

As Reported by the House Criminal Justice Committee

129th General Assembly

Regular Session

2011-2012

Am. H. B. No. 323

Representatives Dovilla, Anielski

**Cosponsors: Representatives Baker, Henne, Newbold, Boose, Slaby, Hayes,
Bubp, Uecker, Sprague**

—

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

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

(2) The public employees retirement system shall comply with a forfeiture order issued under division (A) or (B) of section 2929.192 of the Revised Code at the time the member or contributor applies for payment of the person's accumulated contributions. Upon payment of the person's contributions and cancellation of any corresponding service credit, a person who is subject to the forfeiture order described in this division may not restore any canceled service credit under this chapter or the provisions of Chapter 742., 3305., 3307., 3309., or 5505. 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. 145.573. 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 public employees retirement board shall comply with the order.

On receipt of notice under section 2901.43 of the Revised Code that a public 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. 742.463. (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 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~~ 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 Revised Code that is a felony or a violation of section 2921.41 of the Revised Code that is a felony of the third degree;

~~(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 and that is committed within the context of the offender's public employment in a position of honor, trust, or profit;

(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 295
more of the multiple acts occurs, or the ~~subject person's~~ 296
offender's accountability for the course of conduct or for one or 297
more of the multiple acts continues, on or after May 13, 2008; 298

(2) A violation of section 2923.32 of the Revised Code or any 299
other violation or offense that includes as an element a course of 300
conduct or the occurrence of multiple acts is "committed on or 301
after the effective date of this amendment" if the course of 302
conduct continues, one or more of the multiple acts occurs, or the 303
offender's accountability for the course of conduct or for one or 304
more of the multiple acts continues on or after the effective date 305
of this amendment. 306

(F) As used in this section: 307

(1)(a) For the period beginning May 13, 2008, and ending the 308
day before ~~the effective date of this amendment~~ July 29, 2011, 309
"position of honor, trust, or profit" means any of the following: 310

(i) An elective office of the state or any political 311
subdivision of the state; 312

(ii) A position on any board or commission of the state that 313
is appointed by the governor or the attorney general; 314

(iii) A position as a public official or employee, as defined 315
in section 102.01 of the Revised Code, who is required to file a 316
disclosure statement under section 102.02 of the Revised Code; 317

(iv) A position as a prosecutor, as defined in section 318
2935.01 of the Revised Code; 319

(v) A position as a peace officer, as defined in section 320
2935.01 of the Revised Code, or as the superintendent or a trooper 321
of the state highway patrol. 322

(b) On and after ~~the effective date of this amendment~~ July 323
29, 2011, "position of honor, trust, or profit" has the same 324

meaning as in division (F)(1)(a) of this section, except that it 325
also includes a position in which, in the course of public 326
employment, an employee has control over the expenditure of public 327
funds of one hundred thousand dollars or more annually. 328

(2) "Public retirement system" and "alternative retirement 329
plan" have the same meanings as in section 2907.15 of the Revised 330
Code. 331

(3) "Accumulated contributions" means whichever of the 332
following is applicable: 333

(a) Regarding an offender who is a member of, or contributor 334
to, the public employees retirement system, except as otherwise 335
provided in division (F)(3)(a) of this section, "accumulated 336
contributions" has the same meaning as in section 145.01 of the 337
Revised Code. For a member participating in a PERS defined 338
contribution plan, "accumulated contributions" means the 339
contributions made under section 145.85 of the Revised Code and 340
any earnings on those contributions. For a member participating in 341
a PERS defined contribution plan that includes definitely 342
determinable benefits, "accumulated contributions" means the 343
contributions made under section 145.85 of the Revised Code, any 344
earnings on those contributions, and additionally any amounts paid 345
by the member to purchase service credits. 346

(b) Regarding an offender who is or was a member of, or 347
contributor to, the Ohio police and fire pension fund, 348
"accumulated contributions" means the amount payable to a member 349
under division (G) of section 742.37 of the Revised Code. 350

