

As Introduced

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

H. B. No. 498

Representatives Fedor, Garland

**Cosponsors: Representatives Antonio, Celebrezze, Driehaus, Fende,
Hagan, R., Okey, Phillips, Yuko**

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A B I L L

To amend sections 109.57, 109.572, 109.575, 109.576,	1
109.577, and 121.402 and to enact sections 1541.82	2
and 3313.539 of the Revised Code to make volunteer	3
coaches engaged by recreational youth athletics	4
organizations or entities and game officials	5
certified by interscholastic athletic regulatory	6
organizations or associations subject to mandatory	7
criminal records checks, to prohibit for a minimum	8
of five years after the individual's release from	9
imprisonment imposed as a result of the offense or	10
a minimum of five years after sentencing if the	11
individual was not imprisoned the use of a coach	12
or the certification of an individual as a game	13
official who has been convicted of specified	14
offenses, and to revise the immunity from civil	15
liability for an act or omission of a volunteer	16
who has been subject to a criminal records check.	17

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

Section 1. That sections 109.57, 109.572, 109.575, 109.576,	18
109.577, and 121.402 be amended and sections 1541.82 and 3313.539	19

of the Revised Code be enacted to read as follows:

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Sec. 109.57. (A)(1) The superintendent of the bureau of
criminal identification and investigation shall procure from
wherever procurable and file for record photographs, pictures,
descriptions, fingerprints, measurements, and other information
that may be pertinent of all persons who have been convicted of
committing within this state a felony, any crime constituting a
misdemeanor on the first offense and a felony on subsequent
offenses, or any misdemeanor described in division (A)(1)(a),
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code,
of all children under eighteen years of age who have been
adjudicated delinquent children for committing within this state
an act that would be a felony or an offense of violence if
committed by an adult or who have been convicted of or pleaded
guilty to committing within this state a felony or an offense of
violence, and of all well-known and habitual criminals. The person
in charge of any county, multicounty, municipal, municipal-county,
or multicounty-municipal jail or workhouse, community-based
correctional facility, halfway house, alternative residential
facility, or state correctional institution and the person in
charge of any state institution having custody of a person
suspected of having committed a felony, any crime constituting a
misdemeanor on the first offense and a felony on subsequent
offenses, or any misdemeanor described in division (A)(1)(a),
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or
having custody of a child under eighteen years of age with respect
to whom there is probable cause to believe that the child may have
committed an act that would be a felony or an offense of violence
if committed by an adult shall furnish such material to the
superintendent of the bureau. Fingerprints, photographs, or other
descriptive information of a child who is under eighteen years of

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age, has not been arrested or otherwise taken into custody for 51
committing an act that would be a felony or an offense of violence 52
who is not in any other category of child specified in this 53
division, if committed by an adult, has not been adjudicated a 54
delinquent child for committing an act that would be a felony or 55
an offense of violence if committed by an adult, has not been 56
convicted of or pleaded guilty to committing a felony or an 57
offense of violence, and is not a child with respect to whom there 58
is probable cause to believe that the child may have committed an 59
act that would be a felony or an offense of violence if committed 60
by an adult shall not be procured by the superintendent or 61
furnished by any person in charge of any county, multicounty, 62
municipal, municipal-county, or multicounty-municipal jail or 63
workhouse, community-based correctional facility, halfway house, 64
alternative residential facility, or state correctional 65
institution, except as authorized in section 2151.313 of the 66
Revised Code. 67

(2) Every clerk of a court of record in this state, other 68
than the supreme court or a court of appeals, shall send to the 69
superintendent of the bureau a weekly report containing a summary 70
of each case involving a felony, involving any crime constituting 71
a misdemeanor on the first offense and a felony on subsequent 72
offenses, involving a misdemeanor described in division (A)(1)(a), 73
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 74
or involving an adjudication in a case in which a child under 75
eighteen years of age was alleged to be a delinquent child for 76
committing an act that would be a felony or an offense of violence 77
if committed by an adult. The clerk of the court of common pleas 78
shall include in the report and summary the clerk sends under this 79
division all information described in divisions (A)(2)(a) to (f) 80
of this section regarding a case before the court of appeals that 81
is served by that clerk. The summary shall be written on the 82
standard forms furnished by the superintendent pursuant to 83

division (B) of this section and shall include the following 84
information: 85

(a) The incident tracking number contained on the standard 86
forms furnished by the superintendent pursuant to division (B) of 87
this section; 88

