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Representative Fedor

Cosponsors: Representatives Antonio, Boyd, Combs, Derickson, Garland, Hagan, R., Murray, O'Brien, Okey, Patmon, Pillich, Slesnick, Stebelton, Stinziano, Williams, Yuko, Fende, Celeste, Szollosi, Heard, Clyde, Reece, Phillips, Barnes, Gerberry, Foley, Ashford, Goyal, Milkovich, Ramos, Gentile, Sykes, Schuring, Letson, Bubp, Butler, Conditt, Huffman, Lynch, Pelanda, Scherer, Adams, R., Amstutz, Baker, Beck, Blair, Boose, Boyce, Brenner, Buchy, Budish, Carney, Celebrezze, Cera, Damschroder, DeVitis, Dovilla, Driehaus, Duffey, Gardner, Goodwin, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Hottinger, Johnson, Kozlowski, Landis, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Newbold, Roegner, Rosenberger, Ruhl, Sears, Slaby, M., Smith, Sprague, Stautberg, Terhar, Thompson, Uecker, Winburn, Young Speaker Batchelder

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A B I L L

To amend sections 109.73, 2151.358, 2152.021, 1
2743.60, 2905.32, 2907.07, 2907.23, 2921.32, 2
2923.31, 2929.13, 2950.01, 2953.321, 2953.35, 3
2981.12, and 5502.63 and to enact sections 109.66, 4
109.745, 109.746, 2307.51, 2953.38, 4743.07, and 5
5101.87 of the Revised Code to require the 6
Attorney General annually to publish statistical 7

data on human trafficking cases in Ohio, to 8
provide for peace officer training and public 9
awareness programs relative to human trafficking, 10
to authorize a juvenile court to hold a delinquent 11
child complaint in abeyance pending the child's 12
completion of diversion actions if the alleged 13
delinquent child is charged with 14
prostitution-related conduct or is a victim of 15
trafficking in persons, to ensure that minor 16
victims of trafficking in persons are not 17
prohibited from receiving awards from the Victims 18
of Crime Fund, to increase the penalties for 19
trafficking in persons and obstruction of justice, 20
to prohibit a person from soliciting another to 21
engage in sexual conduct with the offender when 22
the other person is sixteen or seventeen years of 23
age and a victim of trafficking in persons, to 24
increase the penalty for procuring in certain 25
circumstances, to require offenders convicted of 26
promoting prostitution or of trafficking in 27
persons under certain circumstances to register as 28
sex offenders, to authorize a person convicted of 29
or adjudicated a delinquent child for committing a 30
prostitution-related offense or act to apply for 31
expungement of the record of conviction or 32
adjudication if the person's participation in the 33
offense or act was a result of being a victim of 34
human trafficking, to recommend that agencies that 35
grant licenses for trades or professions require 36
training related to human trafficking, to require 37
the Division of Criminal Justice Services to 38
create and make available a poster that provides 39
information regarding the National Human 40

Trafficking Resource Center hotline, to create the 41
Victims of Human Trafficking Fund, and to declare 42
an emergency. 43

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

Section 1. That sections 109.73, 2151.358, 2152.021, 2743.60, 44
2905.32, 2907.07, 2907.23, 2921.32, 2923.31, 2929.13, 2950.01, 45
2953.321, 2953.35, 2981.12, and 5502.63 be amended and sections 46
109.66, 109.745, 109.746, 2307.51, 2953.38, 4743.07, and 5101.87 47
of the Revised Code be enacted to read as follows: 48

Sec. 109.66. (A) The attorney general, with assistance from 49
the bureau of criminal identification and investigation, annually 50
shall publish statistical data on violations of section 2905.32 of 51
the Revised Code. The first annual publication of this data shall 52
occur one year after the effective date of this section. 53

(B) Each state agency and each agency of each political 54
subdivision that investigates violations of section 2905.32 of the 55
Revised Code or acts of human trafficking shall collect and submit 56
to the bureau of criminal identification and investigation on or 57
before a date to be determined by the attorney general the 58
following information relevant to those violations or acts: 59

(1) The number of investigations, arrests, prosecutions, and 60
successful convictions of persons for a violation of section 61
2905.32 of the Revised Code; 62

(2) The estimated number and demographic characteristics of 63
persons violating that section, as well as those persons who 64
purchase or receive a commercial sex act, sexually explicit 65
performance, labor, or services from victims of violations of that 66
section; 67

(3) Statistics on the number of victims of violations of that 68

section and statistics on the nationality, age, method of 69
recruitment, and country, state, or city of origin of the victims 70
of violations of that section; 71

(4) Trafficking routes and trafficking patterns used in 72
violations of that section; 73

(5) Methods of transportation used in violations of that 74
section; 75

(6) Social and economic factors that contribute to and foster 76
the demand for all forms of exploitation of persons that leads to 77
trafficking in persons. 78

(C) As used in this section: 79

(1) "Commercial sex act" means any sex act on account of 80
which anything of value is directly or indirectly given, promised 81
to, or received by any person. 82

(2) "Labor" means work of economic or financial value. 83

(3) "Services" means an ongoing relationship between persons 84
in which a person performs activities at the behest of, under the 85
supervision of, or for the benefit of another person. 86

(4) "Sexually explicit performance" means a live, public, 87
private, photographed, recorded, or videotaped act intended to 88
sexually arouse, satisfy the sexual desires of, or appeal to the 89
prurient interests of any person. 90

(5) "Human trafficking" has the same meaning as in section 91
2929.01 of the Revised Code. 92

Sec. 109.73. (A) The Ohio peace officer training commission 93
shall recommend rules to the attorney general with respect to all 94
of the following: 95

(1) The approval, or revocation of approval, of peace officer 96
training schools administered by the state, counties, municipal 97

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| corporations, public school districts, technical college | 98 |
| districts, and the department of natural resources; | 99 |
| (2) Minimum courses of study, attendance requirements, and | 100 |
| equipment and facilities to be required at approved state, county, | 101 |
| municipal, and department of natural resources peace officer | 102 |
| training schools; | 103 |
| (3) Minimum qualifications for instructors at approved state, | 104 |
| county, municipal, and department of natural resources peace | 105 |
| officer training schools; | 106 |
| (4) The requirements of minimum basic training that peace | 107 |
| officers appointed to probationary terms shall complete before | 108 |
| being eligible for permanent appointment, which requirements shall | 109 |
| include training in the handling of the offense of domestic | 110 |
| violence, other types of domestic violence-related offenses and | 111 |
| incidents, and protection orders and consent agreements issued or | 112 |
| approved under section 2919.26 or 3113.31 of the Revised Code; | 113 |
| crisis intervention training; and training in the handling of | 114 |
| missing children and child abuse and neglect cases; <u>and training</u> | 115 |
| <u>in handling violations of section 2905.32 of the Revised Code;</u> and | 116 |
| the time within which such basic training shall be completed | 117 |
| following appointment to a probationary term; | 118 |
| (5) The requirements of minimum basic training that peace | 119 |
| officers not appointed for probationary terms but appointed on | 120 |
| other than a permanent basis shall complete in order to be | 121 |
| eligible for continued employment or permanent appointment, which | 122 |
| requirements shall include training in the handling of the offense | 123 |
| of domestic violence, other types of domestic violence-related | 124 |
| offenses and incidents, and protection orders and consent | 125 |
| agreements issued or approved under section 2919.26 or 3113.31 of | 126 |
| the Revised Code, crisis intervention training, and training in | 127 |
| the handling of missing children and child abuse and neglect | 128 |
| cases, <u>and training in handling violations of section 2905.32 of</u> | 129 |

the Revised Code, and the time within which such basic training 130
shall be completed following appointment on other than a permanent 131
basis; 132

(6) Categories or classifications of advanced in-service 133
training programs for peace officers, including programs in the 134
handling of the offense of domestic violence, other types of 135
domestic violence-related offenses and incidents, and protection 136
orders and consent agreements issued or approved under section 137
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 138
and in the handling of missing children and child abuse and 139
neglect cases, and in handling violations of section 2905.32 of 140
the Revised Code, and minimum courses of study and attendance 141
requirements with respect to such categories or classifications; 142

(7) Permitting persons, who are employed as members of a 143
campus police department appointed under section 1713.50 of the 144
Revised Code; who are employed as police officers by a qualified 145
nonprofit corporation police department pursuant to section 146
1702.80 of the Revised Code; who are appointed and commissioned as 147
bank, savings and loan association, savings bank, credit union, or 148
association of banks, savings and loan associations, savings 149
banks, or credit unions police officers, as railroad police 150
officers, or as hospital police officers pursuant to sections 151
4973.17 to 4973.22 of the Revised Code; or who are appointed and 152
commissioned as amusement park police officers pursuant to section 153
4973.17 of the Revised Code, to attend approved peace officer 154
training schools, including the Ohio peace officer training 155
academy, and to receive certificates of satisfactory completion of 156
basic training programs, if the private college or university that 157
established the campus police department; qualified nonprofit 158
corporation police department; bank, savings and loan association, 159
savings bank, credit union, or association of banks, savings and 160
loan associations, savings banks, or credit unions; railroad 161

company; hospital; or amusement park sponsoring the police 162
officers pays the entire cost of the training and certification 163
and if trainee vacancies are available; 164

(8) Permitting undercover drug agents to attend approved 165
peace officer training schools, other than the Ohio peace officer 166
training academy, and to receive certificates of satisfactory 167
completion of basic training programs, if, for each undercover 168
drug agent, the county, township, or municipal corporation that 169
employs that undercover drug agent pays the entire cost of the 170
training and certification; 171

(9)(a) The requirements for basic training programs for 172
bailiffs and deputy bailiffs of courts of record of this state and 173
for criminal investigators employed by the state public defender 174
that those persons shall complete before they may carry a firearm 175
while on duty; 176

(b) The requirements for any training received by a bailiff 177
or deputy bailiff of a court of record of this state or by a 178
criminal investigator employed by the state public defender prior 179
to June 6, 1986, that is to be considered equivalent to the 180
training described in division (A)(9)(a) of this section. 181

(10) Establishing minimum qualifications and requirements for 182
certification for dogs utilized by law enforcement agencies; 183

(11) Establishing minimum requirements for certification of 184
persons who are employed as correction officers in a full-service 185
jail, five-day facility, or eight-hour holding facility or who 186
provide correction services in such a jail or facility; 187

(12) Establishing requirements for the training of agents of 188
a county humane society under section 1717.06 of the Revised Code, 189
including, without limitation, a requirement that the agents 190
receive instruction on traditional animal husbandry methods and 191
training techniques, including customary owner-performed 192

practices. 193

(B) The commission shall appoint an executive director, with 194
the approval of the attorney general, who shall hold office during 195
the pleasure of the commission. The executive director shall 196
perform such duties assigned by the commission. The executive 197
director shall receive a salary fixed pursuant to Chapter 124. of 198
the Revised Code and reimbursement for expenses within the amounts 199
available by appropriation. The executive director may appoint 200
officers, employees, agents, and consultants as the executive 201
director considers necessary, prescribe their duties, and provide 202
for reimbursement of their expenses within the amounts available 203
for reimbursement by appropriation and with the approval of the 204
commission. 205

(C) The commission may do all of the following: 206

(1) Recommend studies, surveys, and reports to be made by the 207
executive director regarding the carrying out of the objectives 208
and purposes of sections 109.71 to 109.77 of the Revised Code; 209

(2) Visit and inspect any peace officer training school that 210
has been approved by the executive director or for which 211
application for approval has been made; 212

(3) Make recommendations, from time to time, to the executive 213
director, the attorney general, and the general assembly regarding 214
the carrying out of the purposes of sections 109.71 to 109.77 of 215
the Revised Code; 216

(4) Report to the attorney general from time to time, and to 217
the governor and the general assembly at least annually, 218
concerning the activities of the commission; 219

(5) Establish fees for the services the commission offers 220
under sections 109.71 to 109.79 of the Revised Code, including, 221
but not limited to, fees for training, certification, and testing; 222

(6) Perform such other acts as are necessary or appropriate 223
to carry out the powers and duties of the commission as set forth 224
in sections 109.71 to 109.77 of the Revised Code. 225

(D) In establishing the requirements, under division (A)(12) 226
of this section, the commission may consider any portions of the 227
curriculum for instruction on the topic of animal husbandry 228
practices, if any, of the Ohio state university college of 229
veterinary medicine. No person or entity that fails to provide 230
instruction on traditional animal husbandry methods and training 231
techniques, including customary owner-performed practices, shall 232
qualify to train a humane agent for appointment under section 233
1717.06 of the Revised Code. 234

Sec. 109.745. (A) The attorney general shall provide training 235
for peace officers in investigating and handling violations of 236
section 2905.32 of the Revised Code. The training shall include 237
all of the following: 238

(1) Identifying violations of section 2905.32 of the Revised 239
Code; 240

(2) Methods used in identifying victims of violations of 241
section 2905.32 of the Revised Code who are citizens of the United 242
States or a foreign country, including preliminary interviewing 243
techniques and appropriate questioning methods; 244

(3) Methods for prosecuting persons who violate section 245
2905.32 of the Revised Code; 246

(4) Methods of increasing effective collaboration with 247
nongovernmental organizations and other social service 248
organizations in the course of a criminal action regarding a 249
violation of section 2905.32 of the Revised Code; 250

(5) Methods for protecting the rights of victims of 251
violations of section 2905.32 of the Revised Code, including the 252

need to consider human rights and the special needs of women and 253
children who are victims of violations of that section and to 254
treat victims as victims rather than as criminals; 255

(6) Methods for promoting the safety of victims of violations 256
of section 2905.32 of the Revised Code, including the training of 257
peace officers to quickly recognize victims of a violation of any 258
of those sections who are citizens of the United States or 259
citizens of a foreign country. 260

(B) Any organization, person, or other governmental agency 261
with an interest and expertise in trafficking in persons may 262
submit information or materials to the attorney general regarding 263
the development and presentation of the training required under 264
this section. The attorney general, in developing the training 265
required by this section, shall consider any information submitted 266
pursuant to this division. 267

Sec. 109.746. (A) The attorney general may prepare public 268
awareness programs that are designed to educate potential victims 269
of violations of section 2905.32 of the Revised Code and their 270
families of the risks of becoming a victim of a violation of that 271
section. The attorney general may prepare these programs with 272
assistance from the department of health, the department of mental 273
health, the department of job and family services, the department 274
of alcohol and drug addiction services, and the department of 275
education. 276

(B) Any organization, person, or other governmental agency 277
with an interest and expertise in trafficking in persons may 278
submit information or materials to the attorney general regarding 279
the preparation of the programs and materials permitted under this 280
section. The attorney general, in developing the programs and 281
materials permitted by this section, shall consider any 282
information submitted pursuant to this division. 283

Sec. 2151.358. (A) The juvenile court shall expunge all 284
records sealed under section 2151.356 of the Revised Code five 285
years after the court issues a sealing order or upon the 286
twenty-third birthday of the person who is the subject of the 287
sealing order, whichever date is earlier. 288

(B) Notwithstanding division (A) of this section, upon 289
application by the person who has had a record sealed under 290
section 2151.356 of the Revised Code, the juvenile court may 291
expunge a record sealed under section 2151.356 of the Revised 292
Code. In making the determination whether to expunge records, all 293
of the following apply: 294

(1) The court may require a person filing an application for 295
expungement to submit any relevant documentation to support the 296
application. 297

(2) The court may cause an investigation to be made to 298
determine if the person who is the subject of the proceedings has 299
been rehabilitated to a satisfactory degree. 300

(3) The court shall promptly notify the prosecuting attorney 301
of any proceedings to expunge records. 302

(4)(a) The prosecuting attorney may file a response with the 303
court within thirty days of receiving notice of the expungement 304
proceedings. 305

