partnership; a person in control of the partnership; a partnership 737
in which the partnership is a general partner; or a relative in, a 738
general partner of, or a person in control of the partnership; 739

(d) An entity or person to which or whom any of the following 740
applies: 741

(i) The entity directly or indirectly owns, controls, or 742
holds with power to vote, twenty per cent or more of the 743
outstanding voting securities of the person who claims an 744
exemption, unless the entity holds the securities in a fiduciary 745
or agency capacity without sole discretionary power to vote the 746
securities or holds the securities solely to secure to debt and 747
the entity has not in fact exercised the power to vote. 748

(ii) The entity is a corporation, twenty per cent or more of 749
whose outstanding voting securities are directly or indirectly 750
owned, controlled, or held with power to vote, by the person who 751
claims an exemption or by an entity to which division (B)(2)(d)(i) 752
of this section applies. 753

(iii) A person whose business is operated under a lease or 754
operating agreement by the person who claims an exemption, or a 755
person substantially all of whose business is operated under an 756
operating agreement with the person who claims an exemption. 757

(iv) The entity operates the business or all or substantially 758
all of the property of the person who claims an exemption under a 759

lease or operating agreement. 760

(e) An insider, as otherwise defined in this section, of a 761
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 762
(iv) of this section applies, as if the person or entity were a 763
person who claims an exemption; 764

(f) A managing agent of the person who claims an exemption. 765

(3) "Participant account" has the same meaning as in section 766
148.01 of the Revised Code. 767

(4) "Government unit" has the same meaning as in section 768
148.06 of the Revised Code. 769

(C) For purposes of this section, "interest" shall be 770
determined as follows: 771

(1) In bankruptcy proceedings, as of the date a petition is 772
filed with the bankruptcy court commencing a case under Title 11 773
of the United States Code; 774

(2) In all cases other than bankruptcy proceedings, as of the 775
date of an appraisal, if necessary under section 2329.68 of the 776
Revised Code, or the issuance of a writ of execution. 777

An interest, as determined under division (C)(1) or (2) of 778
this section, shall not include the amount of any lien otherwise 779
valid pursuant to section 2329.661 of the Revised Code. 780

Sec. 2901.43. (A)(1) As used in this section: 781

(a) "Public retirement system," "alternative retirement 782
plan," and "prosecutor" have the same meanings as in section 783
2907.15 of the Revised Code. 784

(b) "Position of honor, trust, or profit" has the same 785
meaning as in section 2929.192 of the Revised Code. 786

(2) For purposes of divisions (B) and (C) of this section, a 787
violation of section 2923.32 of the Revised Code or any other 788

violation or offense that includes as an element a course of 789
conduct or the occurrence of multiple acts is "committed on or 790
after the effective date of this section" if the course of conduct 791
continues, one or more of the multiple acts occurs, or the subject 792
person's accountability for the course of conduct or for one or 793
more of the multiple acts continues, on or after the effective 794
date of this section. 795

(B) Upon the filing of charges against a person alleging that 796
the person committed on or after the effective date of this 797
section any violation or offense specified in division (C) of this 798
section, if the person allegedly committed the violation or 799
offense while serving in a position of honor, trust, or profit and 800
if the person is an electing employee participating in an 801
alternative retirement plan or a member of a public retirement 802
system, the prosecutor who is assigned the case shall send written 803
notice that those charges have been filed against that person to 804
the alternative retirement plan in which the person is a 805
participant or the public retirement system in which the person is 806
a member, whichever is applicable. The written notice shall 807
specifically identify the person charged. 808

(C) Division (B) of this section applies when a person is 809
charged with committing on or after the effective date of this 810
section any offense or violation listed or described in divisions 811
(D)(1) to (3) of section 2929.192 of the Revised Code that is a 812
felony, in the circumstances specified in the particular division. 813

Sec. 2929.192. (A) If an offender is being sentenced for any 814
felony offense listed in division (D) of this section that was 815
committed on or after the effective date of this section, if the 816
offender committed the offense while serving in a position of 817
honor, trust, or profit, and if the offender, at the time of the 818
commission of the offense, was a member of any public retirement 819

system or a participant in an alternative retirement plan, in 820
addition to any other sanction it imposes under section 2929.14, 821
2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code but 822
subject to division (B) of this section, the court shall order the 823
forfeiture to the public retirement system or alternative 824
retirement plan in which the offender was a member or participant 825
of the offender's right to a retirement allowance, pension, 826
disability benefit, or other right or benefit, other than payment 827
of the offender's accumulated contributions, earned by reason of 828
the offender's being a member of the public retirement system or 829
alternative retirement plan. A forfeiture ordered under this 830
division is part of, and shall be included in, the sentence of the 831
offender. The court shall send a copy of the journal entry 832
imposing sentence on the offender to the appropriate public 833
retirement system or alternative retirement plan in which the 834
offender was a member or participant. 835

(B) In any case in which a sentencing court is required to 836
order forfeiture of an offender's right to a retirement allowance, 837
pension, disability benefit, or other right or benefit under 838
division (A) of this section, the offender may request a hearing 839
regarding the forfeiture by delivering to the court prior to 840
sentencing a written request for a hearing. If a request for a 841
hearing is made by the offender prior to sentencing, the court 842
shall conduct the hearing before sentencing. The court shall 843
notify the offender, the prosecutor who handled the case in which 844
the offender was convicted of or pleaded guilty to the offense for 845
which the forfeiture order was imposed, and the appropriate public 846
retirement system, or alternative retirement plan provider, 847
whichever is applicable, or, if more than one is specified in the 848
motion, the applicable combination of these, of the hearing. A 849
hearing scheduled under this division shall be limited to a 850
consideration of whether there is good cause based on evidence 851
presented by the offender for the forfeiture order not to be 852

issued. If the court determines based on evidence presented by the 853
offender that there is good cause for the forfeiture order not to 854
be issued, the court shall not issue the forfeiture order. If the 855
offender does not request a hearing prior to sentencing or if the 856
court conducts a hearing but does not determine based on evidence 857
presented by the offender that there is good cause for the 858
forfeiture order not to be issued, the court shall order the 859
forfeiture described in division (A) of this section in accordance 860
with that division and shall send a copy of the journal entry 861
imposing sentence on the offender to the appropriate public 862
retirement system or alternative retirement plan in which the 863
offender was a member or participant. 864