(b) The style and number of the case; 89

(c) The date of arrest, offense, summons, or arraignment; 90

(d) The date that the person was convicted of or pleaded 91
guilty to the offense, adjudicated a delinquent child for 92
committing the act that would be a felony or an offense of 93
violence if committed by an adult, found not guilty of the 94
offense, or found not to be a delinquent child for committing an 95
act that would be a felony or an offense of violence if committed 96
by an adult, the date of an entry dismissing the charge, an entry 97
declaring a mistrial of the offense in which the person is 98
discharged, an entry finding that the person or child is not 99
competent to stand trial, or an entry of a nolle prosequi, or the 100
date of any other determination that constitutes final resolution 101
of the case; 102

(e) A statement of the original charge with the section of 103
the Revised Code that was alleged to be violated; 104

(f) If the person or child was convicted, pleaded guilty, or 105
was adjudicated a delinquent child, the sentence or terms of 106
probation imposed or any other disposition of the offender or the 107
delinquent child. 108

If the offense involved the disarming of a law enforcement 109
officer or an attempt to disarm a law enforcement officer, the 110
clerk shall clearly state that fact in the summary, and the 111
superintendent shall ensure that a clear statement of that fact is 112
placed in the bureau's records. 113

(3) The superintendent shall cooperate with and assist 114
sheriffs, chiefs of police, and other law enforcement officers in 115
the establishment of a complete system of criminal identification 116
and in obtaining fingerprints and other means of identification of 117
all persons arrested on a charge of a felony, any crime 118
constituting a misdemeanor on the first offense and a felony on 119
subsequent offenses, or a misdemeanor described in division 120
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 121
Revised Code and of all children under eighteen years of age 122
arrested or otherwise taken into custody for committing an act 123
that would be a felony or an offense of violence if committed by 124
an adult. The superintendent also shall file for record the 125
fingerprint impressions of all persons confined in a county, 126
multicounty, municipal, municipal-county, or multicounty-municipal 127
jail or workhouse, community-based correctional facility, halfway 128
house, alternative residential facility, or state correctional 129
institution for the violation of state laws and of all children 130
under eighteen years of age who are confined in a county, 131
multicounty, municipal, municipal-county, or multicounty-municipal 132
jail or workhouse, community-based correctional facility, halfway 133
house, alternative residential facility, or state correctional 134
institution or in any facility for delinquent children for 135
committing an act that would be a felony or an offense of violence 136
if committed by an adult, and any other information that the 137
superintendent may receive from law enforcement officials of the 138
state and its political subdivisions. 139

(4) The superintendent shall carry out Chapter 2950. of the 140
Revised Code with respect to the registration of persons who are 141
convicted of or plead guilty to a sexually oriented offense or a 142
child-victim oriented offense and with respect to all other duties 143
imposed on the bureau under that chapter. 144

(5) The bureau shall perform centralized recordkeeping 145

functions for criminal history records and services in this state 146
for purposes of the national crime prevention and privacy compact 147
set forth in section 109.571 of the Revised Code and is the 148
criminal history record repository as defined in that section for 149
purposes of that compact. The superintendent or the 150
superintendent's designee is the compact officer for purposes of 151
that compact and shall carry out the responsibilities of the 152
compact officer specified in that compact. 153

(B) The superintendent shall prepare and furnish to every 154
county, multicounty, municipal, municipal-county, or 155
multicounty-municipal jail or workhouse, community-based 156
correctional facility, halfway house, alternative residential 157
facility, or state correctional institution and to every clerk of 158
a court in this state specified in division (A)(2) of this section 159
standard forms for reporting the information required under 160
division (A) of this section. The standard forms that the 161
superintendent prepares pursuant to this division may be in a 162
tangible format, in an electronic format, or in both tangible 163
formats and electronic formats. 164

(C)(1) The superintendent may operate a center for 165
electronic, automated, or other data processing for the storage 166
and retrieval of information, data, and statistics pertaining to 167
criminals and to children under eighteen years of age who are 168
adjudicated delinquent children for committing an act that would 169
be a felony or an offense of violence if committed by an adult, 170
criminal activity, crime prevention, law enforcement, and criminal 171
justice, and may establish and operate a statewide communications 172
network to be known as the Ohio law enforcement gateway to gather 173
and disseminate information, data, and statistics for the use of 174
law enforcement agencies and for other uses specified in this 175
division. The superintendent may gather, store, retrieve, and 176
disseminate information, data, and statistics that pertain to 177

children who are under eighteen years of age and that are gathered 178
pursuant to sections 109.57 to 109.61 of the Revised Code together 179
with information, data, and statistics that pertain to adults and 180
that are gathered pursuant to those sections. 181