(b) If the prosecuting attorney does not file a response with 306
the court or if the prosecuting attorney files a response but 307
indicates that the prosecuting attorney does not object to the 308
expungement of the records, the court may order the records of the 309
person that are under consideration to be expunged without 310
conducting a hearing on the application. If the court decides in 311
its discretion to conduct a hearing on the application, the court 312
shall conduct the hearing within thirty days after making that 313

decision and shall give notice, by regular mail, of the date, 314
time, and location of the hearing to the prosecuting attorney and 315
to the person who is the subject of the records under 316
consideration. 317

(c) If the prosecuting attorney files a response with the 318
court that indicates that the prosecuting attorney objects to the 319
expungement of the records, the court shall conduct a hearing on 320
the application within thirty days after the court receives the 321
response. The court shall give notice, by regular mail, of the 322
date, time, and location of the hearing to the prosecuting 323
attorney and to the person who is the subject of the records under 324
consideration. 325

(5) After conducting a hearing in accordance with division 326
(B)(4) of this section or after due consideration when a hearing 327
is not conducted, the court may order the records of the person 328
that are the subject of the application to be expunged if it finds 329
that the person has been rehabilitated to a satisfactory degree. 330
In determining whether the person has been rehabilitated to a 331
satisfactory degree, the court may consider all of the following: 332

(a) The age of the person; 333

(b) The nature of the case; 334

(c) The cessation or continuation of delinquent, unruly, or 335
criminal behavior; 336

(d) The education and employment history of the person; 337

(e) Any other circumstances that may relate to the 338
rehabilitation of the person who is the subject of the records 339
under consideration. 340

(C) If the juvenile court is notified by any party in a civil 341
action that a civil action has been filed based on a case the 342
records for which are the subject of a sealing order, the juvenile 343

court shall not expunge a record sealed under section 2151.356 of 344
the Revised Code until the civil action has been resolved and is 345
not subject to further appellate review, at which time the records 346
shall be expunged pursuant to division (A) of this section. 347

(D)(1) A juvenile court that issues a protection order or 348
approves a consent agreement under section 2151.34 or 3113.31 of 349
the Revised Code shall automatically seal all of the records of 350
the proceeding in which the order was issued or agreement approved 351
on the date the person against whom the protection order was 352
issued or the consent agreement approved attains the age of 353
nineteen years if the court determines that the person has 354
complied with all of the terms of the protection order or consent 355
agreement. 356

(2) In a proceeding under section 2151.34 of the Revised 357
Code, if the juvenile court does not issue any protection order 358
under division (E) of that section, the court shall automatically 359
seal all of the records in that proceeding. In a proceeding under 360
section 3113.31 of the Revised Code, if the juvenile court does 361
not issue any protection order or approve any consent agreement 362
under division (E) of that section, the court shall automatically 363
seal all of the records in that proceeding. 364

(3)(a) If a juvenile court that issues a protection order or 365
approves a consent agreement under section 2151.34 or 3113.31 of 366
the Revised Code determines that the person against whom the 367
protection order was issued or the consent agreement approved has 368
not complied with all of the terms of the protection order or 369
consent agreement, the court shall consider sealing all of the 370
records of the proceeding in which the order was issued or 371
agreement approved upon the court's own motion or upon the 372
application of a person. The court may make the motion or the 373
person who is the subject of the records under consideration may 374
apply for an order sealing the records of the proceeding at any 375

time after two years after the expiration of the protection order 376
or consent agreement. 377

(b) In making a determination whether to seal records 378
pursuant to division (D)(3) of this section, all of the following 379
apply: 380

(i) The court may require a person filing an application 381
under division (D)(3) of this section to submit any relevant 382
documentation to support the application. 383

(ii) The court shall promptly notify the victim or the 384
victim's attorney of any proceedings to seal records initiated 385
pursuant to division (D)(3) of this section. 386

(iii) The victim or the victim's attorney may file a response 387
with the court within thirty days of receiving notice of the 388
sealing proceedings. 389

If the victim or the victim's attorney does not file a 390
response with the court or if the victim or the victim's attorney 391
files a response but indicates that the victim or the victim's 392
attorney does not object to the sealing of the records, the court 393
may order the records of the person that are under consideration 394
to be sealed without conducting a hearing on the motion or 395
application. If the court decides in its discretion to conduct a 396
hearing on the motion or application, the court shall conduct the 397
hearing within thirty days after making that decision and shall 398
give notice, by regular mail, of the date, time, and location of 399
the hearing to the victim or the victim's attorney and to the 400
person who is the subject of the records under consideration. 401

If the victim or the victim's attorney files a response with 402
the court that indicates that the victim or the victim's attorney 403
objects to the sealing of the records, the court shall conduct a 404
hearing on the motion or application within thirty days after the 405
court receives the response. The court shall give notice, by 406

regular mail, of the date, time, and location of the hearing to 407
the victim or the victim's attorney and to the person who is the 408
subject of the records under consideration. 409

(iv) After conducting a hearing in accordance with division 410
(D)(3)(b)(iii) of this section or after due consideration when a 411
hearing is not conducted, the court may order the records of the 412
person that are the subject of the motion or application to be 413
sealed. 414

(4) Inspection of the records sealed pursuant to division 415
(D)(1), (2), or (3) of this section may be made only by the 416
following persons or for the following purposes: 417

(a) By a law enforcement officer or prosecutor, or the 418
assistants of either, to determine whether the nature and 419
character of the offense with which a person is to be charged 420
would be affected by virtue of the person's previously having been 421
convicted of a crime; 422

(b) By the parole or probation officer of the person who is 423
the subject of the records, for the exclusive use of the officer 424
in supervising the person while on parole or under a community 425
control sanction or a post-release control sanction, and in making 426
inquiries and written reports as requested by the court or adult 427
parole authority; 428

(c) Upon application by the person who is the subject of the 429
records, by the persons named in the application; 430

(d) By a law enforcement officer who was involved in the 431
case, for use in the officer's defense of a civil action arising 432
out of the officer's involvement in that case; 433

(e) By a prosecuting attorney or the prosecuting attorney's 434
assistants, to determine a defendant's eligibility to enter a 435
pre-trial diversion program established pursuant to section 436
2935.36 of the Revised Code; 437

(f) By any law enforcement agency or any authorized employee 438
of a law enforcement agency or by the department of rehabilitation 439
and correction as part of a background investigation of a person 440
who applies for employment with the agency as a law enforcement 441
officer or with the department as a corrections officer; 442

(g) By any law enforcement agency or any authorized employee 443
of a law enforcement agency, for the purposes set forth in, and in 444
the manner provided in, section 2953.321 of the Revised Code; 445

(h) By the bureau of criminal identification and 446
investigation or any authorized employee of the bureau for the 447
purpose of providing information to a board or person pursuant to 448
division (F) or (G) of section 109.57 of the Revised Code; 449

(i) By the bureau of criminal identification and 450
investigation or any authorized employee of the bureau for the 451
purpose of performing a criminal history records check on a person 452
to whom a certificate as prescribed in section 109.77 of the 453
Revised Code is to be awarded; 454

(j) By the bureau of criminal identification and 455
investigation or any authorized employee of the bureau for the 456
purpose of conducting a criminal records check of an individual 457
pursuant to division (B) of section 109.572 of the Revised Code 458
that was requested pursuant to any of the sections identified in 459
division (B)(1) of that section; 460

(k) By the bureau of criminal identification and 461
investigation, an authorized employee of the bureau, a sheriff, or 462
an authorized employee of a sheriff in connection with a criminal 463
records check described in section 311.41 of the Revised Code; 464

(l) By the attorney general or an authorized employee of the 465
attorney general or a court for purposes of determining a person's 466
classification pursuant to Chapter 2950. of the Revised Code. 467

When the nature and character of the offense with which a 468

person is to be charged would be affected by the information, it 469
may be used for the purpose of charging the person with an 470
offense. 471

(E) In addition to the methods of expungement provided for in 472
divisions (A) and (B) of this section, a person who has been 473
adjudicated a delinquent child for having committed an act that 474
would be a violation of section 2907.24, 2907.241, or 2907.25 of 475
the Revised Code if the child were an adult may apply to the 476
adjudicating court for the expungement of the record of 477
adjudication if the person's participation in the act was a result 478
of the person having been a victim of human trafficking. The 479
application shall be made in the same manner as an application for 480
expungement under section 2953.38 of the Revised Code, and all of 481
the provisions of that section shall apply to the expungement 482
procedure. 483

(F) After the records have been expunged under this section, 484
the person who is the subject of the expunged records properly 485
may, and the court shall, reply that no record exists with respect 486
to the person upon any inquiry in the matter. 487

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 488
section, any person having knowledge of a child who appears to be 489
a juvenile traffic offender or to be a delinquent child may file a 490
sworn complaint with respect to that child in the juvenile court 491
of the county in which the child has a residence or legal 492
settlement or in which the traffic offense or delinquent act 493
allegedly occurred. The sworn complaint may be upon information 494
and belief, and, in addition to the allegation that the child is a 495
delinquent child or a juvenile traffic offender, the complaint 496
shall allege the particular facts upon which the allegation that 497
the child is a delinquent child or a juvenile traffic offender is 498
based. 499

If a child appears to be a delinquent child who is eligible 500
for a serious youthful offender dispositional sentence under 501
section 2152.11 of the Revised Code and if the prosecuting 502
attorney desires to seek a serious youthful offender dispositional 503
sentence under section 2152.13 of the Revised Code in regard to 504
the child, the prosecuting attorney of the county in which the 505
alleged delinquency occurs may initiate a case in the juvenile 506
court of the county by presenting the case to a grand jury for 507
indictment, by charging the child in a bill of information as a 508
serious youthful offender pursuant to section 2152.13 of the 509
Revised Code, by requesting a serious youthful offender 510
dispositional sentence in the original complaint alleging that the 511
child is a delinquent child, or by filing with the juvenile court 512
a written notice of intent to seek a serious youthful offender 513
dispositional sentence. This paragraph does not apply regarding 514
the imposition of a serious youthful offender dispositional 515
sentence pursuant to section 2152.121 of the Revised Code. 516

(2) Any person having knowledge of a child who appears to be 517
a delinquent child for being an habitual or chronic truant may 518
file a sworn complaint with respect to that child, or with respect 519
to that child and the parent, guardian, or other person having 520
care of the child, in the juvenile court of the county in which 521
the child has a residence or legal settlement or in which the 522
child is supposed to attend public school. The sworn complaint may 523
be upon information and belief and shall allege that the child is 524
a delinquent child for being a chronic truant or an habitual 525
truant who previously has been adjudicated an unruly child for 526
being a habitual truant and, in addition, the particular facts 527
upon which that allegation is based. If the complaint contains 528
allegations regarding the child's parent, guardian, or other 529
person having care of the child, the complaint additionally shall 530
allege that the parent, guardian, or other person having care of 531
the child has failed to cause the child's attendance at school in 532

violation of section 3321.38 of the Revised Code and, in addition, 533
the particular facts upon which that allegation is based. 534

(B) Any person with standing under applicable law may file a 535
complaint for the determination of any other matter over which the 536
juvenile court is given jurisdiction by section 2151.23 of the 537
Revised Code. The complaint shall be filed in the county in which 538
the child who is the subject of the complaint is found or was last 539
known to be found. 540

(C) Within ten days after the filing of a complaint or the 541
issuance of an indictment, the court shall give written notice of 542
the filing of the complaint or the issuance of an indictment and 543
of the substance of the complaint or indictment to the 544
superintendent of a city, local, exempted village, or joint 545
vocational school district if the complaint or indictment alleges 546
that a child committed an act that would be a criminal offense if 547
committed by an adult, that the child was sixteen years of age or 548
older at the time of the commission of the alleged act, and that 549
the alleged act is any of the following: 550

(1) A violation of section 2923.122 of the Revised Code that 551
relates to property owned or controlled by, or to an activity held 552
under the auspices of, the board of education of that school 553
district; 554

(2) A violation of section 2923.12 of the Revised Code, of a 555
substantially similar municipal ordinance, or of section 2925.03 556
of the Revised Code that was committed on property owned or 557
controlled by, or at an activity held under the auspices of, the 558
board of education of that school district; 559

(3) A violation of section 2925.11 of the Revised Code that 560
was committed on property owned or controlled by, or at an 561
activity held under the auspices of, the board of education of 562
that school district, other than a violation of that section that 563

would be a minor drug possession offense if committed by an adult; 564

(4) A violation of section 2903.01, 2903.02, 2903.03, 565
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 566
Code, or a violation of former section 2907.12 of the Revised 567
Code, that was committed on property owned or controlled by, or at 568
an activity held under the auspices of, the board of education of 569
that school district, if the victim at the time of the commission 570
of the alleged act was an employee of the board of education of 571
that school district; 572

(5) Complicity in any violation described in division (C)(1), 573
(2), (3), or (4) of this section that was alleged to have been 574
committed in the manner described in division (C)(1), (2), (3), or 575
(4) of this section, regardless of whether the act of complicity 576
was committed on property owned or controlled by, or at an 577
activity held under the auspices of, the board of education of 578
that school district. 579

(D) A public children services agency, acting pursuant to a 580
complaint or an action on a complaint filed under this section, is 581
not subject to the requirements of section 3127.23 of the Revised 582
Code. 583

(E) For purposes of the record to be maintained by the clerk 584
under division (B) of section 2152.71 of the Revised Code, when a 585
complaint is filed that alleges that a child is a delinquent 586
child, the court shall determine if the victim of the alleged 587
delinquent act was sixty-five years of age or older or permanently 588
and totally disabled at the time of the alleged commission of the 589
act. 590

(F)(1) At any time after the filing of a complaint alleging 591
that a child is a delinquent child and before adjudication, the 592
court may hold a hearing to determine whether to hold the 593
complaint in abeyance pending the child's successful completion of 594

actions that constitute a method to divert the child from the 595
juvenile court system if the child agrees to the hearing and 596
either of the following applies: 597

(a) The act charged would be a violation of section 2907.24, 598
2907.241, or 2907.25 of the Revised Code if the child were an 599
adult. 600

(b) The court has reason to believe that the child is a 601
victim of a violation of section 2905.32 of the Revised Code, 602
regardless of whether any person has been convicted of a violation 603
of that section or of any other section for victimizing the child, 604
and the act charged is related to the child's victimization. 605

(2) The prosecuting attorney has the right to participate in 606
any hearing held under division (F)(1) of this section, to object 607
to holding the complaint that is the subject of the hearing in 608
abeyance, and to make recommendations related to diversion 609
actions. No statement made by a child at a hearing held under 610
division (F)(1) of this section is admissible in any subsequent 611
proceeding against the child. 612

(3) If either division (F)(1)(a) or (b) of this section 613
applies, the court shall promptly appoint a guardian ad litem for 614
the child. The court shall not appoint the child's attorney as 615
guardian ad litem. If the court decides to hold the complaint in 616
abeyance, the guardian ad litem shall make recommendations that 617
are in the best interest of the child to the court. 618

(4) If after a hearing the court decides to hold the 619
complaint in abeyance, the court may make any orders regarding 620
placement, services, supervision, diversion actions, and 621
conditions of abeyance, including, but not limited to, engagement 622
in trauma-based behavioral health services or education 623
activities, that the court considers appropriate and in the best 624
interest of the child. The court may hold the complaint in 625

abeyance for up to ninety days while the child engages in 626
diversion actions. If the child violates the conditions of 627
abeyance or does not complete the diversion actions to the court's 628
satisfaction within ninety days, the court may extend the period 629
of abeyance for not more than two additional ninety-day periods. 630

(5) If the court holds the complaint in abeyance and the 631
child complies with the conditions of abeyance and completes the 632
diversion actions to the court's satisfaction, the court shall 633
dismiss the complaint and order that the records pertaining to the 634
case be expunged immediately. If the child fails to complete the 635
diversion actions to the court's satisfaction, the court shall 636
proceed upon the complaint. 637

Sec. 2307.51. (A) A victim of a violation of section 2905.32 638
of the Revised Code has and may commence a civil cause of action 639
for compensatory and punitive damages against the trafficker for 640
harm that resulted from the violation of section 2905.32 of the 641
Revised Code. 642