(C) Upon receipt of a copy of the journal entry imposing 865
sentence on an offender under division (A) or (B) of this section 866
that contains an order of forfeiture of a type described in that 867
division, the public retirement system or alternative retirement 868
plan in which the offender was a member or participant shall 869
comply with the forfeiture order on application for a refund of 870
the accumulated contributions of the member or participant. 871

(D) Division (A) of this section applies regarding an 872
offender who is convicted of or pleads guilty to any of the 873
following offenses committed on or after the effective date of 874
this section that is a felony and who committed the offense while 875
serving in a position of honor, trust, or profit: 876

(1) A violation of section 2921.02 or 2923.32 of the Revised 877
Code or a violation of section 2921.41 of the Revised Code that is 878
a felony of the third degree; 879

(2) A violation of an existing or former municipal ordinance 880
or law of this or any other state or the United States that is 881
substantially equivalent to any violation listed in division 882
(D)(1) of this section; 883

(3) A conspiracy to commit, attempt to commit, or complicity 884
in committing any violation listed in division (D)(1) or described 885
in division (D)(2) of this section. 886

(E) For purposes of divisions (A) and (D) of this section, a 887
violation of section 2923.32 of the Revised Code or any other 888
violation or offense that includes as an element a course of 889
conduct or the occurrence of multiple acts is "committed on or 890
after the effective date of this section" if the course of conduct 891
continues, one or more of the multiple acts occurs, or the subject 892
person's accountability for the course of conduct or for one or 893
more of the multiple acts continues, on or after the effective 894
date of this section. 895

(F) As used in this section: 896

(1) "Position of honor, trust, or profit" means any of the 897
following: 898

(a) An elective office of the state or any political 899
subdivision of the state; 900

(b) A position on any board or commission of the state that 901
is appointed by the governor or the attorney general; 902

(c) A position as a public official or employee, as defined 903
in section 102.01 of the Revised Code, who is required to file a 904
disclosure statement under section 102.02 of the Revised Code; 905

(d) A position as a prosecutor, as defined in section 2935.01 906
of the Revised Code; 907

(e) A position as a peace officer, as defined in section 908
2935.01 of the Revised Code, or as the superintendent or a trooper 909
of the state highway patrol. 910

(2) "Public retirement system" and "alternative retirement 911
plan" have the same meanings as in section 2907.15 of the Revised 912
Code. 913

(3) "Accumulated contributions" means whichever of the 914
following is applicable: 915

(a) Regarding an offender who is a member of the public 916
employees retirement system, except as otherwise provided in 917
division (F)(3)(a) of this section, "accumulated contributions" 918
has the same meaning as in section 145.01 of the Revised Code. For 919
a member participating in a PERS defined contribution plan, 920
"accumulated contributions" means the contributions made under 921
section 145.85 of the Revised Code and any earnings on those 922
contributions. For a member participating in a PERS defined 923
contribution plan that includes definitely determinable benefits, 924
"accumulated contributions" means the contributions made under 925
section 145.85 of the Revised Code, any earnings on those 926
contributions, and additionally any amounts paid by the member to 927
purchase service credits. 928

(b) Regarding an offender who is or was a member of the Ohio 929
police and fire pension fund, "accumulated contributions" means 930
the amount payable to a member under division (G) of section 931
742.37 of the Revised Code. 932

(c) Regarding an offender who is a member of the state 933
teachers retirement system, except as otherwise provided in 934
division (F)(3)(c) of this section, "accumulated contributions" 935
has the same meaning as in section 3307.50 of the Revised Code. 936
For a member participating in an STRS defined contribution plan, 937
"accumulated contributions" means the contributions made under 938
section 3307.26 of the Revised Code to participate in a plan 939
established under section 3307.81 of the Revised Code and any 940
earnings on those contributions. For a member participating in a 941
STRS defined contribution plan that includes definitely 942
determinable benefits, "accumulated contributions" means the 943
contributions made under section 3307.26 of the Revised Code to 944
participate in a plan established under section 3307.81 of the 945

Revised Code, any earnings on those contributions, and 946
additionally any amounts paid by the member to purchase service 947
credits. 948

(d) Regarding an offender who is or was a member of the 949
school employees retirement system, "accumulated contributions" 950
has the same meaning as in section 3309.01 of the Revised Code and 951
also includes employee contributions made under section 3309.85 of 952
the Revised Code and any earnings on those contributions. 953

(e) Regarding an offender who is or was a member of the state 954
highway patrol retirement system, "accumulated contributions" has 955
the same meaning as in section 5505.01 of the Revised Code. 956

(f) Regarding an offender who is or was participating in an 957
alternative retirement plan, "accumulated contributions" means the 958
amounts contributed to an alternative retirement plan 959
participant's account by the plan participant pursuant to section 960
3305.06 of the Revised Code and any earnings on those 961
contributions. 962