(2) The superintendent or the superintendent's designee shall 182
gather information of the nature described in division (C)(1) of 183
this section that pertains to the offense and delinquency history 184
of a person who has been convicted of, pleaded guilty to, or been 185
adjudicated a delinquent child for committing a sexually oriented 186
offense or a child-victim oriented offense for inclusion in the 187
state registry of sex offenders and child-victim offenders 188
maintained pursuant to division (A)(1) of section 2950.13 of the 189
Revised Code and in the internet database operated pursuant to 190
division (A)(13) of that section and for possible inclusion in the 191
internet database operated pursuant to division (A)(11) of that 192
section. 193

(3) In addition to any other authorized use of information, 194
data, and statistics of the nature described in division (C)(1) of 195
this section, the superintendent or the superintendent's designee 196
may provide and exchange the information, data, and statistics 197
pursuant to the national crime prevention and privacy compact as 198
described in division (A)(5) of this section. 199

(4) The attorney general may adopt rules under Chapter 119. 200
of the Revised Code establishing guidelines for the operation of 201
and participation in the Ohio law enforcement gateway. The rules 202
may include criteria for granting and restricting access to 203
information gathered and disseminated through the Ohio law 204
enforcement gateway. The attorney general shall permit the state 205
medical board and board of nursing to access and view, but not 206
alter, information gathered and disseminated through the Ohio law 207
enforcement gateway. 208

The attorney general may appoint a steering committee to 209

advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of section 109.572 of the Revised Code, the request shall be treated as a

single request and only one fee shall be charged. 241

(F)(1) As used in division (F)(2) of this section, "head 242
start agency" means an entity in this state that has been approved 243
to be an agency for purposes of subchapter II of the "Community 244
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 245
as amended. 246

(2)(a) In addition to or in conjunction with any request that 247
is required to be made under section 109.572, 2151.86, 3301.32, 248
3301.541, division (C) of section 3310.58, or section 3319.39, 249
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 250
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 251
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 252
Revised Code, the board of education of any school district; the 253
director of developmental disabilities; any county board of 254
developmental disabilities; any entity under contract with a 255
county board of developmental disabilities; the chief 256
administrator of any chartered nonpublic school; the chief 257
administrator of a registered private provider that is not also a 258
chartered nonpublic school; the chief administrator of any home 259
health agency; the chief administrator of or person operating any 260
child day-care center, type A family day-care home, or type B 261
family day-care home licensed or certified under Chapter 5104. of 262
the Revised Code; the administrator of any type C family day-care 263
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 264
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 265
general assembly; the chief administrator of any head start 266
agency; the executive director of a public children services 267
agency; a private company described in section 3314.41, 3319.392, 268
3326.25, or 3328.20 of the Revised Code; or an employer described 269
in division (J)(2) of section 3327.10 of the Revised Code may 270
request that the superintendent of the bureau investigate and 271
determine, with respect to any individual who has applied for 272

employment in any position after October 2, 1989, or any 273
individual wishing to apply for employment with a board of 274
education may request, with regard to the individual, whether the 275
bureau has any information gathered under division (A) of this 276
section that pertains to that individual. ~~On~~ 277

In addition to or in conjunction with any request that is 278
required to be made under section 1541.82 of the Revised Code, the 279
administrator of a recreational youth athletics organization or 280
entity may request that the superintendent investigate and 281
determine, with respect to any individual who has applied to be a 282
volunteer coach for the organization or entity, whether the bureau 283
has any information gathered under division (A) of this section 284
that pertains to that individual. 285

In addition to or in conjunction with any request that is 286
required to be made under section 3313.539 of the Revised Code, 287
any organization or association that regulates interscholastic 288
athletics among public or nonpublic schools in the state may 289
request that the superintendent investigate and determine, with 290
respect to any individual who has applied for issuance or renewal 291
of a permit to officiate interscholastic athletic games and 292
contests, whether the bureau has any information gathered under 293
division (A) of this section that pertains to that individual. 294

On receipt of the request any of those types of requests, the 295
superintendent shall determine whether that information exists 296
and, upon request of the person, board, or entity requesting 297
information, also shall request from the federal bureau of 298
investigation any criminal records it has pertaining to that 299
individual. The superintendent or the superintendent's designee 300
also may request criminal history records from other states or the 301
federal government pursuant to the national crime prevention and 302
privacy compact set forth in section 109.571 of the Revised Code. 303
Within thirty days of the date that the superintendent receives a 304

request, the superintendent shall send to the board, entity, or 305
person a report of any information that the superintendent 306
determines exists, including information contained in records that 307
have been sealed under section 2953.32 of the Revised Code, and, 308
within thirty days of its receipt, shall send the board, entity, 309
or person a report of any information received from the federal 310
bureau of investigation, other than information the dissemination 311
of which is prohibited by federal law. 312