(B) The cause of action created by this section is in 643
addition to any other cause of action available under statutory or 644
common law. 645

Sec. 2743.60. (A) The attorney general, a court of claims 646
panel of commissioners, or a judge of the court of claims shall 647
not make or order an award of reparations to a claimant if the 648
criminally injurious conduct upon which the claimant bases a claim 649
never was reported to a law enforcement officer or agency. 650

(B)(1) The attorney general, a panel of commissioners, or a 651
judge of the court of claims shall not make or order an award of 652
reparations to a claimant if any of the following apply: 653

(a) The claimant is the offender or an accomplice of the 654
offender who committed the criminally injurious conduct, or the 655

award would unjustly benefit the offender or accomplice. 656

(b) Except as provided in division (B)(2) of this section, 657
both of the following apply: 658

(i) The victim was a passenger in a motor vehicle and knew or 659
reasonably should have known that the driver was under the 660
influence of alcohol, a drug of abuse, or both. 661

(ii) The claimant is seeking compensation for injuries 662
proximately caused by the driver described in division 663
(B)(1)(b)(i) of this section being under the influence of alcohol, 664
a drug of abuse, or both. 665

(c) Both of the following apply: 666

(i) The victim was under the influence of alcohol, a drug of 667
abuse, or both and was a passenger in a motor vehicle and, if 668
sober, should have reasonably known that the driver was under the 669
influence of alcohol, a drug of abuse, or both. 670

(ii) The claimant is seeking compensation for injuries 671
proximately caused by the driver described in division 672
(B)(1)(b)(i) of this section being under the influence of alcohol, 673
a drug of abuse, or both. 674

(2) Division (B)(1)(b) of this section does not apply if on 675
the date of the occurrence of the criminally injurious conduct, 676
the victim was under sixteen years of age or was at least sixteen 677
years of age but less than eighteen years of age and was riding 678
with a parent, guardian, or care-provider. 679

(C) The attorney general, a panel of commissioners, or a 680
judge of the court of claims, upon a finding that the claimant or 681
victim has not fully cooperated with appropriate law enforcement 682
agencies, may deny a claim or reconsider and reduce an award of 683
reparations. 684

(D) The attorney general, a panel of commissioners, or a 685

judge of the court of claims shall reduce an award of reparations 686
or deny a claim for an award of reparations that is otherwise 687
payable to a claimant to the extent that the economic loss upon 688
which the claim is based is recouped from other persons, including 689
collateral sources. If an award is reduced or a claim is denied 690
because of the expected recoupment of all or part of the economic 691
loss of the claimant from a collateral source, the amount of the 692
award or the denial of the claim shall be conditioned upon the 693
claimant's economic loss being recouped by the collateral source. 694
If the award or denial is conditioned upon the recoupment of the 695
claimant's economic loss from a collateral source and it is 696
determined that the claimant did not unreasonably fail to present 697
a timely claim to the collateral source and will not receive all 698
or part of the expected recoupment, the claim may be reopened and 699
an award may be made in an amount equal to the amount of expected 700
recoupment that it is determined the claimant will not receive 701
from the collateral source. 702

If the claimant recoups all or part of the economic loss upon 703
which the claim is based from any other person or entity, 704
including a collateral source, the attorney general may recover 705
pursuant to section 2743.72 of the Revised Code the part of the 706
award that represents the economic loss for which the claimant 707
received the recoupment from the other person or entity. 708

(E)(1) Except as otherwise provided in division (E)(2) of 709
this section, the attorney general, a panel of commissioners, or a 710
judge of the court of claims shall not make an award to a claimant 711
if any of the following applies: 712

(a) The victim was convicted of a felony within ten years 713
prior to the criminally injurious conduct that gave rise to the 714
claim or is convicted of a felony during the pendency of the 715
claim. 716

(b) The claimant was convicted of a felony within ten years 717

prior to the criminally injurious conduct that gave rise to the 718
claim or is convicted of a felony during the pendency of the 719
claim. 720

(c) It is proved by a preponderance of the evidence that the 721
victim or the claimant engaged, within ten years prior to the 722
criminally injurious conduct that gave rise to the claim or during 723
the pendency of the claim, in an offense of violence, a violation 724
of section 2925.03 of the Revised Code, or any substantially 725
similar offense that also would constitute a felony under the laws 726
of this state, another state, or the United States. 727

(d) The claimant was convicted of a violation of section 728
2919.22 or 2919.25 of the Revised Code, or of any state law or 729
municipal ordinance substantially similar to either section, 730
within ten years prior to the criminally injurious conduct that 731
gave rise to the claim or during the pendency of the claim. 732

(e) It is proved by a preponderance of the evidence that the 733
victim at the time of the criminally injurious conduct that gave 734
rise to the claim engaged in conduct that was a felony violation 735
of section 2925.11 of the Revised Code or engaged in any 736
substantially similar conduct that would constitute a felony under 737
the laws of this state, another state, or the United States. 738

(2) The attorney general, a panel of commissioners, or a 739
judge of the court of claims may make an award to a minor 740
dependent of a deceased victim for dependent's economic loss or 741
for counseling pursuant to division (F)(2) of section 2743.51 of 742
the Revised Code if the minor dependent is not ineligible under 743
division (E)(1) of this section due to the minor dependent's 744
criminal history and if the victim was not killed while engaging 745
in illegal conduct that contributed to the criminally injurious 746
conduct that gave rise to the claim. For purposes of this section, 747
the use of illegal drugs by the deceased victim shall not be 748
deemed to have contributed to the criminally injurious conduct 749

that gave rise to the claim. 750

(F) In determining whether to make an award of reparations 751
pursuant to this section, the attorney general or panel of 752
commissioners shall consider whether there was contributory 753
misconduct by the victim or the claimant. The attorney general, a 754
panel of commissioners, or a judge of the court of claims shall 755
reduce an award of reparations or deny a claim for an award of 756
reparations to the extent it is determined to be reasonable 757
because of the contributory misconduct of the claimant or the 758
victim. 759

When the attorney general decides whether a claim should be 760
denied because of an allegation of contributory misconduct, the 761
burden of proof on the issue of that alleged contributory 762
misconduct shall be upon the claimant, if either of the following 763
apply: 764

(1) The victim was convicted of a felony more than ten years 765
prior to the criminally injurious conduct that is the subject of 766
the claim or has a record of felony arrests under the laws of this 767
state, another state, or the United States. 768

(2) There is good cause to believe that the victim engaged in 769
an ongoing course of criminal conduct within five years or less of 770
the criminally injurious conduct that is the subject of the claim. 771

(G) The attorney general, a panel of commissioners, or a 772
judge of the court of claims shall not make an award of 773
reparations to a claimant if the criminally injurious conduct that 774
caused the injury or death that is the subject of the claim 775
occurred to a victim who was an adult and while the victim, after 776
being convicted of or pleading guilty to an offense, was serving a 777
sentence of imprisonment in any detention facility, as defined in 778
section 2921.01 of the Revised Code. 779

(H) If a claimant unreasonably fails to present a claim 780

timely to a source of benefits or advantages that would have been 781
a collateral source and that would have reimbursed the claimant 782
for all or a portion of a particular expense, the attorney 783
general, a panel of commissioners, or a judge of the court of 784
claims may reduce an award of reparations or deny a claim for an 785
award of reparations to the extent that it is reasonable to do so. 786

(I) Reparations payable to a victim and to all other 787
claimants sustaining economic loss because of injury to or the 788
death of that victim shall not exceed fifty thousand dollars in 789
the aggregate. If the attorney general, a panel of commissioners, 790
or a judge of the court of claims reduces an award under division 791
(F) of this section, the maximum aggregate amount of reparations 792
payable under this division shall be reduced proportionately to 793
the reduction under division (F) of this section. 794

(J) Nothing in this section shall be construed to prohibit an 795
award to a claimant whose claim is based on the claimant's being a 796
victim of a violation of section 2905.32 of the Revised Code if 797
the claimant was less than eighteen years of age when the 798
criminally injurious conduct occurred. 799

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 800
entice, isolate, harbor, transport, provide, obtain, or maintain, 801
or knowingly attempt to recruit, lure, entice, isolate, harbor, 802
transport, provide, obtain, or maintain, another person knowing 803
that the person will be subjected to involuntary servitude or be 804
compelled to engage in sexual activity for hire, engage in a 805
performance that is obscene, sexually oriented, or nudity 806
oriented, or be a model or participant in the production of 807
material that is obscene, sexually oriented, or nudity oriented. 808

(B) For a prosecution under this section, the element 809
"compelled" does not require that the compulsion be openly 810
displayed or physically exerted. The element "compelled" has been 811

established if the state proves that the victim's will was 812
overcome by force, fear, duress, or intimidation. 813

(C) In a prosecution under this section, proof that the 814
defendant engaged in sexual activity with any person, or solicited 815
sexual activity with any person, whether or not for hire, without 816
more, does not constitute a violation of this section. 817

(D) A prosecution for a violation of this section does not 818
preclude a prosecution of a violation of any other section of the 819
Revised Code. One or more acts, a series of acts, or a course of 820
behavior that can be prosecuted under this section or any other 821
section of the Revised Code may be prosecuted under this section, 822
the other section of the Revised Code, or both sections. However, 823
if an offender is convicted of or pleads guilty to a violation of 824
this section and also is convicted of or pleads guilty to ~~any~~ 825
~~other offense~~ a violation of section 2907.21 of the Revised Code 826
based on the same conduct involving the same victim that was the 827
basis of the violation of this section, or is convicted of or 828
pleads guilty to any other violation of Chapter 2907. of the 829
Revised Code based on the same conduct involving the same victim 830
that was the basis of the violation of this section, the two 831
offenses are allied offenses of similar import under section 832
2941.25 of the Revised Code. 833

(E) Whoever violates this section is guilty of trafficking in 834
persons, a felony of the ~~second~~ first degree. Notwithstanding 835
division (A)(1) of section 2929.14 of the Revised Code, the court 836
shall sentence the offender to a definite prison term of ten, 837
eleven, twelve, thirteen, fourteen, or fifteen years. 838

Sec. 2907.07. (A) No person shall solicit a person who is 839
less than thirteen years of age to engage in sexual activity with 840
the offender, whether or not the offender knows the age of such 841
person. 842

(B)(1) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.

(2) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, the other person is sixteen or seventeen years of age and a victim of a violation of section 2905.32 of the Revised Code, and the offender knows or has reckless disregard of the age of the other person.

(C) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen years of age or is reckless in that regard.

(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

(D) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is thirteen years of age or older but

less than sixteen years of age, the offender knows that the other 874
person is thirteen years of age or older but less than sixteen 875
years of age or is reckless in that regard, and the offender is 876
four or more years older than the other person. 877

(2) The other person is a law enforcement officer posing as a 878
person who is thirteen years of age or older but less than sixteen 879
years of age, the offender believes that the other person is 880
thirteen years of age or older but less than sixteen years of age 881
or is reckless in that regard, and the offender is four or more 882
years older than the age the law enforcement officer assumes in 883
posing as the person who is thirteen years of age or older but 884
less than sixteen years of age. 885

(E) Divisions (C) and (D) of this section apply to any 886
solicitation that is contained in a transmission via a 887
telecommunications device that either originates in this state or 888
is received in this state. 889

(F)(1) Whoever violates this section is guilty of 890
importuning. 891

(2) Except as otherwise provided in this division, a 892
violation of division (A) or (C) of this section is a felony of 893
the third degree on a first offense, and, notwithstanding division 894
(C) of section 2929.13 of the Revised Code, there is a presumption 895
that a prison term shall be imposed as described in division (D) 896
of section 2929.13 of the Revised Code. If the offender previously 897
has been convicted of a sexually oriented offense or a 898
child-victim oriented offense, a violation of division (A) or (C) 899
of this section is a felony of the second degree, and the court 900
shall impose upon the offender as a mandatory prison term one of 901
the prison terms prescribed in section 2929.14 of the Revised Code 902
for a felony of the second degree. 903

(3) A violation of division (B) or (D) of this section is a 904

felony of the fifth degree on a first offense, and, 905
notwithstanding division (B) of section 2929.13 of the Revised 906
Code, there is a presumption that a prison term shall be imposed 907
as described in division (D) of section 2929.13 of the Revised 908
Code. If the offender previously has been convicted of a sexually 909
oriented offense or a child-victim oriented offense, a violation 910
of division (B) or (D) of this section is a felony of the fourth 911
degree, and the court shall impose upon the offender as a 912
mandatory prison term one of the prison terms prescribed in 913
section 2929.14 of the Revised Code for a felony of the fourth 914
degree that is not less than twelve months in duration. 915

Sec. 2907.23. (A) No person, knowingly and for gain, shall do 916
either of the following: 917

(1) Entice or solicit another to patronize a prostitute or 918
brothel; 919

(2) Procure a prostitute for another to patronize, or take or 920
direct another at ~~his or her~~ the other's request to any place for 921
the purpose of patronizing a prostitute. 922

(B) No person, having authority or responsibility over the 923
use of premises, shall knowingly permit such premises to be used 924
for the purpose of engaging in sexual activity for hire. 925

(C) Whoever violates this section is guilty of procuring^{7.1} 926
Except as otherwise provided in this division, procuring is a 927
misdemeanor of the first degree. If the prostitute who is 928
procured, patronized, or otherwise involved in a violation of 929
division (A)(2) of this section is under sixteen years of age at 930
the time of the violation, regardless of whether the offender who 931
violates division (A)(2) of this section knows the prostitute's 932
age, or if a prostitute who engages in sexual activity for hire in 933
premises used in violation of division (B) of this section is 934
under sixteen years of age at the time of the violation, 935

regardless of whether the offender who violates division (B) of 936
this section knows the prostitute's age, procuring is a felony of 937
the fourth degree. If the prostitute who is procured, patronized, 938
or otherwise involved in a violation of division (A)(2) of this 939
section is sixteen or seventeen years of age at the time of the 940
violation or if a prostitute who engages in sexual activity for 941
hire in premises used in violation of division (B) of this section 942
is sixteen or seventeen years of age at the time of the violation, 943
procuring is a felony of the fifth degree. 944

Sec. 2921.32. (A) No person, with purpose to hinder the 945
discovery, apprehension, prosecution, conviction, or punishment of 946
another for crime or to assist another to benefit from the 947
commission of a crime, and no person, with purpose to hinder the 948
discovery, apprehension, prosecution, adjudication as a delinquent 949
child, or disposition of a child for an act that if committed by 950
an adult would be a crime or to assist a child to benefit from the 951
commission of an act that if committed by an adult would be a 952
crime, shall do any of the following: 953

(1) Harbor or conceal the other person or child; 954

(2) Provide the other person or child with money, 955
transportation, a weapon, a disguise, or other means of avoiding 956
discovery or apprehension; 957

(3) Warn the other person or child of impending discovery or 958
apprehension; 959

(4) Destroy or conceal physical evidence of the crime or act, 960
or induce any person to withhold testimony or information or to 961
elude legal process summoning the person to testify or supply 962
evidence; 963

(5) Communicate false information to any person; 964

(6) Prevent or obstruct any person, by means of force, 965

intimidation, or deception, from performing any act to aid in the 966
discovery, apprehension, or prosecution of the other person or 967
child. 968

(B) A person may be prosecuted for, and may be convicted of 969
or adjudicated a delinquent child for committing, a violation of 970
division (A) of this section regardless of whether the person or 971
child aided ultimately is apprehended for, is charged with, is 972
convicted of, pleads guilty to, or is adjudicated a delinquent 973
child for committing the crime or act the person or child aided 974
committed. The crime or act the person or child aided committed 975
shall be used under division (C) of this section in determining 976
the penalty for the violation of division (A) of this section, 977
regardless of whether the person or child aided ultimately is 978
apprehended for, is charged with, is convicted of, pleads guilty 979
to, or is adjudicated a delinquent child for committing the crime 980
or act the person or child aided committed. 981