Sec. 2967.16. (A) Except as provided in division (D) of this 963
section, when a paroled prisoner has faithfully performed the 964
conditions and obligations of the paroled prisoner's parole and 965
has obeyed the rules and regulations adopted by the adult parole 966
authority that apply to the paroled prisoner, the authority upon 967
the recommendation of the superintendent of parole supervision may 968
enter upon its minutes a final release and thereupon shall issue 969
to the paroled prisoner a certificate of final release, but the 970
authority shall not grant a final release earlier than one year 971
after the paroled prisoner is released from the institution on 972
parole, and, in the case of a paroled prisoner whose minimum 973
sentence is life imprisonment, the authority shall not grant a 974
final release earlier than five years after the paroled prisoner 975
is released from the institution on parole. 976

(B)(1) When a prisoner who has been released under a period 977
of post-release control pursuant to section 2967.28 of the Revised 978
Code has faithfully performed the conditions and obligations of 979
the released prisoner's post-release control sanctions and has 980
obeyed the rules and regulations adopted by the adult parole 981
authority that apply to the released prisoner or has the period of 982
post-release control terminated by a court pursuant to section 983
2929.141 of the Revised Code, the authority, upon the 984
recommendation of the superintendent of parole supervision, may 985
enter upon its minutes a final release and, upon the entry of the 986
final release, shall issue to the released prisoner a certificate 987
of final release. In the case of a prisoner who has been released 988
under a period of post-release control pursuant to division (B) of 989
section 2967.28 of the Revised Code, the authority shall not grant 990
a final release earlier than one year after the released prisoner 991
is released from the institution under a period of post-release 992
control. The authority shall classify the termination of 993
post-release control as favorable or unfavorable depending on the 994
offender's conduct and compliance with the conditions of 995
supervision. In the case of a released prisoner whose sentence is 996
life imprisonment, the authority shall not grant a final release 997
earlier than five years after the released prisoner is released 998
from the institution under a period of post-release control. 999

(2) The department of rehabilitation and correction, no later 1000
than six months after ~~the effective date of this section~~ July 8, 1001
2002, shall adopt a rule in accordance with Chapter 119. of the 1002
Revised Code that establishes the criteria for the classification 1003
of a post-release control termination as "favorable" or 1004
"unfavorable." 1005

(C) ~~The~~ (1) Except as provided in division (C)(2) of this 1006
section, the following prisoners or person shall be restored to 1007
the rights and privileges forfeited by a conviction: 1008

~~(1)~~(a) A prisoner who has served the entire prison term that 1009
comprises or is part of the prisoner's sentence and has not been 1010
placed under any post-release control sanctions; 1011

~~(2)~~(b) A prisoner who has been granted a final release by the 1012
adult parole authority pursuant to division (A) or (B) of this 1013
section; 1014

~~(3)~~(c) A person who has completed the period of a community 1015
control sanction or combination of community control sanctions, as 1016
defined in section 2929.01 of the Revised Code, that was imposed 1017
by the sentencing court. 1018

(2)(a) As used in division (C)(2)(c) of this section: 1019

(i) "Position of honor, trust, or profit" has the same 1020
meaning as in section 2929.192 of the Revised Code. 1021

(ii) "Public office" means any elected federal, state, or 1022
local government office in this state. 1023

(b) For purposes of division (C)(2)(c) of this section, a 1024
violation of section 2923.32 of the Revised Code or any other 1025
violation or offense that includes as an element a course of 1026
conduct or the occurrence of multiple acts is "committed on or 1027
after the effective date of this amendment" if the course of 1028
conduct continues, one or more of the multiple acts occurs, or the 1029
subject person's accountability for the course of conduct or for 1030
one or more of the multiple acts continues, on or after the 1031
effective date of this amendment. 1032

(c) Division (C)(1) of this section does not restore a 1033
prisoner or person to the privilege of holding a position of 1034
honor, trust, or profit if the prisoner or person was convicted of 1035
or pleaded guilty to committing on or after the effective date of 1036
this amendment any of the following offenses that is a felony: 1037

(i) A violation of section 2921.02, 2921.03, 2921.05, 1038

2921.41, 2921.42, or 2923.32 of the Revised Code; 1039

(ii) A violation of section 2913.42, 2921.04, 2921.11, 1040
2921.12, 2921.31, or 2921.32 of the Revised Code, when the person 1041
committed the violation while the person was serving in a public 1042
office and the conduct constituting the violation was related to 1043
the duties of the person's public office or to the person's 1044
actions as a public official holding that public office; 1045

(iii) A violation of an existing or former municipal 1046
ordinance or law of this or any other state or the United States 1047
that is substantially equivalent to any violation listed in 1048
division (C)(2)(c)(i) of this section; 1049

(iv) A violation of an existing or former municipal ordinance 1050
or law of this or any other state or the United States that is 1051
substantially equivalent to any violation listed in division 1052
(C)(2)(c)(ii) of this section, when the person committed the 1053
violation while the person was serving in a public office and the 1054
conduct constituting the violation was related to the duties of 1055
the person's public office or to the person's actions as a public 1056
official holding that public office; 1057

(v) A conspiracy to commit, attempt to commit, or complicity 1058
in committing any offense listed in division (C)(2)(c)(i) or 1059
described in division (C)(2)(c)(iii) of this section; 1060

(vi) A conspiracy to commit, attempt to commit, or complicity 1061
in committing any offense listed in division (C)(2)(c)(ii) or 1062
described in division (C)(2)(c)(iv) of this section, if the person 1063
committed the violation while the person was serving in a public 1064
office and the conduct constituting the offense that was the 1065
subject of the conspiracy, that would have constituted the offense 1066
attempted, or constituting the offense in which the person was 1067
complicit was or would have been related to the duties of the 1068
person's public office or to the person's actions as a public 1069

official holding that public office. 1070

(D) Division (A) of this section does not apply to a prisoner 1071
in the shock incarceration program established pursuant to section 1072
5120.031 of the Revised Code. 1073