(c) Regarding an offender who is a member of, or contributor 351
to, the state teachers retirement system, except as otherwise 352
provided in division (F)(3)(c) of this section, "accumulated 353
contributions" has the same meaning as in section 3307.50 of the 354
Revised Code. For a member participating in an STRS defined 355

contribution plan, "accumulated contributions" means the 356
contributions made under section 3307.26 of the Revised Code to 357
participate in a plan established under section 3307.81 of the 358
Revised Code and any earnings on those contributions. For a member 359
participating in a STRS defined contribution plan that includes 360
definitely determinable benefits, "accumulated contributions" 361
means the contributions made under section 3307.26 of the Revised 362
Code to participate in a plan established under section 3307.81 of 363
the Revised Code, any earnings on those contributions, and 364
additionally any amounts paid by the member to purchase service 365
credits. 366

(d) Regarding an offender who is or was a member of, or 367
contributor to, the school employees retirement system, 368
"accumulated contributions" has the same meaning as in section 369
3309.01 of the Revised Code and also includes employee 370
contributions made under section 3309.85 of the Revised Code and 371
any earnings on those contributions. 372

(e) Regarding an offender who is or was a member of the state 373
highway patrol retirement system, "accumulated contributions" has 374
the same meaning as in section 5505.01 of the Revised Code. 375

(f) Regarding an offender who is or was participating in an 376
alternative retirement plan, "accumulated contributions" means the 377
amounts contributed to an alternative retirement plan 378
participant's account by the plan participant pursuant to section 379
3305.06 of the Revised Code and any earnings on those 380
contributions. 381

Sec. 2929.193. (A) As used in this section: 382

(1) "Position of honor, trust, or profit" has the same 383
meaning as in division (F)(1)(b) of section 2929.192 of the 384
Revised Code. 385

(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 following:

(a) An offense listed described in division (D)(1) of section 2929.192 of the Revised Code that is a felony and was committed on or after the effective date of this section July 29, 2011;

(b) An offense described in division (D)(2) of section 2929.192 of the Revised Code that was committed on or after the effective date of this amendment.

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

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

(a) A member of a public retirement system;

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

(c) A participant in an alternative retirement plan.

(4) Prior to the final disposition of the case, the offender was granted a disability benefit by a public retirement system or an alternative retirement plan provider.

(C)(1) Prior to sentencing an offender subject to this section, the court shall hold a hearing regarding the condition for which the offender was granted a disability benefit. Not later than ten days prior to the scheduled date of the hearing, the court shall give written notice of the hearing to the offender,

the prosecutor who handled the case, and the appropriate public 416
retirement system, alternative retirement plan provider, or, if 417
more than one is providing a disability benefit, the applicable 418
combination of these. The hearing shall be limited to a 419
consideration of whether the offender's disabling condition arose 420
out of the commission of the offense the offender was convicted of 421
or pleaded guilty to. 422

The system or provider shall submit to the court the 423
offender's medical reports and recommendations, and the offender's 424
disability application. If the court determines based on those 425
documents that the disabling condition arose out of the commission 426
of the offense the offender was convicted of or pleaded guilty to, 427
the court shall order the system or provider to terminate the 428
disability benefit. 429

(2) Any disability benefit paid the offender prior to its 430
termination may be recovered in accordance with section 145.563, 431
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 432

(D) For purposes of this section, a both of the following 433
apply: 434

(1) A violation of section 2923.32 of the Revised Code or any 435
other violation or offense that includes as an element a course of 436
conduct or the occurrence of multiple acts is "committed on or 437
after ~~the effective date of this section~~ July 29, 2011," if the 438
course of conduct continues, one or more of the multiple acts 439
occurs, or the offender's accountability for the course of conduct 440
or for one or more of the multiple acts continues on or after ~~the~~ 441
~~effective date of this section~~ July 29, 2011; 442

