

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 323**

**Representatives Dovilla, Anielski**

**Cosponsors: Representatives Baker, Henne, Newbold, Boose**

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**A B I L L**

To amend sections 145.572, 145.573, 742.463, 742.464, 1  
2901.43, 2929.192, 2929.193, 3305.11, 3305.12, 2  
3307.372, 3307.373, 3309.672, 3309.673, 5505.262, 3  
and 5505.263 of the Revised Code to add extortion 4  
and perjury to the felonies committed by a public 5  
retirement system member while serving in a 6  
position of honor, trust, or profit under the law 7  
governing the forfeiture of retirement system 8  
benefits and the termination of retirement system 9  
disability benefits. 10

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

**Section 1.** That sections 145.572, 145.573, 742.463, 742.464, 11  
2901.43, 2929.192, 2929.193, 3305.11, 3305.12, 3307.372, 3307.373, 12  
3309.672, 3309.673, 5505.262, and 5505.263 of the Revised Code be 13  
amended to read as follows: 14

**Sec. 145.572.** (A)(1) Notwithstanding any other provision of 15  
this chapter, the following shall be subject to a forfeiture 16  
ordered under division (A) or (B) of section 2929.192 of the 17  
Revised Code: 18

(a) The right of a member to receive any payment under a 19

pension, annuity, allowance, or other type of benefit under this 20  
chapter, other than a payment of the accumulated contributions 21  
standing to the person's credit under this chapter; 22

(b) The right of a contributor to receive a benefit under 23  
division (B) of section 145.384 of the Revised Code, other than a 24  
payment of the person's contributions made under section 145.38 or 25  
145.383 of the Revised Code. 26

(2) The public employees retirement system shall comply with 27  
a forfeiture order issued under division (A) or (B) of section 28  
2929.192 of the Revised Code at the time the member or contributor 29  
applies for payment of the person's accumulated contributions. 30  
Upon payment of the person's contributions and cancellation of any 31  
corresponding service credit, a person who is subject to the 32  
forfeiture order described in this division may not restore any 33  
canceled service credit under this chapter or the provisions of 34  
Chapter 742., 3305., 3307., 3309., or 5505. of the Revised Code. 35

(B) Notwithstanding any other provision of this chapter, if 36  
the system receives notice pursuant to section 2901.43 of the 37  
Revised Code that a person who has accumulated contributions 38  
standing to the person's credit pursuant to this chapter is 39  
charged with any offense or violation listed or described in 40  
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 41  
Revised Code that is a felony ~~in~~ under the circumstances specified 42  
in ~~the particular division~~ that section, all of the following 43  
apply: 44

(1) No payment of those accumulated contributions or of any 45  
other amount or amounts to be paid to a person who is a 46  
contributor under this chapter upon the person's withdrawal of 47  
contributions pursuant to this chapter shall be made prior to 48  
whichever of the following is applicable: 49

(a) If the person is convicted of or pleads guilty to the 50

charge and forfeiture is ordered under division (A) or (B) of 51  
section 2929.192 of the Revised Code, the day on which the system 52  
receives from the court a copy of the journal entry of the 53  
offender's sentence under that section; 54

(b) If the charge against the person is dismissed, the person 55  
is found not guilty of the charge, or the person is found not 56  
guilty by reason of insanity of the charge, the day on which the 57  
system receives notice of the final disposition of the charge. 58

(2) The system shall not process any application for payment 59  
under this chapter from the person prior to the final disposition 60  
of the charge. 61

**Sec. 145.573.** Notwithstanding any other provision of this 62  
chapter, a disability benefit granted under this chapter is 63  
subject to an order issued under section 2929.193 of the Revised 64  
Code. The public employees retirement board shall comply with the 65  
order. 66