(C)(1) Whoever violates this section is guilty of obstructing 982
justice. 983

(2) If the crime committed by the person aided is a 984
misdemeanor or if the act committed by the child aided would be a 985
misdemeanor if committed by an adult, obstructing justice is a 986
misdemeanor of the same degree as the crime committed by the 987
person aided or a misdemeanor of the same degree that the act 988
committed by the child aided would be if committed by an adult. 989

(3) Except as otherwise provided in divisions (C)(4) ~~and~~, 990
(5), and (6) of this section, if the crime committed by the person 991
aided is a felony or if the act committed by the child aided would 992
be a felony if committed by an adult, obstructing justice is a 993
felony of the fifth degree. 994

(4) ~~If~~ Except as otherwise provided in division (C)(6) of 995
this section, if the crime committed by the person aided is 996

aggravated murder, murder, or a felony of the first or second 997
degree or if the act committed by the child aided would be one of 998
those offenses if committed by an adult and if the offender knows 999
or has reason to believe that the crime committed by the person 1000
aided is one of those offenses or that the act committed by the 1001
child aided would be one of those offenses if committed by an 1002
adult, obstructing justice is a felony of the third degree. 1003

(5) If the crime or act committed by the person or child 1004
aided is an act of terrorism, obstructing justice is one of the 1005
following: 1006

(a) Except as provided in division (C)(5)(b) of this section, 1007
a felony of the second degree; 1008

(b) If the act of terrorism resulted in the death of a person 1009
who was not a participant in the act of terrorism, a felony of the 1010
first degree. 1011

(6) If the crime committed by the person is trafficking in 1012
persons or if the act committed by the child aided would be 1013
trafficking in persons if committed by an adult, obstructing 1014
justice is a felony of the second degree. 1015

(D) As used in this section: 1016

(1) "Adult" and "child" have the same meanings as in section 1017
2151.011 of the Revised Code. 1018

(2) "Delinquent child" has the same meaning as in section 1019
2152.02 of the Revised Code. 1020

(3) "Act of terrorism" has the same meaning as in section 1021
2909.21 of the Revised Code. 1022

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 1023
Revised Code: 1024

(A) "Beneficial interest" means any of the following: 1025

| | |
|--|------|
| (1) The interest of a person as a beneficiary under a trust | 1026 |
| in which the trustee holds title to personal or real property; | 1027 |
| (2) The interest of a person as a beneficiary under any other | 1028 |
| trust arrangement under which any other person holds title to | 1029 |
| personal or real property for the benefit of such person; | 1030 |
| (3) The interest of a person under any other form of express | 1031 |
| fiduciary arrangement under which any other person holds title to | 1032 |
| personal or real property for the benefit of such person. | 1033 |
| "Beneficial interest" does not include the interest of a | 1034 |
| stockholder in a corporation or the interest of a partner in | 1035 |
| either a general or limited partnership. | 1036 |
| (B) "Costs of investigation and prosecution" and "costs of | 1037 |
| investigation and litigation" mean all of the costs incurred by | 1038 |
| the state or a county or municipal corporation under sections | 1039 |
| 2923.31 to 2923.36 of the Revised Code in the prosecution and | 1040 |
| investigation of any criminal action or in the litigation and | 1041 |
| investigation of any civil action, and includes, but is not | 1042 |
| limited to, the costs of resources and personnel. | 1043 |
| (C) "Enterprise" includes any individual, sole | 1044 |
| proprietorship, partnership, limited partnership, corporation, | 1045 |
| trust, union, government agency, or other legal entity, or any | 1046 |
| organization, association, or group of persons associated in fact | 1047 |
| although not a legal entity. "Enterprise" includes illicit as well | 1048 |
| as licit enterprises. | 1049 |
| (D) "Innocent person" includes any bona fide purchaser of | 1050 |
| property that is allegedly involved in a violation of section | 1051 |
| 2923.32 of the Revised Code, including any person who establishes | 1052 |
| a valid claim to or interest in the property in accordance with | 1053 |
| division (E) of section 2981.04 of the Revised Code, and any | 1054 |
| victim of an alleged violation of that section or of any | 1055 |
| underlying offense involved in an alleged violation of that | 1056 |

section. 1057

(E) "Pattern of corrupt activity" means two or more incidents 1058
of corrupt activity, whether or not there has been a prior 1059
conviction, that are related to the affairs of the same 1060
enterprise, are not isolated, and are not so closely related to 1061
each other and connected in time and place that they constitute a 1062
single event. 1063

At least one of the incidents forming the pattern shall occur 1064
on or after January 1, 1986. Unless any incident was an aggravated 1065
murder or murder, the last of the incidents forming the pattern 1066
shall occur within six years after the commission of any prior 1067
incident forming the pattern, excluding any period of imprisonment 1068
served by any person engaging in the corrupt activity. 1069

For the purposes of the criminal penalties that may be 1070
imposed pursuant to section 2923.32 of the Revised Code, at least 1071
one of the incidents forming the pattern shall constitute a felony 1072
under the laws of this state in existence at the time it was 1073
committed or, if committed in violation of the laws of the United 1074
States or of any other state, shall constitute a felony under the 1075
law of the United States or the other state and would be a 1076
criminal offense under the law of this state if committed in this 1077
state. 1078

(F) "Pecuniary value" means money, a negotiable instrument, a 1079
commercial interest, or anything of value, as defined in section 1080
1.03 of the Revised Code, or any other property or service that 1081
has a value in excess of one hundred dollars. 1082

(G) "Person" means any person, as defined in section 1.59 of 1083
the Revised Code, and any governmental officer, employee, or 1084
entity. 1085

(H) "Personal property" means any personal property, any 1086
interest in personal property, or any right, including, but not 1087

limited to, bank accounts, debts, corporate stocks, patents, or 1088
copyrights. Personal property and any beneficial interest in 1089
personal property are deemed to be located where the trustee of 1090
the property, the personal property, or the instrument evidencing 1091
the right is located. 1092

(I) "Corrupt activity" means engaging in, attempting to 1093
engage in, conspiring to engage in, or soliciting, coercing, or 1094
intimidating another person to engage in any of the following: 1095

(1) Conduct defined as "racketeering activity" under the 1096
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1097
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 1098

(2) Conduct constituting any of the following: 1099

(a) A violation of section 1315.55, 1322.02, 2903.01, 1100
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 1101
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 1102
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1103
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 1104
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 1105
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 1106
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 1107
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 1108
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 1109
section 1707.44; division (A)(1) or (2) of section 2923.20; 1110
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 1111
4719.06; division (C), (D), or (E) of section 4719.07; section 1112
4719.08; or division (A) of section 4719.09 of the Revised Code. 1113

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1114
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1115
any violation of section 2915.02 of the Revised Code that occurs 1116
on or after July 1, 1996, and that, had it occurred prior to that 1117
date, would have been a violation of section 3769.11 of the 1118

Revised Code as it existed prior to that date, or any violation of 1119
section 2915.05 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have 1120
been a violation of section 3769.15, 3769.16, or 3769.19 of the 1121
Revised Code as it existed prior to that date. 1122
1123

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1124
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1125
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1126
of the Revised Code, any violation of section 2925.11 of the 1127
Revised Code that is a felony of the first, second, third, or 1128
fourth degree and that occurs on or after July 1, 1996, any 1129
violation of section 2915.02 of the Revised Code that occurred 1130
prior to July 1, 1996, any violation of section 2915.02 of the 1131
Revised Code that occurs on or after July 1, 1996, and that, had 1132
it occurred prior to that date, would not have been a violation of 1133
section 3769.11 of the Revised Code as it existed prior to that 1134
date, any violation of section 2915.06 of the Revised Code as it 1135
existed prior to July 1, 1996, or any violation of division (B) of 1136
section 2915.05 of the Revised Code as it exists on and after July 1, 1137
1996, when the proceeds of the violation, the payments made in 1138
the violation, the amount of a claim for payment or for any other 1139
benefit that is false or deceptive and that is involved in the 1140
violation, or the value of the contraband or other property 1141
illegally possessed, sold, or purchased in the violation exceeds 1142
one thousand dollars, or any combination of violations described 1143
in division (I)(2)(c) of this section when the total proceeds of 1144
the combination of violations, payments made in the combination of 1145
violations, amount of the claims for payment or for other benefits 1146
that is false or deceptive and that is involved in the combination 1147
of violations, or value of the contraband or other property 1148
illegally possessed, sold, or purchased in the combination of 1149
violations exceeds one thousand dollars; 1150

(d) Any violation of section 5743.112 of the Revised Code 1151
when the amount of unpaid tax exceeds one hundred dollars; 1152

(e) Any violation or combination of violations of section 1153
2907.32 of the Revised Code involving any material or performance 1154
containing a display of bestiality or of sexual conduct, as 1155
defined in section 2907.01 of the Revised Code, that is explicit 1156
and depicted with clearly visible penetration of the genitals or 1157
clearly visible penetration by the penis of any orifice when the 1158
total proceeds of the violation or combination of violations, the 1159
payments made in the violation or combination of violations, or 1160
the value of the contraband or other property illegally possessed, 1161
sold, or purchased in the violation or combination of violations 1162
exceeds one thousand dollars; 1163

(f) Any combination of violations described in division 1164
(I)(2)(c) of this section and violations of section 2907.32 of the 1165
Revised Code involving any material or performance containing a 1166
display of bestiality or of sexual conduct, as defined in section 1167
2907.01 of the Revised Code, that is explicit and depicted with 1168
clearly visible penetration of the genitals or clearly visible 1169
penetration by the penis of any orifice when the total proceeds of 1170
the combination of violations, payments made in the combination of 1171
violations, amount of the claims for payment or for other benefits 1172
that is false or deceptive and that is involved in the combination 1173
of violations, or value of the contraband or other property 1174
illegally possessed, sold, or purchased in the combination of 1175
violations exceeds one thousand dollars; 1176

(g) Any violation of section 2905.32 of the Revised Code to 1177
the extent the violation is not based solely on the same conduct 1178
that constitutes corrupt activity pursuant to division (I)(2)(c) 1179
of this section due to the conduct being in violation of section 1180
2907.21 of the Revised Code. 1181

(3) Conduct constituting a violation of any law of any state 1182

other than this state that is substantially similar to the conduct 1183
described in division (I)(2) of this section, provided the 1184
defendant was convicted of the conduct in a criminal proceeding in 1185
the other state; 1186

(4) Animal or ecological terrorism; 1187

(5)(a) Conduct constituting any of the following: 1188

(i) Organized retail theft; 1189

(ii) Conduct that constitutes one or more violations of any 1190
law of any state other than this state, that is substantially 1191
similar to organized retail theft, and that if committed in this 1192
state would be organized retail theft, if the defendant was 1193
convicted of or pleaded guilty to the conduct in a criminal 1194
proceeding in the other state. 1195

(b) By enacting division (I)(5)(a) of this section, it is the 1196
intent of the general assembly to add organized retail theft and 1197
the conduct described in division (I)(5)(a)(ii) of this section as 1198
conduct constituting corrupt activity. The enactment of division 1199
(I)(5)(a) of this section and the addition by division (I)(5)(a) 1200
of this section of organized retail theft and the conduct 1201
described in division (I)(5)(a)(ii) of this section as conduct 1202
constituting corrupt activity does not limit or preclude, and 1203
shall not be construed as limiting or precluding, any prosecution 1204
for a violation of section 2923.32 of the Revised Code that is 1205
based on one or more violations of section 2913.02 or 2913.51 of 1206
the Revised Code, one or more similar offenses under the laws of 1207
this state or any other state, or any combination of any of those 1208
violations or similar offenses, even though the conduct 1209
constituting the basis for those violations or offenses could be 1210
construed as also constituting organized retail theft or conduct 1211
of the type described in division (I)(5)(a)(ii) of this section. 1212

(J) "Real property" means any real property or any interest 1213

in real property, including, but not limited to, any lease of, or 1214
mortgage upon, real property. Real property and any beneficial 1215
interest in it is deemed to be located where the real property is 1216
located. 1217

(K) "Trustee" means any of the following: 1218

(1) Any person acting as trustee under a trust in which the 1219
trustee holds title to personal or real property; 1220

(2) Any person who holds title to personal or real property 1221
for which any other person has a beneficial interest; 1222

(3) Any successor trustee. 1223

"Trustee" does not include an assignee or trustee for an 1224
insolvent debtor or an executor, administrator, administrator with 1225
the will annexed, testamentary trustee, guardian, or committee, 1226
appointed by, under the control of, or accountable to a court. 1227

(L) "Unlawful debt" means any money or other thing of value 1228
constituting principal or interest of a debt that is legally 1229
unenforceable in this state in whole or in part because the debt 1230
was incurred or contracted in violation of any federal or state 1231
law relating to the business of gambling activity or relating to 1232
the business of lending money at an usurious rate unless the 1233
creditor proves, by a preponderance of the evidence, that the 1234
usurious rate was not intentionally set and that it resulted from 1235
a good faith error by the creditor, notwithstanding the 1236
maintenance of procedures that were adopted by the creditor to 1237
avoid an error of that nature. 1238

(M) "Animal activity" means any activity that involves the 1239
use of animals or animal parts, including, but not limited to, 1240
hunting, fishing, trapping, traveling, camping, the production, 1241
preparation, or processing of food or food products, clothing or 1242
garment manufacturing, medical research, other research, 1243
entertainment, recreation, agriculture, biotechnology, or service 1244

activity that involves the use of animals or animal parts. 1245

(N) "Animal facility" means a vehicle, building, structure, 1246
nature preserve, or other premises in which an animal is lawfully 1247
kept, handled, housed, exhibited, bred, or offered for sale, 1248
including, but not limited to, a zoo, rodeo, circus, amusement 1249
park, hunting preserve, or premises in which a horse or dog event 1250
is held. 1251

(O) "Animal or ecological terrorism" means the commission of 1252
any felony that involves causing or creating a substantial risk of 1253
physical harm to any property of another, the use of a deadly 1254
weapon or dangerous ordnance, or purposely, knowingly, or 1255
recklessly causing serious physical harm to property and that 1256
involves an intent to obstruct, impede, or deter any person from 1257
participating in a lawful animal activity, from mining, foresting, 1258
harvesting, gathering, or processing natural resources, or from 1259
being lawfully present in or on an animal facility or research 1260
facility. 1261

(P) "Research facility" means a place, laboratory, 1262
institution, medical care facility, government facility, or public 1263
or private educational institution in which a scientific test, 1264
experiment, or investigation involving the use of animals or other 1265
living organisms is lawfully carried out, conducted, or attempted. 1266

(Q) "Organized retail theft" means the theft of retail 1267
property with a retail value of one thousand dollars or more from 1268
one or more retail establishments with the intent to sell, 1269
deliver, or transfer that property to a retail property fence. 1270

(R) "Retail property" means any tangible personal property 1271
displayed, held, stored, or offered for sale in or by a retail 1272
establishment. 1273

(S) "Retail property fence" means a person who possesses, 1274
procures, receives, or conceals retail property that was 1275

represented to the person as being stolen or that the person knows 1276
or believes to be stolen. 1277

(T) "Retail value" means the full retail value of the retail 1278
property. In determining whether the retail value of retail 1279
property equals or exceeds one thousand dollars, the value of all 1280
retail property stolen from the retail establishment or retail 1281
establishments by the same person or persons within any 1282
one-hundred-eighty-day period shall be aggregated. 1283

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1284
(G) of this section and unless a specific sanction is required to 1285
be imposed or is precluded from being imposed pursuant to law, a 1286
court that imposes a sentence upon an offender for a felony may 1287
impose any sanction or combination of sanctions on the offender 1288
that are provided in sections 2929.14 to 2929.18 of the Revised 1289
Code. 1290

If the offender is eligible to be sentenced to community 1291
control sanctions, the court shall consider the appropriateness of 1292
imposing a financial sanction pursuant to section 2929.18 of the 1293
Revised Code or a sanction of community service pursuant to 1294
section 2929.17 of the Revised Code as the sole sanction for the 1295
offense. Except as otherwise provided in this division, if the 1296
court is required to impose a mandatory prison term for the 1297
offense for which sentence is being imposed, the court also shall 1298
impose any financial sanction pursuant to section 2929.18 of the 1299
Revised Code that is required for the offense and may impose any 1300
other financial sanction pursuant to that section but may not 1301
impose any additional sanction or combination of sanctions under 1302
section 2929.16 or 2929.17 of the Revised Code. 1303