(E) The adult parole authority shall record the final release 1074
of a parolee or prisoner in the official minutes of the authority. 1075

Sec. 2967.17. (A) The adult parole authority, in its 1076
discretion, may grant an administrative release to any of the 1077
following: 1078

(1) A parole violator or release violator serving another 1079
felony sentence in a correctional institution within or without 1080
this state for the purpose of consolidation of the records or if 1081
justice would best be served; 1082

(2) A parole violator at large or release violator at large 1083
whose case has been inactive for at least ten years following the 1084
date of declaration of the parole violation or the violation of a 1085
post-release control sanction; 1086

(3) A parolee taken into custody by the immigration and 1087
naturalization service of the United States department of justice 1088
and deported from the United States. 1089

(B)(1)(a) As used in divisions (B)(2) and (3) of this 1090
section, "position of honor, trust, or profit" has the same 1091
meaning as in section 2929.192 of the Revised Code. 1092

(b) For purposes of divisions (B)(2) and (3) of this section, 1093
a violation of section 2923.32 of the Revised Code or any other 1094
violation or offense that includes as an element a course of 1095
conduct or the occurrence of multiple acts is "committed on or 1096
after the effective date of this amendment" if the course of 1097
conduct continues, one or more of the multiple acts occurs, or the 1098
subject person's accountability for the course of conduct or for 1099

one or more of the multiple acts continues, on or after the 1100
effective date of this amendment. 1101

(2) The adult parole authority shall not grant an 1102
administrative release except upon the concurrence of a majority 1103
of the parole board and approval of the chief of the adult parole 1104
authority. An administrative release does not restore for the 1105
person to whom it is granted the rights and privileges forfeited 1106
by conviction as provided in section 2961.01 of the Revised Code. 1107
Any person granted an administrative release under this section 1108
may subsequently apply for a commutation of sentence for the 1109
purpose of regaining the rights and privileges forfeited by 1110
conviction, except that the privilege of circulating or serving as 1111
a witness for the signing of any declaration of candidacy and 1112
petition, voter registration application, or nominating, 1113
initiative, referendum, or recall petition forfeited under section 1114
2961.01 of the Revised Code may not be restored under this section 1115
and except that the privilege of holding a position of honor, 1116
trust, or profit may not be restored under this section to a 1117
person in the circumstances described in division (B)(3) of this 1118
section. 1119

(3) The privilege of holding a position of honor, trust, or 1120
profit may not be restored under this section to a person who was 1121
convicted of or pleaded guilty to committing on or after the 1122
effective date of this amendment any violation or offense listed 1123
in divisions (C)(2)(c)(i) to (vi) of section 2967.16 of the 1124
Revised Code that is a felony. 1125

Sec. 3305.07. (A) Neither the state nor a public institution 1126
of higher education shall be a party to any contract purchased in 1127
whole or in part with contributions to an alternative retirement 1128
plan made under section 3305.06 of the Revised Code. No 1129
retirement, death, or other benefits shall be payable by the state 1130

or by any public institution of higher education under any 1131
alternative retirement plan elected pursuant to this chapter. 1132

(B)(1) Except as provided under division (B)(2) of this 1133
section and sections 3305.08 ~~and~~, 3305.09, and 3305.11 of the 1134
Revised Code, benefits shall be paid to an electing employee or 1135
the employee's beneficiaries in accordance with the alternative 1136
retirement plan adopted by the public institution of higher 1137
education at which the employee is employed. 1138

(2) A benefit or payment shall not be paid under an 1139
investment option prior to the time an electing employee dies, 1140
terminates employment with the public institution of higher 1141
education, or, if provided under the alternative retirement plan 1142
or investment option, becomes disabled, except that the provider 1143
of the investment option shall transfer the employee's account 1144
balance to another provider as provided under section 3305.053 of 1145
the Revised Code. 1146

Sec. 3305.11. (A) Notwithstanding any other provision of this 1147
chapter, any payment of accumulated contributions standing to a 1148
person's credit under this chapter and any other amount or amounts 1149
to be paid to a person who is a contributor under this chapter 1150
upon the person's withdrawal of contributions pursuant to this 1151
chapter shall be subject to any forfeiture ordered under division 1152
(A) or (B) of section 2929.192 of the Revised Code, and the 1153
provider of an alternative retirement plan shall comply with that 1154
order in making the payment. Upon payment of the person's 1155
accumulated contributions and cancellation of the corresponding 1156
service credit, a person who is subject to the forfeiture 1157
described in this division may not restore the canceled service 1158
credit under this chapter or under Chapter 145., 742., 3307., 1159
3309., or 5505. of the Revised Code. 1160

(B) Notwithstanding any other provision of this chapter, if 1161

the provider of an alternative retirement plan receives notice 1162
pursuant to section 2901.43 of the Revised Code that a person who 1163
has accumulated contributions standing to the person's credit 1164
pursuant to this chapter is charged with any offense or violation 1165
listed or described in divisions (D)(1) to (3) of section 2929.192 1166
of the Revised Code that is a felony in the circumstances 1167
specified in the particular division, all of the following apply: 1168

(1) No payment of those accumulated contributions or of any 1169
other amount or amounts to be paid to a person who is a 1170
contributor under this chapter upon the person's withdrawal of 1171
contributions pursuant to this chapter shall be made prior to 1172
whichever of the following is applicable: 1173

(a) If the person is convicted of or pleads guilty to the 1174
charge and forfeiture is ordered under division (A) or (B) of 1175
section 2929.192 of the Revised Code, the day on which the 1176
provider receives from the court a copy of the journal entry of 1177
the offender's sentence under that section; 1178