On receipt of notice under section 2901.43 of the Revised 67  
Code that a public employees retirement system member is charged 68  
with an offense listed in division (D) of section 2929.192 of the 69  
Revised Code under the circumstances specified in that ~~division~~ 70  
section, the system shall determine whether the member has been 71  
granted a disability benefit. If so, the system shall send written 72  
notice to the prosecutor assigned to the case that the member has 73  
been granted a disability benefit under this chapter and may be 74  
subject to section 2929.193 of the Revised Code. 75

**Sec. 742.463.** (A) Notwithstanding any other provision of this 76  
chapter, any payment of accumulated contributions standing to a 77  
person's credit under this chapter and any other amount or amounts 78  
to be paid to a person who is a contributor under this chapter 79  
upon the person's withdrawal of contributions pursuant to this 80

chapter shall be subject to any forfeiture ordered under division 81  
(A) or (B) of section 2929.192 of the Revised Code, and the Ohio 82  
police and fire pension fund shall comply with that order in 83  
making the payment. Upon payment of the person's accumulated 84  
contributions and cancellation of the corresponding service 85  
credit, a person who is subject to the forfeiture described in 86  
this division may not restore the canceled service credit under 87  
this chapter or under Chapter 145., 3305., 3307., 3309., or 5505. 88  
of the Revised Code. 89

(B) Notwithstanding any other provision of this chapter, if 90  
the fund receives notice pursuant to section 2901.43 of the 91  
Revised Code that a person who has accumulated contributions 92  
standing to the person's credit pursuant to this chapter is 93  
charged with any offense or violation listed or described in 94  
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 95  
Revised Code that is a felony ~~in~~ under the circumstances specified 96  
~~in the particular division that section~~, all of the following 97  
apply: 98

(1) No payment of those accumulated contributions or of any 99  
other amount or amounts to be paid to a person who is a 100  
contributor under this chapter upon the person's withdrawal of 101  
contributions pursuant to this chapter shall be made prior to 102  
whichever of the following is applicable: 103

(a) If the person is convicted of or pleads guilty to the 104  
charge and forfeiture is ordered under division (A) or (B) of 105  
section 2929.192 of the Revised Code, the day on which the fund 106  
receives from the court a copy of the journal entry of the 107  
offender's sentence under that section; 108

(b) If the charge against the person is dismissed, the person 109  
is found not guilty of the charge, or the person is found not 110  
guilty by reason of insanity of the charge, the day on which the 111  
fund receives notice of the final disposition of the charge. 112

(2) The fund shall not process any application for payment 113  
under this chapter from the person prior to the final disposition 114  
of the charge. 115

**Sec. 742.464.** Notwithstanding any other provision of this 116  
chapter, a disability benefit granted under this chapter is 117  
subject to an order issued under section 2929.193 of the Revised 118  
Code. The board of trustees of the Ohio police and fire pension 119  
fund shall comply with the order. 120

On receipt of notice under section 2901.43 of the Revised 121  
Code that an Ohio police and fire pension fund member is charged 122  
with an offense listed in division (D) of section 2929.192 of the 123  
Revised Code under the circumstances specified in that ~~division~~ 124  
section, the fund shall determine whether the member has been 125  
granted a disability benefit. If so, the fund shall send written 126  
notice to the prosecutor assigned to the case that the member has 127  
been granted a disability benefit under this chapter and may be 128  
subject to section 2929.193 of the Revised Code. 129

**Sec. 2901.43.** (A)(1) As used in this section: 130

(a) "Public retirement system," "alternative retirement 131  
plan," and "prosecutor" have the same meanings as in section 132  
2907.15 of the Revised Code. 133

(b) "Position of honor, trust, or profit" has the same 134  
meaning as in section 2929.192 of the Revised Code. 135

(2) For purposes of ~~divisions (B) and (C) of this section, a~~ 136  
both of the following apply: 137

(a) A violation of section 2923.32 of the Revised Code or any 138  
other violation or offense that includes as an element a course of 139  
conduct or the occurrence of multiple acts is "committed on or 140  
after ~~the effective date of this section~~ May 13, 2008," if the 141  
course of conduct continues, one or more of the multiple acts 142

occurs, or the subject person's accountability for the course of 143  
conduct or for one or more of the multiple acts continues, on or 144  
after ~~the effective date of this section~~ May 13, 2008; 145