If the offender is being sentenced for a fourth degree felony 1304
OVI offense or for a third degree felony OVI offense, in addition 1305
to the mandatory term of local incarceration or the mandatory 1306

prison term required for the offense by division (G)(1) or (2) of 1307
this section, the court shall impose upon the offender a mandatory 1308
fine in accordance with division (B)(3) of section 2929.18 of the 1309
Revised Code and may impose whichever of the following is 1310
applicable: 1311

(1) For a fourth degree felony OVI offense for which sentence 1312
is imposed under division (G)(1) of this section, an additional 1313
community control sanction or combination of community control 1314
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1315
the court imposes upon the offender a community control sanction 1316
and the offender violates any condition of the community control 1317
sanction, the court may take any action prescribed in division (B) 1318
of section 2929.15 of the Revised Code relative to the offender, 1319
including imposing a prison term on the offender pursuant to that 1320
division. 1321

(2) For a third or fourth degree felony OVI offense for which 1322
sentence is imposed under division (G)(2) of this section, an 1323
additional prison term as described in division (B)(4) of section 1324
2929.14 of the Revised Code or a community control sanction as 1325
described in division (G)(2) of this section. 1326

(B)(1)(a) Except as provided in division (B)(1)(b) of this 1327
section, if an offender is convicted of or pleads guilty to a 1328
felony of the fourth or fifth degree that is not an offense of 1329
violence, the court shall sentence the offender to a community 1330
control sanction of at least one year's duration if all of the 1331
following apply: 1332

(i) The offender previously has not been convicted of or 1333
pleaded guilty to a felony offense or to an offense of violence 1334
that is a misdemeanor and that the offender committed within two 1335
years prior to the offense for which sentence is being imposed. 1336

(ii) The most serious charge against the offender at the time 1337

of sentencing is a felony of the fourth or fifth degree. 1338

(iii) If the court made a request of the department of 1339
rehabilitation and correction pursuant to division (B)(1)(c) of 1340
this section, the department, within the forty-five-day period 1341
specified in that division, provided the court with the names of, 1342
contact information for, and program details of one or more 1343
community control sanctions of at least one year's duration that 1344
are available for persons sentenced by the court. 1345

(b) The court has discretion to impose a prison term upon an 1346
offender who is convicted of or pleads guilty to a felony of the 1347
fourth or fifth degree that is not an offense of violence if any 1348
of the following apply: 1349

(i) The offender committed the offense while having a firearm 1350
on or about the offender's person or under the offender's control. 1351

(ii) The offender caused physical harm to another person 1352
while committing the offense. 1353

(iii) The offender violated a term of the conditions of bond 1354
as set by the court. 1355

(iv) The court made a request of the department of 1356
rehabilitation and correction pursuant to division (B)(1)(c) of 1357
this section, and the department, within the forty-five-day period 1358
specified in that division, did not provide the court with the 1359
name of, contact information for, and program details of any 1360
community control sanction of at least one year's duration that is 1361
available for persons sentenced by the court. 1362

(c) If a court that is sentencing an offender who is 1363
convicted of or pleads guilty to a felony of the fourth or fifth 1364
degree that is not an offense of violence believes that no 1365
community control sanctions are available for its use that, if 1366
imposed on the offender, will adequately fulfill the overriding 1367
principles and purposes of sentencing, the court shall contact the 1368

department of rehabilitation and correction and ask the department 1369
to provide the court with the names of, contact information for, 1370
and program details of one or more community control sanctions of 1371
at least one year's duration that are available for persons 1372
sentenced by the court. Not later than forty-five days after 1373
receipt of a request from a court under this division, the 1374
department shall provide the court with the names of, contact 1375
information for, and program details of one or more community 1376
control sanctions of at least one year's duration that are 1377
available for persons sentenced by the court, if any. Upon making 1378
a request under this division that relates to a particular 1379
offender, a court shall defer sentencing of that offender until it 1380
receives from the department the names of, contact information 1381
for, and program details of one or more community control 1382
sanctions of at least one year's duration that are available for 1383
persons sentenced by the court or for forty-five days, whichever 1384
is the earlier. 1385

If the department provides the court with the names of, 1386
contact information for, and program details of one or more 1387
community control sanctions of at least one year's duration that 1388
are available for persons sentenced by the court within the 1389
forty-five-day period specified in this division, the court shall 1390
impose upon the offender a community control sanction under 1391
division (B)(1)(a) of this section, subject to divisions 1392
(B)(1)(b)(i) and (ii) of this section. If the department does not 1393
provide the court with the names of, contact information for, and 1394
program details of one or more community control sanctions of at 1395
least one year's duration that are available for persons sentenced 1396
by the court within the forty-five-day period specified in this 1397
division, the court may impose upon the offender a prison term 1398
under division (B)(1)(b)(iii) of this section. 1399

(d) A sentencing court may impose an additional penalty under 1400

division (B) of section 2929.15 of the Revised Code upon an 1401
offender sentenced to a community control sanction under division 1402
(B)(1)(a) of this section if the offender violates the conditions 1403
of the community control sanction, violates a law, or leaves the 1404
state without the permission of the court or the offender's 1405
probation officer. 1406

(2) If division (B)(1) of this section does not apply, except 1407
as provided in division (B)(3), (E), (F), or (G) of this section, 1408
in sentencing an offender for a felony of the fourth or fifth 1409
degree, the sentencing court shall determine whether any of the 1410
following apply: 1411

(a) In committing the offense, the offender caused physical 1412
harm to a person. 1413

(b) In committing the offense, the offender attempted to 1414
cause or made an actual threat of physical harm to a person with a 1415
deadly weapon. 1416

(c) In committing the offense, the offender attempted to 1417
cause or made an actual threat of physical harm to a person, and 1418
the offender previously was convicted of an offense that caused 1419
physical harm to a person. 1420

(d) The offender held a public office or position of trust 1421
and the offense related to that office or position; the offender's 1422
position obliged the offender to prevent the offense or to bring 1423
those committing it to justice; or the offender's professional 1424
reputation or position facilitated the offense or was likely to 1425
influence the future conduct of others. 1426

(e) The offender committed the offense for hire or as part of 1427
an organized criminal activity. 1428

(f) The offense is a sex offense that is a fourth or fifth 1429
degree felony violation of section 2907.03, 2907.04, 2907.05, 1430
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1431

Revised Code. 1432

(g) The offender at the time of the offense was serving, or 1433
the offender previously had served, a prison term. 1434

(h) The offender committed the offense while under a 1435
community control sanction, while on probation, or while released 1436
from custody on a bond or personal recognizance. 1437

(i) The offender committed the offense while in possession of 1438
a firearm. 1439

(3)(a) If the court makes a finding described in division 1440
(B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1441
section and if the court, after considering the factors set forth 1442
in section 2929.12 of the Revised Code, finds that a prison term 1443
is consistent with the purposes and principles of sentencing set 1444
forth in section 2929.11 of the Revised Code and finds that the 1445
offender is not amenable to an available community control 1446
sanction, the court shall impose a prison term upon the offender. 1447

(b) Except as provided in division (E), (F), or (G) of this 1448
section, if the court does not make a finding described in 1449
division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1450
this section and if the court, after considering the factors set 1451
forth in section 2929.12 of the Revised Code, finds that a 1452
community control sanction or combination of community control 1453
sanctions is consistent with the purposes and principles of 1454
sentencing set forth in section 2929.11 of the Revised Code, the 1455
court shall impose a community control sanction or combination of 1456
community control sanctions upon the offender. 1457

(C) Except as provided in division (D), (E), (F), or (G) of 1458
this section, in determining whether to impose a prison term as a 1459
sanction for a felony of the third degree or a felony drug offense 1460
that is a violation of a provision of Chapter 2925. of the Revised 1461
Code and that is specified as being subject to this division for 1462

purposes of sentencing, the sentencing court shall comply with the 1463
purposes and principles of sentencing under section 2929.11 of the 1464
Revised Code and with section 2929.12 of the Revised Code. 1465

(D)(1) Except as provided in division (E) or (F) of this 1466
section, for a felony of the first or second degree, for a felony 1467
drug offense that is a violation of any provision of Chapter 1468
2925., 3719., or 4729. of the Revised Code for which a presumption 1469
in favor of a prison term is specified as being applicable, and 1470
for a violation of division (A)(4) or (B) of section 2907.05 of 1471
the Revised Code for which a presumption in favor of a prison term 1472
is specified as being applicable, it is presumed that a prison 1473
term is necessary in order to comply with the purposes and 1474
principles of sentencing under section 2929.11 of the Revised 1475
Code. Division (D)(2) of this section does not apply to a 1476
presumption established under this division for a violation of 1477
division (A)(4) of section 2907.05 of the Revised Code. 1478

(2) Notwithstanding the presumption established under 1479
division (D)(1) of this section for the offenses listed in that 1480
division other than a violation of division (A)(4) or (B) of 1481
section 2907.05 of the Revised Code, the sentencing court may 1482
impose a community control sanction or a combination of community 1483
control sanctions instead of a prison term on an offender for a 1484
felony of the first or second degree or for a felony drug offense 1485
that is a violation of any provision of Chapter 2925., 3719., or 1486
4729. of the Revised Code for which a presumption in favor of a 1487
prison term is specified as being applicable if it makes both of 1488
the following findings: 1489

(a) A community control sanction or a combination of 1490
community control sanctions would adequately punish the offender 1491
and protect the public from future crime, because the applicable 1492
factors under section 2929.12 of the Revised Code indicating a 1493
lesser likelihood of recidivism outweigh the applicable factors 1494

under that section indicating a greater likelihood of recidivism. 1495

(b) A community control sanction or a combination of 1496
community control sanctions would not demean the seriousness of 1497
the offense, because one or more factors under section 2929.12 of 1498
the Revised Code that indicate that the offender's conduct was 1499
less serious than conduct normally constituting the offense are 1500
applicable, and they outweigh the applicable factors under that 1501
section that indicate that the offender's conduct was more serious 1502
than conduct normally constituting the offense. 1503

(E)(1) Except as provided in division (F) of this section, 1504
for any drug offense that is a violation of any provision of 1505
Chapter 2925. of the Revised Code and that is a felony of the 1506
third, fourth, or fifth degree, the applicability of a presumption 1507
under division (D) of this section in favor of a prison term or of 1508
division (B) or (C) of this section in determining whether to 1509
impose a prison term for the offense shall be determined as 1510
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1511
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1512
Revised Code, whichever is applicable regarding the violation. 1513

(2) If an offender who was convicted of or pleaded guilty to 1514
a felony violates the conditions of a community control sanction 1515
imposed for the offense solely by reason of producing positive 1516
results on a drug test, the court, as punishment for the violation 1517
of the sanction, shall not order that the offender be imprisoned 1518
unless the court determines on the record either of the following: 1519

(a) The offender had been ordered as a sanction for the 1520
felony to participate in a drug treatment program, in a drug 1521
education program, or in narcotics anonymous or a similar program, 1522
and the offender continued to use illegal drugs after a reasonable 1523
period of participation in the program. 1524

(b) The imprisonment of the offender for the violation is 1525

consistent with the purposes and principles of sentencing set 1526
forth in section 2929.11 of the Revised Code. 1527

(3) A court that sentences an offender for a drug abuse 1528
offense that is a felony of the third, fourth, or fifth degree may 1529
require that the offender be assessed by a properly credentialed 1530
professional within a specified period of time. The court shall 1531
require the professional to file a written assessment of the 1532
offender with the court. If the offender is eligible for a 1533
community control sanction and after considering the written 1534
assessment, the court may impose a community control sanction that 1535
includes treatment and recovery support services authorized by 1536
section 3793.02 of the Revised Code. If the court imposes 1537
treatment and recovery support services as a community control 1538
sanction, the court shall direct the level and type of treatment 1539
and recovery support services after considering the assessment and 1540
recommendation of treatment and recovery support services 1541
providers. 1542

(F) Notwithstanding divisions (A) to (E) of this section, the 1543
court shall impose a prison term or terms under sections 2929.02 1544
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 1545
of the Revised Code and except as specifically provided in section 1546
2929.20, divisions (C) to (I) of section 2967.19, or section 1547
2967.191 of the Revised Code or when parole is authorized for the 1548
offense under section 2967.13 of the Revised Code shall not reduce 1549
the term or terms pursuant to section 2929.20, section 2967.19, 1550
section 2967.193, or any other provision of Chapter 2967. or 1551
Chapter 5120. of the Revised Code for any of the following 1552
offenses: 1553

(1) Aggravated murder when death is not imposed or murder; 1554

(2) Any rape, regardless of whether force was involved and 1555
regardless of the age of the victim, or an attempt to commit rape 1556
if, had the offender completed the rape that was attempted, the 1557

offender would have been guilty of a violation of division 1558
(A)(1)(b) of section 2907.02 of the Revised Code and would be 1559
sentenced under section 2971.03 of the Revised Code; 1560

(3) Gross sexual imposition or sexual battery, if the victim 1561
is less than thirteen years of age and if any of the following 1562
applies: 1563

(a) Regarding gross sexual imposition, the offender 1564
previously was convicted of or pleaded guilty to rape, the former 1565
offense of felonious sexual penetration, gross sexual imposition, 1566
or sexual battery, and the victim of the previous offense was less 1567
than thirteen years of age; 1568

(b) Regarding gross sexual imposition, the offense was 1569
committed on or after August 3, 2006, and evidence other than the 1570
testimony of the victim was admitted in the case corroborating the 1571
violation. 1572

(c) Regarding sexual battery, either of the following 1573
applies: 1574

(i) The offense was committed prior to August 3, 2006, the 1575
offender previously was convicted of or pleaded guilty to rape, 1576
the former offense of felonious sexual penetration, or sexual 1577
battery, and the victim of the previous offense was less than 1578
thirteen years of age. 1579

(ii) The offense was committed on or after August 3, 2006. 1580

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 1581
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 1582
if the section requires the imposition of a prison term; 1583

(5) A first, second, or third degree felony drug offense for 1584
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1585
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 1586
4729.99 of the Revised Code, whichever is applicable regarding the 1587

violation, requires the imposition of a mandatory prison term; 1588

(6) Any offense that is a first or second degree felony and 1589
that is not set forth in division (F)(1), (2), (3), or (4) of this 1590
section, if the offender previously was convicted of or pleaded 1591
guilty to aggravated murder, murder, any first or second degree 1592
felony, or an offense under an existing or former law of this 1593
state, another state, or the United States that is or was 1594
substantially equivalent to one of those offenses; 1595

(7) Any offense that is a third degree felony and either is a 1596
violation of section 2903.04 of the Revised Code or an attempt to 1597
commit a felony of the second degree that is an offense of 1598
violence and involved an attempt to cause serious physical harm to 1599
a person or that resulted in serious physical harm to a person if 1600
the offender previously was convicted of or pleaded guilty to any 1601
of the following offenses: 1602

(a) Aggravated murder, murder, involuntary manslaughter, 1603
rape, felonious sexual penetration as it existed under section 1604
2907.12 of the Revised Code prior to September 3, 1996, a felony 1605
of the first or second degree that resulted in the death of a 1606
person or in physical harm to a person, or complicity in or an 1607
attempt to commit any of those offenses; 1608

(b) An offense under an existing or former law of this state, 1609
another state, or the United States that is or was substantially 1610
equivalent to an offense listed in division (F)(7)(a) of this 1611
section that resulted in the death of a person or in physical harm 1612
to a person. 1613