(b) If the charge against the person is dismissed, the person 1179
is found not guilty of the charge, or the person is found not 1180
guilty by reason of insanity of the charge, the day on which the 1181
provider receives notice of the final disposition of the charge. 1182

(2) The provider of an alternative retirement plan shall not 1183
process any application for payment under this chapter from the 1184
person prior to the final disposition of the charge. 1185

Sec. 3307.20. (A) As used in this section: 1186

(1) "Personal history record" means information maintained by 1187
the state teachers retirement board on an individual who is a 1188
member, former member, contributor, former contributor, retirant, 1189
or beneficiary that includes the address, telephone number, social 1190
security number, record of contributions, correspondence with the 1191

state teachers retirement system, or other information the board determines to be confidential. 1192
1193

(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code. 1194
1195

(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: 1196
1197
1198

(1) The individual's personal records provided for in section 3307.23 of the Revised Code; 1199
1200

(2) The individual's personal history record; 1201

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. 1202
1203

(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. 1204
1205
1206
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1209
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1211

(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. 1212
1213
1214
1215

(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information: 1216
1217
1218

(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) 1219
1220
1221

or (B) of section 2929.192 of the Revised Code or is convicted of 1222
or pleads guilty to a violation of section 2921.41 of the Revised 1223
Code, on written request of a prosecutor as defined in section 1224
2935.01 of the Revised Code, the board shall furnish to the 1225
prosecutor the information requested from the individual's 1226
personal history record. 1227

(2) Pursuant to a court or administrative order issued under 1228
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1229
Revised Code, the board shall furnish to a court or child support 1230
enforcement agency the information required under that section. 1231

(3) At the written request of any person, the board shall 1232
provide to the person a list of the names and addresses of 1233
members, former members, retirants, contributors, former 1234
contributors, or beneficiaries. The costs of compiling, copying, 1235
and mailing the list shall be paid by such person. 1236

(4) Within fourteen days after receiving from the director of 1237
job and family services a list of the names and social security 1238
numbers of recipients of public assistance pursuant to section 1239
5101.181 of the Revised Code, the board shall inform the auditor 1240
of state of the name, current or most recent employer address, and 1241
social security number of each member whose name and social 1242
security number are the same as that of a person whose name or 1243
social security number was submitted by the director. The board 1244
and its employees shall, except for purposes of furnishing the 1245
auditor of state with information required by this section, 1246
preserve the confidentiality of recipients of public assistance in 1247
compliance with division (A) of section 5101.181 of the Revised 1248
Code. 1249

(5) The system shall comply with orders issued under section 1250
3105.87 of the Revised Code. 1251

On the written request of an alternate payee, as defined in 1252

section 3105.80 of the Revised Code, the system shall furnish to 1253
the alternate payee information on the amount and status of any 1254
amounts payable to the alternate payee under an order issued under 1255
section 3105.171 or 3105.65 of the Revised Code. 1256

(6) At the request of any person, the board shall make 1257
available to the person copies of all documents, including 1258
resumes, in the board's possession regarding filling a vacancy of 1259
a contributing member or retired teacher member of the board. The 1260
person who made the request shall pay the cost of compiling, 1261
copying, and mailing the documents. The information described in 1262
this division is a public record. 1263

(F) A statement that contains information obtained from the 1264
system's records that is signed by an officer of the retirement 1265
system and to which the system's official seal is affixed, or 1266
copies of the system's records to which the signature and seal are 1267
attached, shall be received as true copies of the system's records 1268
in any court or before any officer of this state. 1269

Sec. 3307.732. (A) Notwithstanding any other provision of 1270
this chapter, any payment of accumulated contributions standing to 1271
a person's credit under this chapter and any other amount or 1272
amounts to be paid to a person who is a contributor under this 1273
chapter upon the person's withdrawal of contributions pursuant to 1274
this chapter shall be subject to any forfeiture ordered under 1275
division (A) or (B) of section 2929.192 of the Revised Code, and 1276
the state teachers retirement system shall comply with that order 1277
in making the payment. Upon payment of the person's accumulated 1278
contributions and cancellation of the corresponding service 1279
credit, a person who is subject to the forfeiture described in 1280
this division may not restore the canceled service credit under 1281
this chapter or under Chapter 145., 742., 3305., 3309., or 5505. 1282
of the Revised Code. 1283

(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 1315
5747.02 of the Revised Code, and are exempt from any county, 1316
municipal, or other local tax, except taxes imposed pursuant to 1317
section 5748.02 or 5748.08 of the Revised Code, and, except as 1318
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1319
3121.02, 3121.03, 3123.06, ~~and~~ 3307.37, and 3307.372 of the 1320
Revised Code, shall not be subject to execution, garnishment, 1321
attachment, the operation of bankruptcy or insolvency laws, or any 1322
other process of law whatsoever, and shall be unassignable except 1323
as specifically provided in this chapter or sections 3105.171, 1324
3105.65, ~~and~~ 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 1325
3123.06 of the Revised Code. 1326

Sec. 3309.22. (A)(1) As used in this division, "personal 1327
history record" means information maintained by the board on an 1328
individual who is a member, former member, contributor, former 1329
contributor, retirant, or beneficiary that includes the address, 1330
telephone number, social security number, record of contributions, 1331
correspondence with the system, and other information the board 1332
determines to be confidential. 1333

(2) The records of the board shall be open to public 1334
inspection, except for the following, which shall be excluded, 1335
except with the written authorization of the individual concerned: 1336

(a) The individual's statement of previous service and other 1337
information as provided for in section 3309.28 of the Revised 1338
Code; 1339

(b) Any information identifying by name and address the 1340
amount of a monthly allowance or benefit paid to the individual; 1341