(b) A violation of section 2923.32 of the Revised Code or any 146  
other violation or offense that includes as an element a course of 147  
conduct or the occurrence of multiple acts is "committed on or 148  
after the effective date of this amendment" if the course of 149  
conduct continues, one or more of the multiple acts occurs, or the 150  
offender's accountability for the course of conduct or for one or 151  
more of the multiple acts continues on or after the effective date 152  
of this amendment. 153

(B) This section applies to a person to whom all of the 154  
following apply: 155

(1) The person is charged with an offense described in 156  
division (D) of section 2929.192 of the Revised Code that was 157  
allegedly committed on or after the appropriate date specified in 158  
that division. 159

(2) The offense was allegedly committed while the person was 160  
serving in a position of honor, trust, or profit. 161

(3) At the time of the alleged offense, the person was one of 162  
the following: 163

(a) A member of a public retirement system; 164

(b) A contributor to a public retirement system receiving or 165  
eligible to receive a benefit under section 145.384, 742.26, 166  
3307.352, or 3309.344 of the Revised Code; 167

(c) A participant in an alternative retirement plan. 168

(C) Upon the filing of charges against a person alleging that 169  
the person committed on or after the effective date of this 170  
section any violation or offense specified in division (C) of this 171  
section, if the person allegedly committed the violation or 172

~~offense while serving in a position of honor, trust, or profit and~~ 173  
~~if the person is an electing employee participating in an~~ 174  
~~alternative retirement plan or a member of a public retirement~~ 175  
~~system subject to this section,~~ the prosecutor who is assigned the 176  
case shall send written notice that those charges have been filed 177  
against that person to the alternative retirement plan in which 178  
the person is a participant or the public retirement system in 179  
which the person is a member or contributor, whichever is 180  
applicable. The written notice shall specifically identify the 181  
person charged. 182

~~(C) Division (B) of this section applies when a person is~~ 183  
~~charged with committing on or after the effective date of this~~ 184  
~~section any offense or violation listed or described in divisions~~ 185  
~~(D)(1) to (3) of section 2929.192 of the Revised Code that is a~~ 186  
~~felony, in the circumstances specified in the particular division.~~ 187

**Sec. 2929.192.** (A) ~~If an offender is being sentenced for any~~ 188  
~~felony offense listed in division (D) of this section that was~~ 189  
~~committed on or after May 13, 2008, if the offender committed the~~ 190  
~~offense while serving in a position of honor, trust, or profit,~~ 191  
~~and if the offender, at the time of the commission of the offense,~~ 192  
~~was a member of any public retirement system or a participant in~~ 193  
~~an alternative retirement plan, in In addition to any other~~ 194  
~~sanction it a court imposes under section 2929.14, 2929.15,~~ 195  
2929.16, 2929.17, or 2929.18 of the Revised Code but subject to 196  
division (B) of this section, the court shall order the forfeiture 197  
to the public retirement system or alternative retirement plan in 198  
which the offender was a member, contributor, or participant of 199  
the offender's right to a retirement allowance, pension, 200  
disability benefit, or other right or benefit, other than payment 201  
of the offender's accumulated contributions, ~~earned by reason of~~ 202  
~~the offender's being a member of the public retirement system or~~ 203  
~~alternative retirement plan. A if all of the following apply:~~ 204

(1) The offender is being sentenced for an offense described 205  
in division (D) of this section that was committed on or after the 206  
appropriate date specified in that division. 207

(2) The offense was committed while the offender was serving 208  
in a position of honor, trust, or profit. 209

(3) At the time of the offense, the offender was one of the 210  
following: 211

(a) A member of a public retirement system; 212

(b) A contributor to a public retirement system receiving or 213  
eligible to receive a benefit under section 145.384, 742.26, 214  
3307.352, or 3309.344 of the Revised Code; 215