(2) A violation of section 2923.32 of the Revised Code or any 443
other violation or offense that includes as an element a course of 444
conduct or the occurrence of multiple acts is "committed on or 445
after the effective date of this amendment" if the course of 446

conduct continues, one or more of the multiple acts occurs, or the 447
offender's accountability for the course of conduct or for one or 448
more of the multiple acts continues on or after the effective date 449
of this amendment. 450

Sec. 3305.11. (A) Notwithstanding any other provision of this 451
chapter, any payment of accumulated contributions standing to a 452
person's credit under this chapter and any other amount or amounts 453
to be paid to a person who is a contributor under this chapter 454
upon the person's withdrawal of contributions pursuant to this 455
chapter shall be subject to any forfeiture ordered under division 456
(A) or (B) of section 2929.192 of the Revised Code, and the 457
provider of an alternative retirement plan shall comply with that 458
order in making the payment. Upon payment of the person's 459
accumulated contributions and cancellation of the corresponding 460
service credit, a person who is subject to the forfeiture 461
described in this division may not restore the canceled service 462
credit under this chapter or under Chapter 145., 742., 3307., 463
3309., or 5505. of the Revised Code. 464

(B) Notwithstanding any other provision of this chapter, if 465
the provider of an alternative retirement plan receives notice 466
pursuant to section 2901.43 of the Revised Code that a person who 467
has accumulated contributions standing to the person's credit 468
pursuant to this chapter is charged with any offense or violation 469
listed or described in ~~divisions~~ division (D)(1) ~~to (3)~~ of section 470
2929.192 of the Revised Code that is a felony ~~in~~ under the 471
circumstances specified in ~~the particular division~~ that section, 472
all of the following apply: 473

(1) No payment of those accumulated contributions or of any 474
other amount or amounts to be paid to a person who is a 475
contributor under this chapter upon the person's withdrawal of 476
contributions pursuant to this chapter shall be made prior to 477

whichever of the following is applicable: 478

(a) If the person is convicted of or pleads guilty to the 479
charge and forfeiture is ordered under division (A) or (B) of 480
section 2929.192 of the Revised Code, the day on which the 481
provider receives from the court a copy of the journal entry of 482
the offender's sentence under that section; 483

(b) If the charge against the person is dismissed, the person 484
is found not guilty of the charge, or the person is found not 485
guilty by reason of insanity of the charge, the day on which the 486
provider receives notice of the final disposition of the charge. 487

(2) The provider of an alternative retirement plan shall not 488
process any application for payment under this chapter from the 489
person prior to the final disposition of the charge. 490

Sec. 3305.12. Notwithstanding any other provision of an 491
alternative retirement plan provided under this chapter, a 492
disability benefit granted under the alternative retirement plan 493
is subject to an order issued under section 2929.193 of the 494
Revised Code. The entity providing the alternative retirement plan 495
shall comply with the order. 496

On receipt of notice under section 2901.43 of the Revised 497
Code that an alternative retirement plan participant is charged 498
with an offense listed in division (D) of section 2929.192 of the 499
Revised Code under the circumstances specified in that ~~division~~ 500
section, the entity shall determine whether the participant has 501
been granted a disability benefit. If so, the entity shall send 502
written notice to the prosecutor assigned to the case that the 503
participant has been granted a disability benefit under an 504
alternative retirement plan and may be subject to section 2929.193 505
of the Revised Code. 506

Sec. 3307.372. (A) Notwithstanding any other provision of 507

this chapter, any payment of accumulated contributions standing to 508
a person's credit under this chapter and any other amount or 509
amounts to be paid to a person who is a contributor under this 510
chapter upon the person's withdrawal of contributions pursuant to 511
this chapter shall be subject to any forfeiture ordered under 512
division (A) or (B) of section 2929.192 of the Revised Code, and 513
the state teachers retirement system shall comply with that order 514
in making the payment. Upon payment of the person's accumulated 515
contributions and cancellation of the corresponding service 516
credit, a person who is subject to the forfeiture described in 517
this division may not restore the canceled service credit under 518
this chapter or under Chapter 145., 742., 3305., 3309., or 5505. 519
of the Revised Code. 520