(8) Any offense, other than a violation of section 2923.12 of 1614
the Revised Code, that is a felony, if the offender had a firearm 1615
on or about the offender's person or under the offender's control 1616
while committing the felony, with respect to a portion of the 1617
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 1618

of the Revised Code for having the firearm; 1619

(9) Any offense of violence that is a felony, if the offender 1620
wore or carried body armor while committing the felony offense of 1621
violence, with respect to the portion of the sentence imposed 1622
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 1623
Code for wearing or carrying the body armor; 1624

(10) Corrupt activity in violation of section 2923.32 of the 1625
Revised Code when the most serious offense in the pattern of 1626
corrupt activity that is the basis of the offense is a felony of 1627
the first degree; 1628

(11) Any violent sex offense or designated homicide, assault, 1629
or kidnapping offense if, in relation to that offense, the 1630
offender is adjudicated a sexually violent predator; 1631

(12) A violation of division (A)(1) or (2) of section 2921.36 1632
of the Revised Code, or a violation of division (C) of that 1633
section involving an item listed in division (A)(1) or (2) of that 1634
section, if the offender is an officer or employee of the 1635
department of rehabilitation and correction; 1636

(13) A violation of division (A)(1) or (2) of section 2903.06 1637
of the Revised Code if the victim of the offense is a peace 1638
officer, as defined in section 2935.01 of the Revised Code, or an 1639
investigator of the bureau of criminal identification and 1640
investigation, as defined in section 2903.11 of the Revised Code, 1641
with respect to the portion of the sentence imposed pursuant to 1642
division (B)(5) of section 2929.14 of the Revised Code; 1643

(14) A violation of division (A)(1) or (2) of section 2903.06 1644
of the Revised Code if the offender has been convicted of or 1645
pleaded guilty to three or more violations of division (A) or (B) 1646
of section 4511.19 of the Revised Code or an equivalent offense, 1647
as defined in section 2941.1415 of the Revised Code, or three or 1648
more violations of any combination of those divisions and 1649

offenses, with respect to the portion of the sentence imposed 1650
pursuant to division (B)(6) of section 2929.14 of the Revised 1651
Code; 1652

(15) Kidnapping, in the circumstances specified in section 1653
2971.03 of the Revised Code and when no other provision of 1654
division (F) of this section applies; 1655

(16) Kidnapping, abduction, compelling prostitution, 1656
promoting prostitution, engaging in a pattern of corrupt activity, 1657
illegal use of a minor in a nudity-oriented material or 1658
performance in violation of division (A)(1) or (2) of section 1659
2907.323 of the Revised Code, or endangering children in violation 1660
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 1661
the Revised Code, if the offender is convicted of or pleads guilty 1662
to a specification as described in section 2941.1422 of the 1663
Revised Code that was included in the indictment, count in the 1664
indictment, or information charging the offense; 1665

(17) A felony violation of division (A) or (B) of section 1666
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 1667
that section, and division (D)(6) of that section, require the 1668
imposition of a prison term; 1669

(18) A felony violation of section 2903.11, 2903.12, or 1670
2903.13 of the Revised Code, if the victim of the offense was a 1671
woman that the offender knew was pregnant at the time of the 1672
violation, with respect to a portion of the sentence imposed 1673
pursuant to division (B)(8) of section 2929.14 of the Revised 1674
Code. 1675

(G) Notwithstanding divisions (A) to (E) of this section, if 1676
an offender is being sentenced for a fourth degree felony OVI 1677
offense or for a third degree felony OVI offense, the court shall 1678
impose upon the offender a mandatory term of local incarceration 1679
or a mandatory prison term in accordance with the following: 1680

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or

any other provision of the Revised Code. The offender shall serve 1714
the one-, two-, three-, four-, or five-year mandatory prison term 1715
consecutively to and prior to the prison term imposed for the 1716
underlying offense and consecutively to any other mandatory prison 1717
term imposed in relation to the offense. In no case shall an 1718
offender who once has been sentenced to a mandatory term of local 1719
incarceration pursuant to division (G)(1) of this section for a 1720
fourth degree felony OVI offense be sentenced to another mandatory 1721
term of local incarceration under that division for any violation 1722
of division (A) of section 4511.19 of the Revised Code. In 1723
addition to the mandatory prison term described in division (G)(2) 1724
of this section, the court may sentence the offender to a 1725
community control sanction under section 2929.16 or 2929.17 of the 1726
Revised Code, but the offender shall serve the prison term prior 1727
to serving the community control sanction. The department of 1728
rehabilitation and correction may place an offender sentenced to a 1729
mandatory prison term under this division in an intensive program 1730
prison established pursuant to section 5120.033 of the Revised 1731
Code if the department gave the sentencing judge prior notice of 1732
its intent to place the offender in an intensive program prison 1733
established under that section and if the judge did not notify the 1734
department that the judge disapproved the placement. Upon the 1735
establishment of the initial intensive program prison pursuant to 1736
section 5120.033 of the Revised Code that is privately operated 1737
and managed by a contractor pursuant to a contract entered into 1738
under section 9.06 of the Revised Code, both of the following 1739
apply: 1740

(a) The department of rehabilitation and correction shall 1741
make a reasonable effort to ensure that a sufficient number of 1742
offenders sentenced to a mandatory prison term under this division 1743
are placed in the privately operated and managed prison so that 1744
the privately operated and managed prison has full occupancy. 1745

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 2950.01. As used in this chapter, unless the context clearly requires otherwise:

(A) "Sexually oriented offense" means any of the following violations or offenses committed by a person, regardless of the person's age:

(1) A violation of section 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code;

(2) A violation of section 2907.04 of the Revised Code when

the offender is less than four years older than the other person 1808
with whom the offender engaged in sexual conduct, the other person 1809
did not consent to the sexual conduct, and the offender previously 1810
has not been convicted of or pleaded guilty to a violation of 1811
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1812
violation of former section 2907.12 of the Revised Code; 1813

(3) A violation of section 2907.04 of the Revised Code when 1814
the offender is at least four years older than the other person 1815
with whom the offender engaged in sexual conduct or when the 1816
offender is less than four years older than the other person with 1817
whom the offender engaged in sexual conduct and the offender 1818
previously has been convicted of or pleaded guilty to a violation 1819
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1820
violation of former section 2907.12 of the Revised Code; 1821

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1822
the Revised Code when the violation was committed with a sexual 1823
motivation; 1824

(5) A violation of division (A) of section 2903.04 of the 1825
Revised Code when the offender committed or attempted to commit 1826
the felony that is the basis of the violation with a sexual 1827
motivation; 1828

(6) A violation of division (A)(3) of section 2903.211 of the 1829
Revised Code; 1830

(7) A violation of division (A)(1), (2), (3), or (5) of 1831
section 2905.01 of the Revised Code when the offense is committed 1832
with a sexual motivation; 1833

(8) A violation of division (A)(4) of section 2905.01 of the 1834
Revised Code; 1835

(9) A violation of division (B) of section 2905.01 of the 1836
Revised Code when the victim of the offense is under eighteen 1837
years of age and the offender is not a parent of the victim of the 1838

offense; 1839

(10) A violation of division (B) of section 2905.02, of 1840
division (B) of section 2905.03, of division (B) of section 1841
2905.05, or of division (B)(5) of section 2919.22 of the Revised 1842
Code; 1843

(11) A violation of section 2905.32 of the Revised Code when 1844
the offender knowingly recruited, lured, enticed, isolated, 1845
harbored, transported, provided, obtained, or maintained, or 1846
knowingly attempted to recruit, lure, entice, isolate, harbor, 1847
transport, provide, obtain, or maintain, another person knowing 1848
that the person would be compelled to engage in sexual activity 1849
for hire, engage in a performance that was obscene, sexually 1850
oriented, or nudity oriented, or be a model or participant in the 1851
production of material that was obscene, sexually oriented, or 1852
nudity oriented; 1853

(12) A violation of any former law of this state, any 1854
existing or former municipal ordinance or law of another state or 1855
the United States, any existing or former law applicable in a 1856
military court or in an Indian tribal court, or any existing or 1857
former law of any nation other than the United States that is or 1858
was substantially equivalent to any offense listed in division 1859
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), ~~or~~ (10), or (11) 1860
of this section; 1861

~~(12)~~(13) Any attempt to commit, conspiracy to commit, or 1862
complicity in committing any offense listed in division (A)(1), 1863
(2), (3), (4), (5), (6), (7), (8), (9), (10), ~~or~~ (11), or (12) of 1864
this section. 1865

(B)(1) "Sex offender" means, subject to division (B)(2) of 1866
this section, a person who is convicted of, pleads guilty to, has 1867
been convicted of, has pleaded guilty to, is adjudicated a 1868
delinquent child for committing, or has been adjudicated a 1869

delinquent child for committing any sexually oriented offense. 1870

(2) "Sex offender" does not include a person who is convicted 1871
of, pleads guilty to, has been convicted of, has pleaded guilty 1872
to, is adjudicated a delinquent child for committing, or has been 1873
adjudicated a delinquent child for committing a sexually oriented 1874
offense if the offense involves consensual sexual conduct or 1875
consensual sexual contact and either of the following applies: 1876

(a) The victim of the sexually oriented offense was eighteen 1877
years of age or older and at the time of the sexually oriented 1878
offense was not under the custodial authority of the person who is 1879
convicted of, pleads guilty to, has been convicted of, has pleaded 1880
guilty to, is adjudicated a delinquent child for committing, or 1881
has been adjudicated a delinquent child for committing the 1882
sexually oriented offense. 1883

(b) The victim of the offense was thirteen years of age or 1884
older, and the person who is convicted of, pleads guilty to, has 1885
been convicted of, has pleaded guilty to, is adjudicated a 1886
delinquent child for committing, or has been adjudicated a 1887
delinquent child for committing the sexually oriented offense is 1888
not more than four years older than the victim. 1889

(C) "Child-victim oriented offense" means any of the 1890
following violations or offenses committed by a person, regardless 1891
of the person's age, when the victim is under eighteen years of 1892
age and is not a child of the person who commits the violation: 1893

(1) A violation of division (A)(1), (2), (3), or (5) of 1894
section 2905.01 of the Revised Code when the violation is not 1895
included in division (A)(7) of this section; 1896

(2) A violation of division (A) of section 2905.02, division 1897
(A) of section 2905.03, or division (A) of section 2905.05 of the 1898
Revised Code; 1899

(3) A violation of any former law of this state, any existing 1900

or former municipal ordinance or law of another state or the 1901
United States, any existing or former law applicable in a military 1902
court or in an Indian tribal court, or any existing or former law 1903
of any nation other than the United States that is or was 1904
substantially equivalent to any offense listed in division (C)(1) 1905
or (2) of this section; 1906

(4) Any attempt to commit, conspiracy to commit, or 1907
complicity in committing any offense listed in division (C)(1), 1908
(2), or (3) of this section. 1909

(D) "Child-victim offender" means a person who is convicted 1910
of, pleads guilty to, has been convicted of, has pleaded guilty 1911
to, is adjudicated a delinquent child for committing, or has been 1912
adjudicated a delinquent child for committing any child-victim 1913
oriented offense. 1914

(E) "Tier I sex offender/child-victim offender" means any of 1915
the following: 1916

(1) A sex offender who is convicted of, pleads guilty to, has 1917
been convicted of, or has pleaded guilty to any of the following 1918
sexually oriented offenses: 1919

(a) A violation of section 2907.06, 2907.07, 2907.08, 1920
2907.22, or 2907.32 of the Revised Code; 1921

(b) A violation of section 2907.04 of the Revised Code when 1922
the offender is less than four years older than the other person 1923
with whom the offender engaged in sexual conduct, the other person 1924
did not consent to the sexual conduct, and the offender previously 1925
has not been convicted of or pleaded guilty to a violation of 1926
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1927
violation of former section 2907.12 of the Revised Code; 1928

(c) A violation of division (A)(1), (2), (3), or (5) of 1929
section 2907.05 of the Revised Code; 1930

(d) A violation of division (A)(3) of section 2907.323 of the Revised Code; 1931
1932

(e) A violation of division (A)(3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 1933
1934
1935

(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E)(1)(a), (b), (c), (d), or (e) of this section; 1936
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(g) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E)(1)(a), (b), (c), (d), (e), or (f) of this section. 1943
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section. 1946
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(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense. 1951
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(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex 1957
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offender/child-victim offender relative to the offense. 1962

(F) "Tier II sex offender/child-victim offender" means any of 1963
the following: 1964

(1) A sex offender who is convicted of, pleads guilty to, has 1965
been convicted of, or has pleaded guilty to any of the following 1966
sexually oriented offenses: 1967

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 1968
the Revised Code; 1969

(b) A violation of section 2907.04 of the Revised Code when 1970
the offender is at least four years older than the other person 1971
with whom the offender engaged in sexual conduct, or when the 1972
offender is less than four years older than the other person with 1973
whom the offender engaged in sexual conduct and the offender 1974
previously has been convicted of or pleaded guilty to a violation 1975
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 1976
former section 2907.12 of the Revised Code; 1977

(c) A violation of division (A)(4) of section 2907.05 or of 1978
division (A)(1) or (2) of section 2907.323 of the Revised Code; 1979

(d) A violation of division (A)(1), (2), (3), or (5) of 1980
section 2905.01 of the Revised Code when the offense is committed 1981
with a sexual motivation; 1982

(e) A violation of division (A)(4) of section 2905.01 of the 1983
Revised Code when the victim of the offense is eighteen years of 1984
age or older; 1985

(f) A violation of division (B) of section 2905.02 or of 1986
division (B)(5) of section 2919.22 of the Revised Code; 1987

(g) A violation of section 2905.32 of the Revised Code when 1988
the offender knowingly recruited, lured, enticed, isolated, 1989
harbored, transported, provided, obtained, or maintained, or 1990
knowingly attempted to recruit, lure, entice, isolate, harbor, 1991

transport, provide, obtain, or maintain, another person knowing 1992
that the person would be compelled to engage in sexual activity 1993
for hire, engage in a performance that was obscene, sexually 1994
oriented, or nudity oriented, or be a model or participant in the 1995
production of material that was obscene, sexually oriented, or 1996
nudity oriented; 1997

(h) A violation of any former law of this state, any existing 1998
or former municipal ordinance or law of another state or the 1999
United States, any existing or former law applicable in a military 2000
court or in an Indian tribal court, or any existing or former law 2001
of any nation other than the United States that is or was 2002
substantially equivalent to any offense listed in division 2003
(F)(1)(a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section; 2004

~~(h)~~(i) Any attempt to commit, conspiracy to commit, or 2005
complicity in committing any offense listed in division (F)(1)(a), 2006
(b), (c), (d), (e), (f), ~~or (g)~~, or (h) of this section; 2007

~~(i)~~(j) Any sexually oriented offense that is committed after 2008
the sex offender previously has been convicted of, pleaded guilty 2009
to, or has been adjudicated a delinquent child for committing any 2010
sexually oriented offense or child-victim oriented offense for 2011
which the offender was classified a tier I sex 2012
offender/child-victim offender. 2013

(2) A child-victim offender who is convicted of, pleads 2014
guilty to, has been convicted of, or has pleaded guilty to any 2015
child-victim oriented offense when the child-victim oriented 2016
offense is committed after the child-victim offender previously 2017
has been convicted of, pleaded guilty to, or been adjudicated a 2018
delinquent child for committing any sexually oriented offense or 2019
child-victim oriented offense for which the offender was 2020
classified a tier I sex offender/child-victim offender. 2021

(3) A sex offender who is adjudicated a delinquent child for 2022

committing or has been adjudicated a delinquent child for 2023
committing any sexually oriented offense and who a juvenile court, 2024
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 2025
Revised Code, classifies a tier II sex offender/child-victim 2026
offender relative to the offense. 2027

(4) A child-victim offender who is adjudicated a delinquent 2028
child for committing or has been adjudicated a delinquent child 2029
for committing any child-victim oriented offense and whom a 2030
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2031
2152.85 of the Revised Code, classifies a tier II sex 2032
offender/child-victim offender relative to the current offense. 2033