(c) A participant in an alternative retirement plan. 216

A forfeiture ordered under this division is part of, and 217  
shall be included in, the sentence of the offender. The court 218  
shall send a copy of the journal entry imposing sentence on the 219  
offender to the appropriate public retirement system or 220  
alternative retirement plan in which the offender was a member, 221  
contributor, or participant. 222

(B) In any case in which a sentencing court is required to 223  
order forfeiture of an offender's right to a retirement allowance, 224  
pension, disability benefit, or other right or benefit under 225  
division (A) of this section, the offender may request a hearing 226  
regarding the forfeiture by delivering to the court prior to 227  
sentencing a written request for a hearing. If a request for a 228  
hearing is made by the offender prior to sentencing, the court 229  
shall conduct the hearing before sentencing. The court shall 230  
notify the offender, the prosecutor who handled the case in which 231  
the offender was convicted of or pleaded guilty to the offense for 232  
which the forfeiture order was imposed, and the appropriate public 233  
retirement system, or alternative retirement plan provider, 234  
whichever is applicable, or, if more than one is specified in the 235

motion, the applicable combination of these, of the hearing. A 236  
hearing scheduled under this division shall be limited to a 237  
consideration of whether there is good cause based on evidence 238  
presented by the offender for the forfeiture order not to be 239  
issued. If the court determines based on evidence presented by the 240  
offender that there is good cause for the forfeiture order not to 241  
be issued, the court shall not issue the forfeiture order. If the 242  
offender does not request a hearing prior to sentencing or if the 243  
court conducts a hearing but does not determine based on evidence 244  
presented by the offender that there is good cause for the 245  
forfeiture order not to be issued, the court shall order the 246  
forfeiture described in division (A) of this section in accordance 247  
with that division and shall send a copy of the journal entry 248  
imposing sentence on the offender to the appropriate public 249  
retirement system or alternative retirement plan in which the 250  
offender was a member, contributor, or participant. 251

(C) Upon receipt of a copy of the journal entry imposing 252  
sentence on an offender under division (A) or (B) of this section 253  
that contains an order of forfeiture of a type described in that 254  
division, the public retirement system or alternative retirement 255  
plan in which the offender was a member, contributor, or 256  
participant shall comply with the forfeiture order on application 257  
for a refund of the accumulated contributions of the member, 258  
contributor, or participant. 259

(D) ~~(1)~~ Division (A) of this section applies ~~regarding to~~ to an 260  
offender who is convicted of or pleads guilty to any of the 261  
following offenses committed on or after May 13, 2008, ~~that is a~~ 262  
~~felony and who committed the offense while serving in a position~~ 263  
~~of honor, trust, or profit:~~ 264

~~(1)~~(a) A violation of section 2921.02 or 2923.32 of the 265  
Revised Code that is a felony or a violation of section 2921.41 of 266  
the Revised Code that is a felony of the third degree; 267

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

~~(3)(c)~~ A conspiracy to commit, attempt to commit, or complicity in committing any violation ~~listed~~ described in division (D)(1)(a) or ~~described in division (D)(2) (b)~~ of this section.

(2) Division (A) of this section applies to an offender who is convicted of or pleads guilty to any of the following offenses committed on or after the effective date of this amendment:

(a) A violation of section 2905.11 or 2921.11 of the Revised Code that is a felony;

(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation described in division (D)(2)(a) of this section;

(c) A conspiracy to commit, attempt to commit, or complicity in committing any violation described in division (D)(2)(a) or (b) of this section.