(B) Notwithstanding any other provision of this chapter, if 521
the system receives notice pursuant to section 2901.43 of the 522
Revised Code that a person who has accumulated contributions 523
standing to the person's credit pursuant to this chapter is 524
charged with any offense or violation listed or described in 525
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 526
Revised Code that is a felony ~~in~~ under the circumstances specified 527
in ~~the particular division~~ that section, all of the following 528
apply: 529

(1) No payment of those accumulated contributions or of any 530
other amount or amounts to be paid to a person who is a 531
contributor under this chapter upon the person's withdrawal of 532
contributions pursuant to this chapter shall be made prior to 533
whichever of the following is applicable: 534

(a) If the person is convicted of or pleads guilty to the 535
charge and forfeiture is ordered under division (A) or (B) of 536
section 2929.192 of the Revised Code, the day on which the system 537
receives from the court a copy of the journal entry of the 538
offender's sentence under that section; 539

(b) If the charge against the person is dismissed, the person 540
is found not guilty of the charge, or the person is found not 541
guilty by reason of insanity of the charge, the day on which the 542
system receives notice of the final disposition of the charge. 543

(2) The system shall not process any application for payment 544
under this chapter from the person prior to the final disposition 545
of the charge. 546

Sec. 3307.373. Notwithstanding any other provision of this 547
chapter, a disability benefit granted under this chapter is 548
subject to an order issued under section 2929.193 of the Revised 549
Code. The state teachers retirement board shall comply with the 550
order. 551

On receipt of notice under section 2901.43 of the Revised 552
Code that a state teachers retirement system member is charged 553
with an offense listed in division (D) of section 2929.192 of the 554
Revised Code under the circumstances specified in that ~~division~~ 555
section, the system shall determine whether the member has been 556
granted a disability benefit. If so, the system shall send written 557
notice to the prosecutor assigned to the case that the member has 558
been granted a disability benefit under this chapter and may be 559
subject to section 2929.193 of the Revised Code. 560

Sec. 3309.672. (A) Notwithstanding any other provision of 561
this chapter, any payment of accumulated contributions standing to 562
a person's credit under this chapter and any other amount or 563
amounts to be paid to a person who is a contributor under this 564
chapter upon the person's withdrawal of contributions pursuant to 565
this chapter shall be subject to any forfeiture ordered under 566
division (A) or (B) of section 2929.192 of the Revised Code, and 567
the school employees retirement system shall comply with that 568
order in making the payment. Upon payment of the person's 569

accumulated contributions and cancellation of the corresponding 570
service credit, a person who is subject to the forfeiture 571
described in this division may not restore the canceled service 572
credit under this chapter or under Chapter 145., 742., 3305., 573
3307., or 5505. of the Revised Code. 574

(B) Notwithstanding any other provision of this chapter, if 575
the system receives notice pursuant to section 2901.43 of the 576
Revised Code that a person who has accumulated contributions 577
standing to the person's credit pursuant to this chapter is 578
charged with any offense or violation listed or described in 579
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 580
Revised Code that is a felony ~~in~~ under the circumstances specified 581
in ~~the particular division~~ that section, all of the following 582
apply: 583

(1) No payment of those accumulated contributions or of any 584
other amount or amounts to be paid to a person who is a 585
contributor under this chapter upon the person's withdrawal of 586
contributions pursuant to this chapter shall be made prior to 587
whichever of the following is applicable: 588

(a) If the person is convicted of or pleads guilty to the 589
charge and forfeiture is ordered under division (A) or (B) of 590
section 2929.192 of the Revised Code, the day on which the system 591
receives from the court a copy of the journal entry of the 592
offender's sentence under that section; 593

(b) If the charge against the person is dismissed, the person 594
is found not guilty of the charge, or the person is found not 595
guilty by reason of insanity of the charge, the day on which the 596
system receives notice of the final disposition of the charge. 597