(c) The individual's personal history record. 1342

(B) All medical reports and recommendations required by the 1343
system are privileged except that copies of such medical reports 1344

or recommendations shall be made available to the personal 1345
physician, attorney, or authorized agent of the individual 1346
concerned upon written release received from the individual or the 1347
individual's agent, or when necessary for the proper 1348
administration of the fund, to the board assigned physician. 1349

(C) Any person who is a contributor of the system shall be 1350
furnished, on written request, with a statement of the amount to 1351
the credit of the person's account. The board need not answer more 1352
than one such request of a person in any one year. 1353

(D) Notwithstanding the exceptions to public inspection in 1354
division (A)(2) of this section, the board may furnish the 1355
following information: 1356

(1) If a member, former member, contributor, former 1357
contributor, or retirant is subject to an order issued under 1358
section 2907.15 of the Revised Code or an order issued under 1359
division (A) or (B) of section 2929.192 of the Revised Code or is 1360
convicted of or pleads guilty to a violation of section 2921.41 of 1361
the Revised Code, on written request of a prosecutor as defined in 1362
section 2935.01 of the Revised Code, the board shall furnish to 1363
the prosecutor the information requested from the individual's 1364
personal history record. 1365

(2) Pursuant to a court or administrative order issued under 1366
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1367
Revised Code, the board shall furnish to a court or child support 1368
enforcement agency the information required under that section. 1369

(3) At the written request of any person, the board shall 1370
provide to the person a list of the names and addresses of 1371
members, former members, retirants, contributors, former 1372
contributors, or beneficiaries. The costs of compiling, copying, 1373
and mailing the list shall be paid by such person. 1374

(4) Within fourteen days after receiving from the director of 1375

job and family services a list of the names and social security 1376
numbers of recipients of public assistance pursuant to section 1377
5101.181 of the Revised Code, the board shall inform the auditor 1378
of state of the name, current or most recent employer address, and 1379
social security number of each contributor whose name and social 1380
security number are the same as that of a person whose name or 1381
social security number was submitted by the director. The board 1382
and its employees shall, except for purposes of furnishing the 1383
auditor of state with information required by this section, 1384
preserve the confidentiality of recipients of public assistance in 1385
compliance with division (A) of section 5101.181 of the Revised 1386
Code. 1387

(5) The system shall comply with orders issued under section 1388
3105.87 of the Revised Code. 1389

On the written request of an alternate payee, as defined in 1390
section 3105.80 of the Revised Code, the system shall furnish to 1391
the alternate payee information on the amount and status of any 1392
amounts payable to the alternate payee under an order issued under 1393
section 3105.171 or 3105.65 of the Revised Code. 1394

(6) At the request of any person, the board shall make 1395
available to the person copies of all documents, including 1396
resumes, in the board's possession regarding filling a vacancy of 1397
an employee member or retirant member of the board. The person who 1398
made the request shall pay the cost of compiling, copying, and 1399
mailing the documents. The information described in this division 1400
is a public record. 1401

(E) A statement that contains information obtained from the 1402
system's records that is signed by an officer of the retirement 1403
system and to which the system's official seal is affixed, or 1404
copies of the system's records to which the signature and seal are 1405
attached, shall be received as true copies of the system's records 1406
in any court or before any officer of this state. 1407

Sec. 3309.66. 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, the various funds created by section 3309.60 of the Revised Code, and all moneys, investments, and income from moneys and 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 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, ~~and~~ 3309.67, and 3309.672 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter ~~or~~ and in sections ~~and~~ 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code.

Sec. 3309.672. (A) Notwithstanding any other provision of this chapter, any payment of accumulated contributions standing to a person's credit under this chapter and 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 subject to any forfeiture ordered under division (A) or (B) of section 2929.192 of the Revised Code, and the school employees retirement system shall comply with that order in making the payment. Upon payment of the person's accumulated contributions and cancellation of the corresponding service credit, a person who is subject to the forfeiture described in this division may not restore the canceled service credit under this chapter or under Chapter 145., 742., 3305.,

3307., or 5505. of the Revised Code. 1439

(B) Notwithstanding any other provision of this chapter, if 1440
the system receives notice pursuant to section 2901.43 of the 1441
Revised Code that a person who has accumulated contributions 1442
standing to the person's credit pursuant to this chapter is 1443
charged with any offense or violation listed or described in 1444
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 1445
that is a felony in the circumstances specified in the particular 1446
division, all of the following apply: 1447

(1) No payment of those accumulated contributions or of any 1448
other amount or amounts to be paid to a person who is a 1449
contributor under this chapter upon the person's withdrawal of 1450
contributions pursuant to this chapter shall be made prior to 1451
whichever of the following is applicable: 1452

(a) If the person is convicted of or pleads guilty to the 1453
charge and forfeiture is ordered under division (A) or (B) of 1454
section 2929.192 of the Revised Code, the day on which the system 1455
receives from the court a copy of the journal entry of the 1456
offender's sentence under that section; 1457

(b) If the charge against the person is dismissed, the person 1458
is found not guilty of the charge, or the person is found not 1459
guilty by reason of insanity of the charge, the day on which the 1460
system receives notice of the final disposition of the charge. 1461

(2) The system shall not process any application for payment 1462
under this chapter from the person prior to the final disposition 1463
of the charge. 1464

Sec. 3309.82. (A) Except as provided in division (B) of this 1465
section, sections 3309.02, 3309.021, and 3309.022 and sections 1466
3309.18 to 3309.70 of the Revised Code do not apply to a plan 1467
established under section 3309.81 of the Revised Code, except that 1468

a plan may incorporate provisions of those sections as specified 1469
in the plan document. 1470

(B) The following sections of Chapter 3309. of the Revised 1471
Code apply to a plan established under section 3309.81 of the 1472
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 1473
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 1474
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 1475
3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 1476
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 1477
3309.68, and 3309.70 of the Revised Code. 1478