(E) For purposes of ~~divisions (A) and~~ division (D) of this section, a both of the following apply:

(1) A violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the ~~subject person's~~ offender's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008;

(2) A violation of section 2923.32 of the Revised Code or any

other violation or offense that includes as an element a course of 298  
conduct or the occurrence of multiple acts is "committed on or 299  
after the effective date of this amendment" if the course of 300  
conduct continues, one or more of the multiple acts occurs, or the 301  
offender's accountability for the course of conduct or for one or 302  
more of the multiple acts continues on or after the effective date 303  
of this amendment. 304

(F) As used in this section: 305

(1)(a) For the period beginning May 13, 2008, and ending the 306  
day before ~~the effective date of this amendment~~ July 29, 2011, 307  
"position of honor, trust, or profit" means any of the following: 308

(i) An elective office of the state or any political 309  
subdivision of the state; 310

(ii) A position on any board or commission of the state that 311  
is appointed by the governor or the attorney general; 312

(iii) A position as a public official or employee, as defined 313  
in section 102.01 of the Revised Code, who is required to file a 314  
disclosure statement under section 102.02 of the Revised Code; 315

(iv) A position as a prosecutor, as defined in section 316  
2935.01 of the Revised Code; 317

(v) A position as a peace officer, as defined in section 318  
2935.01 of the Revised Code, or as the superintendent or a trooper 319  
of the state highway patrol. 320

(b) On and after ~~the effective date of this amendment~~ July 321  
29, 2011, "position of honor, trust, or profit" has the same 322  
meaning as in division (F)(1)(a) of this section, except that it 323  
also includes a position in which, in the course of public 324  
employment, an employee has control over the expenditure of public 325  
funds of one hundred thousand dollars or more annually. 326

(2) "Public retirement system" and "alternative retirement 327

plan" have the same meanings as in section 2907.15 of the Revised Code. 328  
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(3) "Accumulated contributions" means whichever of the following is applicable: 330  
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(a) Regarding an offender who is a member of, or contributor to, the public employees retirement system, except as otherwise provided in division (F)(3)(a) of this section, "accumulated contributions" has the same meaning as in section 145.01 of the Revised Code. For a member participating in a PERS defined contribution plan, "accumulated contributions" means the contributions made under section 145.85 of the Revised Code and any earnings on those contributions. For a member participating in a PERS defined contribution plan that includes definitely determinable benefits, "accumulated contributions" means the contributions made under section 145.85 of the Revised Code, any earnings on those contributions, and additionally any amounts paid by the member to purchase service credits. 332  
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(b) Regarding an offender who is or was a member of, or contributor to, the Ohio police and fire pension fund, "accumulated contributions" means the amount payable to a member under division (G) of section 742.37 of the Revised Code. 345  
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(c) Regarding an offender who is a member of, or contributor to, the state teachers retirement system, except as otherwise provided in division (F)(3)(c) of this section, "accumulated contributions" has the same meaning as in section 3307.50 of the Revised Code. For a member participating in an STRS defined contribution plan, "accumulated contributions" means the contributions made under section 3307.26 of the Revised Code to participate in a plan established under section 3307.81 of the Revised Code and any earnings on those contributions. For a member participating in a STRS defined contribution plan that includes definitely determinable benefits, "accumulated contributions" 349  
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means the contributions made under section 3307.26 of the Revised Code to participate in a plan established under section 3307.81 of the Revised Code, any earnings on those contributions, and additionally any amounts paid by the member to purchase service credits.

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

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

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

**Sec. 2929.193.** (A) As used in this section:

(1) "Position of honor, trust, or profit" has the same meaning as in division (F)(1)(b) of section 2929.192 of the Revised Code.