(2) The system shall not process any application for payment 598
under this chapter from the person prior to the final disposition 599
of the charge. 600

Sec. 3309.673. Notwithstanding any other provision of this 601
chapter, a disability benefit granted under this chapter is 602
subject to an order issued under section 2929.193 of the Revised 603
Code. The school employees retirement board shall comply with the 604
order. 605

On receipt of notice under section 2901.43 of the Revised 606
Code that a school employees retirement system member is charged 607
with an offense listed in division (D) of section 2929.192 of the 608
Revised Code under the circumstances specified in that ~~division~~ 609
section, the system shall determine whether the member has been 610
granted a disability benefit. If so, the system shall send written 611
notice to the prosecutor assigned to the case that the member has 612
been granted a disability benefit under this chapter and may be 613
subject to section 2929.193 of the Revised Code. 614

Sec. 5505.262. (A) Notwithstanding any other provision of 615
this chapter, any payment of accumulated contributions standing to 616
a person's credit under this chapter and any other amount or 617
amounts to be paid to a person who is a contributor under this 618
chapter upon the person's withdrawal of contributions pursuant to 619
this chapter shall be subject to any forfeiture ordered under 620
division (A) or (B) of section 2929.192 of the Revised Code, and 621
the state highway patrol retirement system shall comply with that 622
order in making the payment. Upon payment of the person's 623
accumulated contributions and cancellation of the corresponding 624
service credit, a person who is subject to the forfeiture 625
described in this division may not restore the canceled service 626
credit under this chapter or under Chapter 145., 742., 3305., 627
3307., or 3309. of the Revised Code. 628

(B) Notwithstanding any other provision of this chapter, if 629
the system receives notice pursuant to section 2901.43 of the 630
Revised Code that a person who has accumulated contributions 631

standing to the person's credit pursuant to this chapter is 632
charged with any offense or violation listed or described in 633
~~divisions~~ division (D)~~(1) to (3)~~ of section 2929.192 of the 634
Revised Code that is a felony ~~in~~ under the circumstances specified 635
in ~~the particular division~~ that section, all of the following 636
apply: 637

(1) No payment of those accumulated contributions or of any 638
other amount or amounts to be paid to a person who is a 639
contributor under this chapter upon the person's withdrawal of 640
contributions pursuant to this chapter shall be made prior to 641
whichever of the following is applicable: 642

(a) If the person is convicted of or pleads guilty to the 643
charge and forfeiture is ordered under division (A) or (B) of 644
section 2929.192 of the Revised Code, the day on which the system 645
receives from the court a copy of the journal entry of the 646
offender's sentence under that section; 647

(b) If the charge against the person is dismissed, the person 648
is found not guilty of the charge, or the person is found not 649
guilty by reason of insanity of the charge, the day on which the 650
system receives notice of the final disposition of the charge. 651

(2) The system shall not process any application for payment 652
under this chapter from the person prior to the final disposition 653
of the charge. 654

Sec. 5505.263. Notwithstanding any other provision of this 655
chapter, a disability benefit granted under this chapter is 656
subject to an order issued under section 2929.193 of the Revised 657
Code. The state highway patrol retirement board shall comply with 658
the order. 659

On receipt of notice under section 2901.43 of the Revised 660
Code that a state highway patrol retirement system member is 661

charged with an offense listed in division (D) of section 2929.192 662
of the Revised Code under the circumstances specified in that 663
~~division~~ section, the system shall determine whether the member 664
has been granted a disability benefit. If so, the system shall 665
send written notice to the prosecutor assigned to the case that 666
the member has been granted a disability benefit under this 667
chapter and may be subject to section 2929.193 of the Revised 668
Code. 669

Section 2. That existing sections 145.572, 145.573, 742.463, 670
742.464, 2901.43, 2929.192, 2929.193, 3305.11, 3305.12, 3307.372, 671
3307.373, 3309.672, 3309.673, 5505.262, and 5505.263 of the 672
Revised Code are hereby repealed. 673