Sec. 3309.95. Subject to sections 3309.341, 3309.66, ~~and~~ 1479
3309.67, and 3309.672 of the Revised Code, the right of a member 1480
participating in a plan established under section 3309.81 of the 1481
Revised Code to any payment or benefit accruing from contributions 1482
made by or on behalf of the member under sections 3309.85 and 1483
3309.86 of the Revised Code shall vest in accordance with this 1484
section. 1485

A member's right to any payment or benefit that is based on 1486
the member's contributions is nonforfeitable. 1487

A member's right to any payment or benefit that is based on 1488
contributions by the member's employer is nonforfeitable as 1489
specified by the plan selected by the member. 1490

Sec. 5505.04. (A)(1) The general administration and 1491
management of the state highway patrol retirement system and the 1492
making effective of this chapter are hereby vested in the state 1493
highway patrol retirement board. The board may sue and be sued, 1494
plead and be impleaded, contract and be contracted with, and do 1495
all things necessary to carry out this chapter. 1496

The board shall consist of the following members: 1497

(a) The superintendent of the state highway patrol; 1498

(b) Two retirant members who reside in this state;	1499
(c) Five employee-members;	1500
(d) One member, known as the treasurer of state's investment	1501
designee, who shall be appointed by the treasurer of state for a	1502
term of four years and who shall have the following	1503
qualifications:	1504
(i) The member is a resident of this state.	1505
(ii) Within the three years immediately preceding the	1506
appointment, the member has not been employed by the public	1507
employees retirement system, police and fire pension fund, state	1508
teachers retirement system, school employees retirement system, or	1509
state highway patrol retirement system or by any person,	1510
partnership, or corporation that has provided to one of those	1511
retirement systems services of a financial or investment nature,	1512
including the management, analysis, supervision, or investment of	1513
assets.	1514
(iii) The member has direct experience in the management,	1515
analysis, supervision, or investment of assets.	1516
(iv) The member is not currently employed by the state or a	1517
political subdivision of the state.	1518
(e) Two investment expert members, who shall be appointed to	1519
four-year terms. One investment expert member shall be appointed	1520
by the governor, and one investment expert member shall be jointly	1521
appointed by the speaker of the house of representatives and the	1522
president of the senate. Each investment expert member shall have	1523
the following qualifications:	1524
(i) Each investment expert member shall be a resident of this	1525
state.	1526
(ii) Within the three years immediately preceding the	1527
appointment, each investment expert member shall not have been	1528

employed by the public employees retirement system, police and 1529
fire pension fund, state teachers retirement system, school 1530
employees retirement system, or state highway patrol retirement 1531
system or by any person, partnership, or corporation that has 1532
provided to one of those retirement systems services of a 1533
financial or investment nature, including the management, 1534
analysis, supervision, or investment of assets. 1535

(iii) Each investment expert member shall have direct 1536
experience in the management, analysis, supervision, or investment 1537
of assets. 1538

(2) The board shall annually elect a chairperson and 1539
vice-chairperson from among its members. The vice-chairperson 1540
shall act as chairperson in the absence of the chairperson. A 1541
majority of the members of the board shall constitute a quorum and 1542
any action taken shall be approved by a majority of the members of 1543
the board. The board shall meet not less than once each year, upon 1544
sufficient notice to the members. All meetings of the board shall 1545
be open to the public except executive sessions as set forth in 1546
division (G) of section 121.22 of the Revised Code, and any 1547
portions of any sessions discussing medical records or the degree 1548
of disability of a member excluded from public inspection by this 1549
section. 1550

(3) Any investment expert member appointed to fill a vacancy 1551
occurring prior to the expiration of the term for which the 1552
member's predecessor was appointed holds office until the end of 1553
such term. The member continues in office subsequent to the 1554
expiration date of the member's term until the member's successor 1555
takes office, or until a period of sixty days has elapsed, 1556
whichever occurs first. 1557

(B) The attorney general shall prescribe procedures for the 1558
adoption of rules authorized under this chapter, consistent with 1559
the provision of section 111.15 of the Revised Code under which 1560

all rules shall be filed in order to be effective. Such procedures 1561
shall establish methods by which notice of proposed rules are 1562
given to interested parties and rules adopted by the board 1563
published and otherwise made available. When it files a rule with 1564
the joint committee on agency rule review pursuant to section 1565
111.15 of the Revised Code, the board shall submit to the Ohio 1566
retirement study council a copy of the full text of the rule, and 1567
if applicable, a copy of the rule summary and fiscal analysis 1568
required by division (B) of section 127.18 of the Revised Code. 1569

(C)(1) As used in this division, "personal history record" 1570
means information maintained by the board on an individual who is 1571
a member, former member, retirant, or beneficiary that includes 1572
the address, telephone number, social security number, record of 1573
contributions, correspondence with the system, and other 1574
information the board determines to be confidential. 1575

(2) The records of the board shall be open to public 1576
inspection, except for the following which shall be excluded: the 1577
member's, former member's, retirant's, or beneficiary's personal 1578
history record and the amount of a monthly allowance or benefit 1579
paid to a retirant, beneficiary, or survivor, except with the 1580
written authorization of the individual concerned. All medical 1581
reports and recommendations are privileged except that copies of 1582
such medical reports or recommendations shall be made available to 1583
the individual's personal physician, attorney, or authorized agent 1584
upon written release received from such individual or such 1585
individual's agent, or when necessary for the proper 1586
administration of the fund to the board-assigned physician. 1587

(D) Notwithstanding the exceptions to public inspection in 1588
division (C)(2) of this section, the board may furnish the 1589
following information: 1590