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

(B) This section applies to an offender to whom all of the following apply:

(1) The offender is being sentenced for ~~an~~ either of the

<u>following:</u>	390
<u>(a) An offense listed described in division (D)(1) of section</u>	391
2929.192 of the Revised Code that <del>is a felony and</del> was committed on	392
or after <del>the effective date of this section</del> <u>July 29, 2011;</u>	393
<u>(b) An offense described in division (D)(2) of section</u>	394
<u>2929.192 of the Revised Code that was committed on or after the</u>	395
<u>effective date of this amendment.</u>	396
(2) The offense was committed while the offender was serving	397
in a position of honor, trust, or profit.	398
(3) At the time of the offense, the offender was one of the	399
following:	400
(a) A member of a public retirement system;	401
(b) A contributor to a public retirement system receiving or	402
eligible to receive a benefit under section 145.384, 742.26,	403
3307.352, or 3309.344 of the Revised Code;	404
(c) A participant in an alternative retirement plan.	405
(4) Prior to the final disposition of the case, the offender	406
was granted a disability benefit by a public retirement system or	407
an alternative retirement plan provider.	408
(C)(1) Prior to sentencing an offender subject to this	409
section, the court shall hold a hearing regarding the condition	410
for which the offender was granted a disability benefit. Not later	411
than ten days prior to the scheduled date of the hearing, the	412
court shall give written notice of the hearing to the offender,	413
the prosecutor who handled the case, and the appropriate public	414
retirement system, alternative retirement plan provider, or, if	415
more than one is providing a disability benefit, the applicable	416
combination of these. The hearing shall be limited to a	417
consideration of whether the offender's disabling condition arose	418
out of the commission of the offense the offender was convicted of	419

or pleaded guilty to. 420

The system or provider shall submit to the court the 421  
offender's medical reports and recommendations, and the offender's 422  
disability application. If the court determines based on those 423  
documents that the disabling condition arose out of the commission 424  
of the offense the offender was convicted of or pleaded guilty to, 425  
the court shall order the system or provider to terminate the 426  
disability benefit. 427

(2) Any disability benefit paid the offender prior to its 428  
termination may be recovered in accordance with section 145.563, 429  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 430

(D) For purposes of this section, a both of the following 431  
apply: 432

(1) A violation of section 2923.32 of the Revised Code or any 433  
other violation or offense that includes as an element a course of 434  
conduct or the occurrence of multiple acts is "committed on or 435  
after ~~the effective date of this section~~ July 29, 2011," if the 436  
course of conduct continues, one or more of the multiple acts 437  
occurs, or the offender's accountability for the course of conduct 438  
or for one or more of the multiple acts continues on or after ~~the~~ 439  
~~effective date of this section~~ July 29, 2011; 440

(2) A violation of section 2923.32 of the Revised Code or any 441  
other violation or offense that includes as an element a course of 442  
conduct or the occurrence of multiple acts is "committed on or 443  
after the effective date of this amendment" if the course of 444  
conduct continues, one or more of the multiple acts occurs, or the 445  
offender's accountability for the course of conduct or for one or 446  
more of the multiple acts continues on or after the effective date 447  
of this amendment. 448

**Sec. 3305.11.** (A) Notwithstanding any other provision of this 449

chapter, any payment of accumulated contributions standing to a 450  
person's credit under this chapter and any other amount or amounts 451  
to be paid to a person who is a contributor under this chapter 452  
upon the person's withdrawal of contributions pursuant to this 453  
chapter shall be subject to any forfeiture ordered under division 454  
(A) or (B) of section 2929.192 of the Revised Code, and the 455  
provider of an alternative retirement plan shall comply with that 456  
order in making the payment. Upon payment of the person's 457  
accumulated contributions and cancellation of the corresponding 458  
service credit, a person who is subject to the forfeiture 459  
described in this division may not restore the canceled service 460  
credit under this chapter or under Chapter 145., 742., 3307., 461  
3309., or 5505. of the Revised Code. 462

(B) Notwithstanding any other provision of this chapter, if 463  
the provider of an alternative retirement plan receives notice 464  
pursuant to section 2901.43 of the Revised Code that a person who 465  
has accumulated contributions standing to the person's credit 466  
pursuant to this chapter is charged with any offense or violation 467  
listed or described in ~~divisions~~ division (D)~~(1) to (3)~~ of section 468  
2929.192 of the Revised Code that is a felony ~~in~~ under the 469  
circumstances specified in ~~the particular division~~ that section, 470  
all of the following apply: 471