(5) A sex offender or child-victim offender who is not in any 2034
category of tier II sex offender/child-victim offender set forth 2035
in division (F)(1), (2), (3), or (4) of this section, who prior to 2036
January 1, 2008, was adjudicated a delinquent child for committing 2037
a sexually oriented offense or child-victim oriented offense, and 2038
who prior to that date was determined to be a habitual sex 2039
offender or determined to be a habitual child-victim offender, 2040
unless either of the following applies: 2041

(a) The sex offender or child-victim offender is reclassified 2042
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 2043
tier I sex offender/child-victim offender or a tier III sex 2044
offender/child-victim offender relative to the offense. 2045

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2046
2152.84, or 2152.85 of the Revised Code, classifies the child a 2047
tier I sex offender/child-victim offender or a tier III sex 2048
offender/child-victim offender relative to the offense. 2049

(G) "Tier III sex offender/child-victim offender" means any 2050
of the following: 2051

(1) A sex offender who is convicted of, pleads guilty to, has 2052
been convicted of, or has pleaded guilty to any of the following 2053

| | |
|---|--|
| sexually oriented offenses: | 2054 |
| (a) A violation of section 2907.02 or 2907.03 of the Revised Code; | 2055 2056 |
| (b) A violation of division (B) of section 2907.05 of the Revised Code; | 2057 2058 |
| (c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation; | 2059 2060 2061 |
| (d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation; | 2062 2063 2064 2065 |
| (e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age; | 2066 2067 2068 |
| (f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; | 2069 2070 2071 2072 |
| (g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G)(1)(a), (b), (c), (d), (e), or (f) of this section; | 2073 2074 2075 2076 2077 2078 2079 |
| (h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; | 2080 2081 2082 |
| (i) Any sexually oriented offense that is committed after the | 2083 |

sex offender previously has been convicted of, pleaded guilty to, 2084
or been adjudicated a delinquent child for committing any sexually 2085
oriented offense or child-victim oriented offense for which the 2086
offender was classified a tier II sex offender/child-victim 2087
offender or a tier III sex offender/child-victim offender. 2088

(2) A child-victim offender who is convicted of, pleads 2089
guilty to, has been convicted of, or has pleaded guilty to any 2090
child-victim oriented offense when the child-victim oriented 2091
offense is committed after the child-victim offender previously 2092
has been convicted of, pleaded guilty to, or been adjudicated a 2093
delinquent child for committing any sexually oriented offense or 2094
child-victim oriented offense for which the offender was 2095
classified a tier II sex offender/child-victim offender or a tier 2096
III sex offender/child-victim offender. 2097

(3) A sex offender who is adjudicated a delinquent child for 2098
committing or has been adjudicated a delinquent child for 2099
committing any sexually oriented offense and who a juvenile court, 2100
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 2101
Revised Code, classifies a tier III sex offender/child-victim 2102
offender relative to the offense. 2103

(4) A child-victim offender who is adjudicated a delinquent 2104
child for committing or has been adjudicated a delinquent child 2105
for committing any child-victim oriented offense and whom a 2106
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2107
2152.85 of the Revised Code, classifies a tier III sex 2108
offender/child-victim offender relative to the current offense. 2109

(5) A sex offender or child-victim offender who is not in any 2110
category of tier III sex offender/child-victim offender set forth 2111
in division (G)(1), (2), (3), or (4) of this section, who prior to 2112
January 1, 2008, was convicted of or pleaded guilty to a sexually 2113
oriented offense or child-victim oriented offense or was 2114
adjudicated a delinquent child for committing a sexually oriented 2115

offense or child-victim oriented offense and classified a juvenile 2116
offender registrant, and who prior to that date was adjudicated a 2117
sexual predator or adjudicated a child-victim predator, unless 2118
either of the following applies: 2119

(a) The sex offender or child-victim offender is reclassified 2120
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 2121
tier I sex offender/child-victim offender or a tier II sex 2122
offender/child-victim offender relative to the offense. 2123

(b) The sex offender or child-victim offender is a delinquent 2124
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2125
2152.84, or 2152.85 of the Revised Code, classifies the child a 2126
tier I sex offender/child-victim offender or a tier II sex 2127
offender/child-victim offender relative to the offense. 2128

(6) A sex offender who is convicted of, pleads guilty to, was 2129
convicted of, or pleaded guilty to a sexually oriented offense, if 2130
the sexually oriented offense and the circumstances in which it 2131
was committed are such that division (F) of section 2971.03 of the 2132
Revised Code automatically classifies the offender as a tier III 2133
sex offender/child-victim offender; 2134

(7) A sex offender or child-victim offender who is convicted 2135
of, pleads guilty to, was convicted of, pleaded guilty to, is 2136
adjudicated a delinquent child for committing, or was adjudicated 2137
a delinquent child for committing a sexually oriented offense or 2138
child-victim offense in another state, in a federal court, 2139
military court, or Indian tribal court, or in a court in any 2140
nation other than the United States if both of the following 2141
apply: 2142

(a) Under the law of the jurisdiction in which the offender 2143
was convicted or pleaded guilty or the delinquent child was 2144
adjudicated, the offender or delinquent child is in a category 2145
substantially equivalent to a category of tier III sex 2146

offender/child-victim offender described in division (G)(1), (2), 2147
(3), (4), (5), or (6) of this section. 2148

(b) Subsequent to the conviction, plea of guilty, or 2149
adjudication in the other jurisdiction, the offender or delinquent 2150
child resides, has temporary domicile, attends school or an 2151
institution of higher education, is employed, or intends to reside 2152
in this state in any manner and for any period of time that 2153
subjects the offender or delinquent child to a duty to register or 2154
provide notice of intent to reside under section 2950.04 or 2155
2950.041 of the Revised Code. 2156

(H) "Confinement" includes, but is not limited to, a 2157
community residential sanction imposed pursuant to section 2929.16 2158
or 2929.26 of the Revised Code. 2159

(I) "Prosecutor" has the same meaning as in section 2935.01 2160
of the Revised Code. 2161

(J) "Supervised release" means a release of an offender from 2162
a prison term, a term of imprisonment, or another type of 2163
confinement that satisfies either of the following conditions: 2164

(1) The release is on parole, a conditional pardon, under a 2165
community control sanction, under transitional control, or under a 2166
post-release control sanction, and it requires the person to 2167
report to or be supervised by a parole officer, probation officer, 2168
field officer, or another type of supervising officer. 2169

(2) The release is any type of release that is not described 2170
in division (J)(1) of this section and that requires the person to 2171
report to or be supervised by a probation officer, a parole 2172
officer, a field officer, or another type of supervising officer. 2173

(K) "Sexually violent predator specification," "sexually 2174
violent predator," "sexually violent offense," "sexual motivation 2175
specification," "designated homicide, assault, or kidnapping 2176
offense," and "violent sex offense" have the same meanings as in 2177

section 2971.01 of the Revised Code. 2178

(L) "Post-release control sanction" and "transitional 2179
control" have the same meanings as in section 2967.01 of the 2180
Revised Code. 2181

(M) "Juvenile offender registrant" means a person who is 2182
adjudicated a delinquent child for committing on or after January 2183
1, 2002, a sexually oriented offense or a child-victim oriented 2184
offense, who is fourteen years of age or older at the time of 2185
committing the offense, and who a juvenile court judge, pursuant 2186
to an order issued under section 2152.82, 2152.83, 2152.84, 2187
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 2188
offender registrant and specifies has a duty to comply with 2189
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2190
Code. "Juvenile offender registrant" includes a person who prior 2191
to January 1, 2008, was a "juvenile offender registrant" under the 2192
definition of the term in existence prior to January 1, 2008, and 2193
a person who prior to July 31, 2003, was a "juvenile sex offender 2194
registrant" under the former definition of that former term. 2195

(N) "Public registry-qualified juvenile offender registrant" 2196
means a person who is adjudicated a delinquent child and on whom a 2197
juvenile court has imposed a serious youthful offender 2198
dispositional sentence under section 2152.13 of the Revised Code 2199
before, on, or after January 1, 2008, and to whom all of the 2200
following apply: 2201

(1) The person is adjudicated a delinquent child for 2202
committing, attempting to commit, conspiring to commit, or 2203
complicity in committing one of the following acts: 2204

(a) A violation of section 2907.02 of the Revised Code, 2205
division (B) of section 2907.05 of the Revised Code, or section 2206
2907.03 of the Revised Code if the victim of the violation was 2207
less than twelve years of age; 2208

(b) A violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child.

(2) The person was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act.

(3) A juvenile court judge, pursuant to an order issued under section 2152.86 of the Revised Code, classifies the person a juvenile offender registrant, specifies the person has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and classifies the person a public registry-qualified juvenile offender registrant, and the classification of the person as a public registry-qualified juvenile offender registrant has not been terminated pursuant to division (D) of section 2152.86 of the Revised Code.

(O) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision.

(P) "Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than five days, and who has a duty under section 2950.04 or 2950.041 of the Revised Code to register in this state and the duty to otherwise comply with that applicable section and sections 2950.05 and 2950.06 of the Revised Code. "Out-of-state juvenile offender registrant" includes a person who prior to January 1, 2008, was an

"out-of-state juvenile offender registrant" under the definition 2241
of the term in existence prior to January 1, 2008, and a person 2242
who prior to July 31, 2003, was an "out-of-state juvenile sex 2243
offender registrant" under the former definition of that former 2244
term. 2245

(Q) "Juvenile court judge" includes a magistrate to whom the 2246
juvenile court judge confers duties pursuant to division (A)(15) 2247
of section 2151.23 of the Revised Code. 2248

(R) "Adjudicated a delinquent child for committing a sexually 2249
oriented offense" includes a child who receives a serious youthful 2250
offender dispositional sentence under section 2152.13 of the 2251
Revised Code for committing a sexually oriented offense. 2252

(S) "School" and "school premises" have the same meanings as 2253
in section 2925.01 of the Revised Code. 2254

(T) "Residential premises" means the building in which a 2255
residential unit is located and the grounds upon which that 2256
building stands, extending to the perimeter of the property. 2257
"Residential premises" includes any type of structure in which a 2258
residential unit is located, including, but not limited to, 2259
multi-unit buildings and mobile and manufactured homes. 2260

(U) "Residential unit" means a dwelling unit for residential 2261
use and occupancy, and includes the structure or part of a 2262
structure that is used as a home, residence, or sleeping place by 2263
one person who maintains a household or two or more persons who 2264
maintain a common household. "Residential unit" does not include a 2265
halfway house or a community-based correctional facility. 2266

(V) "Multi-unit building" means a building in which is 2267
located more than twelve residential units that have entry doors 2268
that open directly into the unit from a hallway that is shared 2269
with one or more other units. A residential unit is not considered 2270
located in a multi-unit building if the unit does not have an 2271

entry door that opens directly into the unit from a hallway that 2272
is shared with one or more other units or if the unit is in a 2273
building that is not a multi-unit building as described in this 2274
division. 2275

(W) "Community control sanction" has the same meaning as in 2276
section 2929.01 of the Revised Code. 2277

(X) "Halfway house" and "community-based correctional 2278
facility" have the same meanings as in section 2929.01 of the 2279
Revised Code. 2280

Sec. 2953.321. (A) As used in this section, "investigatory 2281
work product" means any records or reports of a law enforcement 2282
officer or agency that are excepted from the definition of 2283
"official records" contained in section 2953.51 of the Revised 2284
Code and that pertain to a case the records of which have been 2285
ordered sealed pursuant to division (C)(2) of section 2953.32 of 2286
the Revised Code or have been ordered expunged pursuant to 2287
division (E) of section 2151.358, division (D)(2) of section 2288
2953.37, or division (G) of section 2953.38 of the Revised Code. 2289

(B) Upon the issuance of an order by a court pursuant to 2290
division (C)(2) of section 2953.32 of the Revised Code directing 2291
that all official records pertaining to a case be sealed or an 2292
order by a court pursuant to division (E) of section 2151.358, 2293
division (D)(2) of section 2953.37, or division (G) of section 2294
2953.38 of the Revised Code directing that all official records 2295
pertaining to a case be expunged: 2296

(1) Every law enforcement officer who possesses investigatory 2297
work product immediately shall deliver that work product to the 2298
law enforcement officer's employing law enforcement agency. 2299

(2) Except as provided in division (B)(3) of this section, 2300
every law enforcement agency that possesses investigatory work 2301

product shall close that work product to all persons who are not 2302
directly employed by the law enforcement agency and shall treat 2303
that work product, in relation to all persons other than those who 2304
are directly employed by the law enforcement agency, as if it did 2305
not exist and never had existed. 2306

(3) A law enforcement agency that possesses investigatory 2307
work product may permit another law enforcement agency to use that 2308
work product in the investigation of another offense if the facts 2309
incident to the offense being investigated by the other law 2310
enforcement agency and the facts incident to an offense that is 2311
the subject of the case are reasonably similar. The agency that 2312
permits the use of investigatory work product may provide the 2313
other agency with the name of the person who is the subject of the 2314
case if it believes that the name of the person is necessary to 2315
the conduct of the investigation by the other agency. 2316

(C)(1) Except as provided in division (B)(3) of this section, 2317
no law enforcement officer or other person employed by a law 2318
enforcement agency shall knowingly release, disseminate, or 2319
otherwise make the investigatory work product or any information 2320
contained in that work product available to, or discuss any 2321
information contained in it with, any person not employed by the 2322
employing law enforcement agency. 2323

(2) No law enforcement agency, or person employed by a law 2324
enforcement agency, that receives investigatory work product 2325
pursuant to division (B)(3) of this section shall use that work 2326
product for any purpose other than the investigation of the 2327
offense for which it was obtained from the other law enforcement 2328
agency, or disclose the name of the person who is the subject of 2329
the work product except when necessary for the conduct of the 2330
investigation of the offense, or the prosecution of the person for 2331
committing the offense, for which it was obtained from the other 2332
law enforcement agency. 2333

(3) It is not a violation of division (C)(1) or (2) of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation.

(D) Whoever violates division (C)(1) or (2) of this section is guilty of divulging confidential investigatory work product, a misdemeanor of the fourth degree.

Sec. 2953.35. (A) Except as authorized by divisions (D), (E), and (F) of section 2953.32 of the Revised Code or by Chapter 2950. of the Revised Code, any officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose involving employment, bonding, or licensing in connection with any business, trade, or profession to any person, or to any department, agency, or other instrumentality of the state, or any political subdivision of the state, any information or other data concerning any arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision the records with respect to which the officer or employee had knowledge of were sealed by an existing order issued pursuant to sections 2953.31 to 2953.36 of the Revised Code, were expunged by an order issued pursuant to division (E) of section 2151.358, section 2953.37, or section 2953.38 of the Revised Code, or were expunged by an order issued pursuant to section 2953.42 of the Revised Code as it existed prior to June 29, 1988, is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(B) Any person who, in violation of section 2953.32 of the Revised Code, uses, disseminates, or otherwise makes available any index prepared pursuant to division (F) of section 2953.32 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) It is not a violation of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation.

Sec. 2953.38. (A) As used in this section:

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(3) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(4) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person.

(B) Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction if the person's participation in the offense was a result of the person having been a victim of human trafficking.