(1) If a member, former member, or retirant is subject to an 1591
order issued under section 2907.15 of the Revised Code or an order 1592

issued under division (A) or (B) of section 2929.192 of the 1593
Revised Code or is convicted of or pleads guilty to a violation of 1594
section 2921.41 of the Revised Code, on written request of a 1595
prosecutor as defined in section 2935.01 of the Revised Code, the 1596
board shall furnish to the prosecutor the information requested 1597
from the individual's personal history record. 1598

(2) Pursuant to a court order issued under Chapters 3119., 1599
3121., and 3123. of the Revised Code, the board shall furnish to a 1600
court or child support enforcement agency the information required 1601
under those chapters. 1602

(3) At the written request of any nonprofit organization or 1603
association providing services to retirement system members, 1604
retirants, or beneficiaries, the board shall provide to the 1605
organization or association a list of the names and addresses of 1606
members, former members, retirants, or beneficiaries if the 1607
organization or association agrees to use such information solely 1608
in accordance with its stated purpose of providing services to 1609
such individuals and not for the benefit of other persons, 1610
organizations, or associations. The costs of compiling, copying, 1611
and mailing the list shall be paid by such entity. 1612

(4) Within fourteen days after receiving from the director of 1613
job and family services a list of the names and social security 1614
numbers of recipients of public assistance pursuant to section 1615
5101.181 of the Revised Code, the board shall inform the auditor 1616
of state of the name, current or most recent employer address, and 1617
social security number of each member whose name and social 1618
security number are the same as those of a person whose name or 1619
social security number was submitted by the director. The board 1620
and its employees, except for purposes of furnishing the auditor 1621
of state with information required by this section, shall preserve 1622
the confidentiality of recipients of public assistance in 1623
compliance with division (A) of section 5101.181 of the Revised 1624

Code. 1625

(5) The system shall comply with orders issued under section 1626
3105.87 of the Revised Code. 1627

On the written request of an alternate payee, as defined in 1628
section 3105.80 of the Revised Code, the system shall furnish to 1629
the alternate payee information on the amount and status of any 1630
amounts payable to the alternate payee under an order issued under 1631
section 3105.171 or 3105.65 of the Revised Code. 1632

(6) At the request of any person, the board shall make 1633
available to the person copies of all documents, including 1634
resumes, in the board's possession regarding filling a vacancy of 1635
an employee member or retirant member of the board. The person who 1636
made the request shall pay the cost of compiling, copying, and 1637
mailing the documents. The information described in this division 1638
is a public record. 1639

(E) A statement that contains information obtained from the 1640
system's records that is certified and signed by an officer of the 1641
retirement system and to which the system's official seal is 1642
affixed, or copies of the system's records to which the signature 1643
and seal are attached, shall be received as true copies of the 1644
system's records in any court or before any officer of this state. 1645

Sec. 5505.22. The right of any individual to a pension, or to 1646
the return of accumulated contributions, payable as provided under 1647
this chapter, and all moneys and investments of the state highway 1648
patrol retirement system and income from moneys or investments are 1649
exempt from any state tax, except the tax imposed by section 1650
5747.02 of the Revised Code, and are exempt from any county, 1651
municipal, or other local tax, except taxes imposed pursuant to 1652
section 5748.02 or 5748.08 of the Revised Code, and, except as 1653
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1654
3121.02, 3121.03, 3123.06, ~~and 5505.26,~~ and 5505.262 of the 1655

Revised Code, shall not be subject to execution, garnishment, 1656
attachment, the operation of bankruptcy or insolvency laws, or any 1657
other process of law whatsoever, and shall be unassignable except 1658
as specifically provided in this chapter. 1659

Sec. 5505.262. (A) Notwithstanding any other provision of 1660
this chapter, any payment of accumulated contributions standing to 1661
a person's credit under this chapter and any other amount or 1662
amounts to be paid to a person who is a contributor under this 1663
chapter upon the person's withdrawal of contributions pursuant to 1664
this chapter shall be subject to any forfeiture ordered under 1665
division (A) or (B) of section 2929.192 of the Revised Code, and 1666
the state highway patrol retirement system shall comply with that 1667
order in making the payment. Upon payment of the person's 1668
accumulated contributions and cancellation of the corresponding 1669
service credit, a person who is subject to the forfeiture 1670
described in this division may not restore the canceled service 1671
credit under this chapter or under Chapter 145., 742., 3305., 1672
3307., or 3309. of the Revised Code. 1673

(B) Notwithstanding any other provision of this chapter, if 1674
the system receives notice pursuant to section 2901.43 of the 1675
Revised Code that a person who has accumulated contributions 1676
standing to the person's credit pursuant to this chapter is 1677
charged with any offense or violation listed or described in 1678
divisions (D)(1) to (3) of section 2929.192 of the Revised Code 1679
that is a felony in the circumstances specified in the particular 1680
division, all of the following apply: 1681

(1) No payment of those accumulated contributions or of any 1682
other amount or amounts to be paid to a person who is a 1683
contributor under this chapter upon the person's withdrawal of 1684
contributions pursuant to this chapter shall be made prior to 1685
whichever of the following is applicable: 1686

(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.

Section 2. That existing sections 145.27, 145.56, 145.82, 145.95, 742.41, 742.47, 2329.66, 2967.16, 2967.17, 3305.07, 3307.20, 3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 of the Revised Code are hereby repealed.

Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

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

Section 3307.41 of the Revised Code as amended by both Sub. H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly.

Section 3309.66 of the Revised Code as amended by Sub. H.B. 535, Am. Sub. S.B. 180, and Sub. S.B. 270 of the 123rd General

Assembly.	1717
Section 5505.22 of the Revised Code as amended by both Sub.	1718
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly.	1719