(1) No payment of those accumulated contributions or of any 472  
other amount or amounts to be paid to a person who is a 473  
contributor under this chapter upon the person's withdrawal of 474  
contributions pursuant to this chapter shall be made prior to 475  
whichever of the following is applicable: 476

(a) If the person is convicted of or pleads guilty to the 477  
charge and forfeiture is ordered under division (A) or (B) of 478  
section 2929.192 of the Revised Code, the day on which the 479  
provider receives from the court a copy of the journal entry of 480  
the offender's sentence under that section; 481

(b) If the charge against the person is dismissed, the person 482  
is found not guilty of the charge, or the person is found not 483  
guilty by reason of insanity of the charge, the day on which the 484  
provider receives notice of the final disposition of the charge. 485

(2) The provider of an alternative retirement plan shall not 486  
process any application for payment under this chapter from the 487  
person prior to the final disposition of the charge. 488

**Sec. 3305.12.** Notwithstanding any other provision of an 489  
alternative retirement plan provided under this chapter, a 490  
disability benefit granted under the alternative retirement plan 491  
is subject to an order issued under section 2929.193 of the 492  
Revised Code. The entity providing the alternative retirement plan 493  
shall comply with the order. 494

On receipt of notice under section 2901.43 of the Revised 495  
Code that an alternative retirement plan participant is charged 496  
with an offense listed in division (D) of section 2929.192 of the 497  
Revised Code under the circumstances specified in that ~~division~~ 498  
section, the entity shall determine whether the participant has 499  
been granted a disability benefit. If so, the entity shall send 500  
written notice to the prosecutor assigned to the case that the 501  
participant has been granted a disability benefit under an 502  
alternative retirement plan and may be subject to section 2929.193 503  
of the Revised Code. 504

**Sec. 3307.372.** (A) Notwithstanding any other provision of 505  
this chapter, any payment of accumulated contributions standing to 506  
a person's credit under this chapter and any other amount or 507  
amounts to be paid to a person who is a contributor under this 508  
chapter upon the person's withdrawal of contributions pursuant to 509  
this chapter shall be subject to any forfeiture ordered under 510  
division (A) or (B) of section 2929.192 of the Revised Code, and 511

the state teachers retirement system shall comply with that order 512  
in making the payment. Upon payment of the person's accumulated 513  
contributions and cancellation of the corresponding service 514  
credit, a person who is subject to the forfeiture described in 515  
this division may not restore the canceled service credit under 516  
this chapter or under Chapter 145., 742., 3305., 3309., or 5505. 517  
of the Revised Code. 518

(B) Notwithstanding any other provision of this chapter, if 519  
the system receives notice pursuant to section 2901.43 of the 520  
Revised Code that a person who has accumulated contributions 521  
standing to the person's credit pursuant to this chapter is 522  
charged with any offense or violation listed or described in 523  
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 524  
Revised Code that is a felony ~~in~~ under the circumstances specified 525  
in ~~the particular division~~ that section, all of the following 526  
apply: 527

(1) No payment of those accumulated contributions or of any 528  
other amount or amounts to be paid to a person who is a 529  
contributor under this chapter upon the person's withdrawal of 530  
contributions pursuant to this chapter shall be made prior to 531  
whichever of the following is applicable: 532

(a) If the person is convicted of or pleads guilty to the 533  
charge and forfeiture is ordered under division (A) or (B) of 534  
section 2929.192 of the Revised Code, the day on which the system 535  
receives from the court a copy of the journal entry of the 536  
offender's sentence under that section; 537

(b) If the charge against the person is dismissed, the person 538  
is found not guilty of the charge, or the person is found not 539  
guilty by reason of insanity of the charge, the day on which the 540  
system receives notice of the final disposition of the charge. 541

(2) The system shall not process any application for payment 542

under this chapter from the person prior to the final disposition 543  
of the charge. 544