The person may file the application at any time. The application shall do all of the following: 2395
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred; 2397
2398
2399

(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section; 2400
2401
2402

(3) Include a request for expungement of the record of conviction of that offense under this section. 2403
2404

(C) The court may deny an application made under division (B) of this section if it finds that the application fails to assert grounds on which relief may be granted. 2405
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(D) If the court does not deny an application under division (C) of this section, it shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction resulted of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. 2408
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(E) At the hearing held under division (D) of this section, the court shall do both of the following: 2420
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(1) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection; 2422
2423
2424

(2) Determine whether the applicant has demonstrated by a 2425
preponderance of the evidence that the applicant's participation 2426
in the offense was a result of having been a victim of human 2427
trafficking. 2428

(F) If after a hearing the court finds that the applicant has 2429
demonstrated by a preponderance of the evidence that the 2430
applicant's participation in the offense that is the subject of 2431
the application was the result of the applicant having been a 2432
victim of human trafficking, the court shall grant the application 2433
and order that the record of conviction be expunged. 2434

(G)(1) The court shall send notice of the order of 2435
expungement to each public office or agency that the court has 2436
reason to believe may have an official record pertaining to the 2437
case if the court, after complying with division (E) of this 2438
section, determines both of the following: 2439

(a) That the applicant has been convicted of a violation of 2440
section 2907.24, 2907.241, or 2907.25 of the Revised Code; 2441

(b) That the interests of the applicant in having the records 2442
pertaining to the applicant's conviction expunged are not 2443
outweighed by any legitimate needs of the government to maintain 2444
those records. 2445

(2) The proceedings in the case that is the subject of an 2446
order issued under division (F) of this section shall be 2447
considered not to have occurred and the conviction of the person 2448
who is the subject of the proceedings shall be expunged. The 2449
record of the conviction shall not be used for any purpose, 2450
including, but not limited to, a criminal records check under 2451
section 109.572 of the Revised Code. The applicant may, and the 2452
court shall, reply that no record exists with respect to the 2453
applicant upon any inquiry into the matter. 2454

(H) Upon the filing of an application under this section, the 2455

applicant, unless indigent, shall pay a fee of fifty dollars. The 2456
court shall pay thirty dollars of the fee into the state treasury 2457
and shall pay twenty dollars of the fee into the county general 2458
revenue fund. 2459

Sec. 2981.12. (A) Unclaimed or forfeited property in the 2460
custody of a law enforcement agency, other than property described 2461
in division (A)(2) of section 2981.11 of the Revised Code, shall 2462
be disposed of by order of any court of record that has 2463
territorial jurisdiction over the political subdivision that 2464
employs the law enforcement agency, as follows: 2465

(1) Drugs shall be disposed of pursuant to section 3719.11 of 2466
the Revised Code or placed in the custody of the secretary of the 2467
treasury of the United States for disposal or use for medical or 2468
scientific purposes under applicable federal law. 2469

(2) Firearms and dangerous ordnance suitable for police work 2470
may be given to a law enforcement agency for that purpose. 2471
Firearms suitable for sporting use or as museum pieces or 2472
collectors' items may be sold at public auction pursuant to 2473
division (B) of this section. The agency may sell other firearms 2474
and dangerous ordnance to a federally licensed firearms dealer in 2475
a manner that the court considers proper. The agency shall destroy 2476
any firearms or dangerous ordnance not given to a law enforcement 2477
agency or sold or shall send them to the bureau of criminal 2478
identification and investigation for destruction by the bureau. 2479

(3) Obscene materials shall be destroyed. 2480

(4) Beer, intoxicating liquor, or alcohol seized from a 2481
person who does not hold a permit issued under Chapters 4301. and 2482
4303. of the Revised Code or otherwise forfeited to the state for 2483
an offense under section 4301.45 or 4301.53 of the Revised Code 2484
shall be sold by the division of liquor control if the division 2485
determines that it is fit for sale or shall be placed in the 2486

custody of the investigations unit in the department of public 2487
safety and be used for training relating to law enforcement 2488
activities. The department, with the assistance of the division of 2489
liquor control, shall adopt rules in accordance with Chapter 119. 2490
of the Revised Code to provide for the distribution to state or 2491
local law enforcement agencies upon their request. If any tax 2492
imposed under Title XLIII of the Revised Code has not been paid in 2493
relation to the beer, intoxicating liquor, or alcohol, any moneys 2494
acquired from the sale shall first be used to pay the tax. All 2495
other money collected under this division shall be paid into the 2496
state treasury. Any beer, intoxicating liquor, or alcohol that the 2497
division determines to be unfit for sale shall be destroyed. 2498

(5) Money received by an inmate of a correctional institution 2499
from an unauthorized source or in an unauthorized manner shall be 2500
returned to the sender, if known, or deposited in the inmates' 2501
industrial and entertainment fund of the institution if the sender 2502
is not known. 2503

(6)(a) Any mobile instrumentality forfeited under this 2504
chapter may be given to the law enforcement agency that initially 2505
seized the mobile instrumentality for use in performing its 2506
duties, if the agency wants the mobile instrumentality. The agency 2507
shall take the mobile instrumentality subject to any security 2508
interest or lien on the mobile instrumentality. 2509

(b) Vehicles and vehicle parts forfeited under sections 2510
4549.61 to 4549.63 of the Revised Code may be given to a law 2511
enforcement agency for use in performing its duties. Those parts 2512
may be incorporated into any other official vehicle. Parts that do 2513
not bear vehicle identification numbers or derivatives of them may 2514
be sold or disposed of as provided by rules of the director of 2515
public safety. Parts from which a vehicle identification number or 2516
derivative of it has been removed, defaced, covered, altered, or 2517
destroyed and that are not suitable for police work or 2518

incorporation into an official vehicle shall be destroyed and sold 2519
as junk or scrap. 2520

(7) Computers, computer networks, computer systems, and 2521
computer software suitable for police work may be given to a law 2522
enforcement agency for that purpose or disposed of under division 2523
(B) of this section. 2524

(8) Money seized in connection with a violation of section 2525
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 2526
deposited in the victims of human trafficking fund created by 2527
section 5101.87 of the Revised Code. 2528

(B) Unclaimed or forfeited property that is not described in 2529
division (A) of this section or division (A)(2) of section 2981.11 2530
of the Revised Code, with court approval, may be used by the law 2531
enforcement agency in possession of it. If it is not used by the 2532
agency, it may be sold without appraisal at a public auction to 2533
the highest bidder for cash or disposed of in another manner that 2534
the court considers proper. 2535

(C) Except as provided in divisions (A) and (F) of this 2536
section and after compliance with division (D) of this section 2537
when applicable, any moneys acquired from the sale of property 2538
disposed of pursuant to this section shall be placed in the 2539
general revenue fund of the state, or the general fund of the 2540
county, the township, or the municipal corporation of which the 2541
law enforcement agency involved is an agency. 2542

(D) If the property was in the possession of the law 2543
enforcement agency in relation to a delinquent child proceeding in 2544
a juvenile court, ten per cent of any moneys acquired from the 2545
sale of property disposed of under this section shall be applied 2546
to one or more alcohol and drug addiction treatment programs that 2547
are certified by the department of alcohol and drug addiction 2548
services under section 3793.06 of the Revised Code. A juvenile 2549

court shall not specify a program, except as provided in this 2550
division, unless the program is in the same county as the court or 2551
in a contiguous county. If no certified program is located in any 2552
of those counties, the juvenile court may specify a certified 2553
program anywhere in Ohio. The remaining ninety per cent of the 2554
proceeds or cash shall be applied as provided in division (C) of 2555
this section. 2556

Each treatment program that receives in any calendar year 2557
forfeited money under this division shall file an annual report 2558
for that year with the attorney general and with the court of 2559
common pleas and board of county commissioners of the county in 2560
which the program is located and of any other county from which 2561
the program received forfeited money. The program shall file the 2562
report on or before the first day of March in the calendar year 2563
following the calendar year in which the program received the 2564
money. The report shall include statistics on the number of 2565
persons the program served, identify the types of treatment 2566
services it provided to them, and include a specific accounting of 2567
the purposes for which it used the money so received. No 2568
information contained in the report shall identify, or enable a 2569
person to determine the identity of, any person served by the 2570
program. 2571

(E) Each certified alcohol and drug addiction treatment 2572
program that receives in any calendar year money under this 2573
section or under section 2981.13 of the Revised Code as the result 2574
of a juvenile forfeiture order shall file an annual report for 2575
that calendar year with the attorney general and with the court of 2576
common pleas and board of county commissioners of the county in 2577
which the program is located and of any other county from which 2578
the program received the money. The program shall file the report 2579
on or before the first day of March in the calendar year following 2580
the year in which the program received the money. The report shall 2581

include statistics on the number of persons served with the money, 2582
identify the types of treatment services provided, and 2583
specifically account for how the money was used. No information in 2584
the report shall identify or enable a person to determine the 2585
identity of anyone served by the program. 2586

As used in this division, "juvenile-related forfeiture order" 2587
means any forfeiture order issued by a juvenile court under 2588
section 2981.04 or 2981.05 of the Revised Code and any disposal of 2589
property ordered by a court under section 2981.11 of the Revised 2590
Code regarding property that was in the possession of a law 2591
enforcement agency in relation to a delinquent child proceeding in 2592
a juvenile court. 2593

(F) Each board of county commissioners that recognizes a 2594
citizens' reward program under section 9.92 of the Revised Code 2595
shall notify each law enforcement agency of that county and of a 2596
township or municipal corporation wholly located in that county of 2597
the recognition by filing a copy of its resolution conferring that 2598
recognition with each of those agencies. When the board recognizes 2599
a citizens' reward program and the county includes a part, but not 2600
all, of the territory of a municipal corporation, the board shall 2601
so notify the law enforcement agency of that municipal corporation 2602
of the recognition of the citizens' reward program only if the 2603
county contains the highest percentage of the municipal 2604
corporation's population. 2605

Upon being so notified, each law enforcement agency shall pay 2606
twenty-five per cent of any forfeited proceeds or cash derived 2607
from each sale of property disposed of pursuant to this section to 2608
the citizens' reward program for use exclusively to pay rewards. 2609
No part of the funds may be used to pay expenses associated with 2610
the program. If a citizens' reward program that operates in more 2611
than one county or in another state in addition to this state 2612
receives funds under this section, the funds shall be used to pay 2613

rewards only for tips and information to law enforcement agencies 2614
concerning offenses committed in the county from which the funds 2615
were received. 2616

Receiving funds under this section or section 2981.11 of the 2617
Revised Code does not make the citizens' reward program a 2618
governmental unit or public office for purposes of section 149.43 2619
of the Revised Code. 2620

(G) Any property forfeited under this chapter shall not be 2621
used to pay any fine imposed upon a person who is convicted of or 2622
pleads guilty to an underlying criminal offense or a different 2623
offense arising out of the same facts and circumstances. 2624

(H) Any moneys acquired from the sale of personal effects, 2625
tools, or other property seized because the personal effects, 2626
tools, or other property were used in the commission of a 2627
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 2628
Code or derived from the proceeds of the commission of a violation 2629
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 2630
disposed of pursuant to this section shall be placed in the 2631
victims of human trafficking fund created by section 5101.87 of 2632
the Revised Code. 2633

Sec. 4743.07. The general assembly strongly recommends that 2634
every board, commission, or agency that is created under or by 2635
virtue of Title XLVII of the Revised Code and that is authorized 2636
to grant licensure or certification to persons who may encounter 2637
human trafficking victims in the normal course of their work 2638
promulgate rules pursuant to Chapter 119. of the Revised Code to 2639
require those persons, as a condition of receiving or maintaining 2640
licensure or certification, to receive training in the recognition 2641
and handling of human trafficking cases. 2642

Sec. 5101.87. There is hereby created in the treasury of 2643

state the victims of human trafficking fund consisting of money 2644
seized in connection with a violation of section 2905.32, 2907.21, 2645
or 2907.22 of the Revised Code or acquired from the sale of 2646
personal effects, tools, or other property seized because the 2647
personal effects, tools, or other property were used in the 2648
commission of a violation of section 2905.32, 2907.21, or 2907.22 2649
of the Revised Code or derived from the proceeds of the commission 2650
of a violation of section 2905.32, 2907.21, or 2907.22 of the 2651
Revised Code and deposited pursuant to section 2981.12 of the 2652
Revised Code and such other money as may be appropriated or
contributed to the fund. Money in the fund shall be used for the
sole purpose of treating, caring for, rehabilitating, educating,
housing, and providing assistance for victims of trafficking in
persons. The director of job and family services shall administer
the fund.

Sec. 5502.63. (A) The division of criminal justice services 2653
in the department of public safety shall prepare a poster and a 2654
brochure that describe safe firearms practices. The poster and 2655
brochure shall contain typeface that is at least one-quarter inch 2656
tall. The division shall furnish copies of the poster and brochure 2657
free of charge to each federally licensed firearms dealer in this 2658
state. 2659

As used in this ~~section~~ division, "federally licensed 2660
firearms dealer" means an importer, manufacturer, or dealer having 2661
a license to deal in destructive devices or their ammunition, 2662
issued and in effect pursuant to the federal "Gun Control Act of 2663
1968," 82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 2664
additions to that act or reenactments of that act. 2665

(B)(1) The division of criminal justice services shall create 2666
a poster that provides information regarding the national human 2667
trafficking resource center hotline. The poster shall be no 2668

smaller than eight and one-half inches by eleven inches in size 2669
and shall include a statement in substantially the following form: 2670

"If you or someone you know is being forced to engage in any 2671
activity and cannot leave - whether it is commercial sex, 2672
housework, farm work, or any other activity - call the National 2673
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 2674
access help and services. 2675

Victims of human trafficking are protected under U.S. and 2676
Ohio law. 2677

The toll-free Hotline is: 2678

- Available 24 hours a day, 7 days a week 2679
- Operated by a non-profit, non-governmental organization 2680
- Anonymous & confidential 2681
- Accessible in 170 languages 2682
- Able to provide help, referral to services, training, 2683
and general information." 2684

The statement shall appear on each poster in English, 2685
Spanish, and, for each county, any other language required for 2686
voting materials in that county under section 1973aa-1a of the 2687
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 2688
amended. In addition to the national human trafficking resource 2689
center hotline, the statement may contain any additional hotlines 2690
regarding human trafficking for access to help and services. 2691

(2) The division shall make the poster available for print on 2692
its public web site and shall make the poster available to and 2693
encourage its display at each of the following places: 2694

(a) A highway truck stop; 2695

(b) A hotel, as defined in section 3731.01 of the Revised 2696
Code; 2697

| | |
|--|------|
| <u>(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;</u> | 2698 |
| | 2699 |
| <u>(d) A beauty salon, as defined in section 4713.01 of the Revised Code;</u> | 2700 |
| | 2701 |
| <u>(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;</u> | 2702 |
| | 2703 |
| <u>(f) A hospital or urgent care center;</u> | 2704 |
| <u>(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;</u> | 2705 |
| | 2706 |
| | 2707 |
| | 2708 |
| | 2709 |
| | 2710 |
| <u>(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid certificate from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;</u> | 2711 |
| | 2712 |
| | 2713 |
| | 2714 |
| <u>(i) A fair.</u> | 2715 |
| <u>(3) As used in this section:</u> | 2716 |
| <u>(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.</u> | 2717 |
| | 2718 |
| | 2719 |
| <u>(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.</u> | 2720 |
| | 2721 |
| | 2722 |
| Section 2. That existing sections 109.73, 2151.358, 2152.021, 2743.60, 2905.32, 2907.07, 2907.23, 2921.32, 2923.31, 2929.13, 2950.01, 2953.321, 2953.35, 2981.12, and 5502.63 of the Revised Code are hereby repealed. | 2723 |
| | 2724 |
| | 2725 |
| | 2726 |

Section 3. If any provision of section 109.66, 109.73, 2727
109.745, 109.746, 2151.358, 2152.021, 2307.51, 2743.60, 2905.32, 2728
2907.23, 2921.32, 2923.31, 2929.13, 2950.01, 2953.321, 2953.35, 2729
2953.38, 2981.12, 4743.07, 5101.87, or 5502.63 of the Revised 2730
Code, as amended or enacted by this act, or the application of 2731
that provision to any person or circumstance is held invalid, the 2732
invalidity of that provision does not affect any other provisions 2733
or applications of those sections that can be given effect without 2734
the invalid provision or application, and to this end the 2735
provisions of those sections are severable as provided in section 2736
1.50 of the Revised Code. 2737

Section 4. This act is hereby declared to be an emergency 2738
measure necessary for the immediate preservation of the public 2739
peace, health, and safety. The reasons for such necessity are the 2740
continuing abuse of children by human traffickers and the need to 2741
ensure that minor victims of human trafficking receive help to 2742
overcome their victimization. Therefore, this act shall go into 2743
immediate effect. 2744