**Sec. 3307.373.** Notwithstanding any other provision of this 545  
chapter, a disability benefit granted under this chapter is 546  
subject to an order issued under section 2929.193 of the Revised 547  
Code. The state teachers retirement board shall comply with the 548  
order. 549

On receipt of notice under section 2901.43 of the Revised 550  
Code that a state teachers retirement system member is charged 551  
with an offense listed in division (D) of section 2929.192 of the 552  
Revised Code under the circumstances specified in that ~~division~~ 553  
section, the system shall determine whether the member has been 554  
granted a disability benefit. If so, the system shall send written 555  
notice to the prosecutor assigned to the case that the member has 556  
been granted a disability benefit under this chapter and may be 557  
subject to section 2929.193 of the Revised Code. 558

**Sec. 3309.672.** (A) Notwithstanding any other provision of 559  
this chapter, any payment of accumulated contributions standing to 560  
a person's credit under this chapter and any other amount or 561  
amounts to be paid to a person who is a contributor under this 562  
chapter upon the person's withdrawal of contributions pursuant to 563  
this chapter shall be subject to any forfeiture ordered under 564  
division (A) or (B) of section 2929.192 of the Revised Code, and 565  
the school employees retirement system shall comply with that 566  
order in making the payment. Upon payment of the person's 567  
accumulated contributions and cancellation of the corresponding 568  
service credit, a person who is subject to the forfeiture 569  
described in this division may not restore the canceled service 570  
credit under this chapter or under Chapter 145., 742., 3305., 571  
3307., or 5505. of the Revised Code. 572

(B) Notwithstanding any other provision of this chapter, if 573  
the system receives notice pursuant to section 2901.43 of the 574  
Revised Code that a person who has accumulated contributions 575  
standing to the person's credit pursuant to this chapter is 576  
charged with any offense or violation listed or described in 577  
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 578  
Revised Code that is a felony ~~in~~ under the circumstances specified 579  
in ~~the particular division~~ that section, all of the following 580  
apply: 581

(1) No payment of those accumulated contributions or of any 582  
other amount or amounts to be paid to a person who is a 583  
contributor under this chapter upon the person's withdrawal of 584  
contributions pursuant to this chapter shall be made prior to 585  
whichever of the following is applicable: 586

(a) If the person is convicted of or pleads guilty to the 587  
charge and forfeiture is ordered under division (A) or (B) of 588  
section 2929.192 of the Revised Code, the day on which the system 589  
receives from the court a copy of the journal entry of the 590  
offender's sentence under that section; 591

(b) If the charge against the person is dismissed, the person 592  
is found not guilty of the charge, or the person is found not 593  
guilty by reason of insanity of the charge, the day on which the 594  
system receives notice of the final disposition of the charge. 595

(2) The system shall not process any application for payment 596  
under this chapter from the person prior to the final disposition 597  
of the charge. 598

**Sec. 3309.673.** Notwithstanding any other provision of this 599  
chapter, a disability benefit granted under this chapter is 600  
subject to an order issued under section 2929.193 of the Revised 601  
Code. The school employees retirement board shall comply with the 602  
order. 603

On receipt of notice under section 2901.43 of the Revised Code that a school employees retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that ~~division~~ section, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code.

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

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

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

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

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

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

**Sec. 5505.263.** Notwithstanding any other provision of this chapter, a disability benefit granted under this chapter is subject to an order issued under section 2929.193 of the Revised Code. The state highway patrol retirement board shall comply with the order.

On receipt of notice under section 2901.43 of the Revised Code that a state highway patrol retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that ~~division~~ section, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised

Code. 667

**Section 2.** That existing sections 145.572, 145.573, 742.463, 668  
742.464, 2901.43, 2929.192, 2929.193, 3305.11, 3305.12, 3307.372, 669  
3307.373, 3309.672, 3309.673, 5505.262, and 5505.263 of the 670  
Revised Code are hereby repealed. 671