(b) When a board of education or a registered private 313
provider is required to receive information under this section as 314
a prerequisite to employment of an individual pursuant to division 315
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 316
may accept a certified copy of records that were issued by the 317
bureau of criminal identification and investigation and that are 318
presented by an individual applying for employment with the 319
district in lieu of requesting that information itself. In such a 320
case, the board shall accept the certified copy issued by the 321
bureau in order to make a photocopy of it for that individual's 322
employment application documents and shall return the certified 323
copy to the individual. In a case of that nature, a district or 324
provider only shall accept a certified copy of records of that 325
nature within one year after the date of their issuance by the 326
bureau. 327

(c) Notwithstanding division (F)(2)(a) of this section, in 328
the case of a request under section 3319.39, 3319.391, or 3327.10 329
of the Revised Code only for criminal records maintained by the 330
federal bureau of investigation, the superintendent shall not 331
determine whether any information gathered under division (A) of 332
this section exists on the person for whom the request is made. 333

(3) The state board of education may request, with respect to 334
any individual who has applied for employment after October 2, 335
1989, in any position with the state board or the department of 336

education, any information that a school district board of 337
education is authorized to request under division (F)(2) of this 338
section, and the superintendent of the bureau shall proceed as if 339
the request has been received from a school district board of 340
education under division (F)(2) of this section. 341

(4) When the superintendent of the bureau receives a request 342
for information under section 3319.291 of the Revised Code, the 343
superintendent shall proceed as if the request has been received 344
from a school district board of education and shall comply with 345
divisions (F)(2)(a) and (c) of this section. 346

(5) When a recipient of a classroom reading improvement grant 347
paid under section 3301.86 of the Revised Code requests, with 348
respect to any individual who applies to participate in providing 349
any program or service funded in whole or in part by the grant, 350
the information that a school district board of education is 351
authorized to request under division (F)(2)(a) of this section, 352
the superintendent of the bureau shall proceed as if the request 353
has been received from a school district board of education under 354
division (F)(2)(a) of this section. 355

(G) In addition to or in conjunction with any request that is 356
required to be made under section 3701.881, 3712.09, 3721.121, 357
5119.693, or 5119.85 of the Revised Code with respect to an 358
individual who has applied for employment in a position that 359
involves providing direct care to an older adult or adult 360
resident, the chief administrator of a home health agency, hospice 361
care program, home licensed under Chapter 3721. of the Revised 362
Code, adult day-care program operated pursuant to rules adopted 363
under section 3721.04 of the Revised Code, adult foster home, or 364
adult care facility may request that the superintendent of the 365
bureau investigate and determine, with respect to any individual 366
who has applied after January 27, 1997, for employment in a 367
position that does not involve providing direct care to an older 368

adult or adult resident, whether the bureau has any information 369
gathered under division (A) of this section that pertains to that 370
individual. 371

In addition to or in conjunction with any request that is 372
required to be made under section 173.27 of the Revised Code with 373
respect to an individual who has applied for employment in a 374
position that involves providing ombudsperson services to 375
residents of long-term care facilities or recipients of 376
community-based long-term care services, the state long-term care 377
ombudsperson, ombudsperson's designee, or director of health may 378
request that the superintendent investigate and determine, with 379
respect to any individual who has applied for employment in a 380
position that does not involve providing such ombudsperson 381
services, whether the bureau has any information gathered under 382
division (A) of this section that pertains to that applicant. 383

In addition to or in conjunction with any request that is 384
required to be made under section 173.394 of the Revised Code with 385
respect to an individual who has applied for employment in a 386
position that involves providing direct care to an individual, the 387
chief administrator of a community-based long-term care agency may 388
request that the superintendent investigate and determine, with 389
respect to any individual who has applied for employment in a 390
position that does not involve providing direct care, whether the 391
bureau has any information gathered under division (A) of this 392
section that pertains to that applicant. 393

On receipt of a request under this division, the 394
superintendent shall determine whether that information exists 395
and, on request of the individual requesting information, shall 396
also request from the federal bureau of investigation any criminal 397
records it has pertaining to the applicant. The superintendent or 398
the superintendent's designee also may request criminal history 399
records from other states or the federal government pursuant to 400

the national crime prevention and privacy compact set forth in 401
section 109.571 of the Revised Code. Within thirty days of the 402
date a request is received, the superintendent shall send to the 403
requester a report of any information determined to exist, 404
including information contained in records that have been sealed 405
under section 2953.32 of the Revised Code, and, within thirty days 406
of its receipt, shall send the requester a report of any 407
information received from the federal bureau of investigation, 408
other than information the dissemination of which is prohibited by 409
federal law. 410

(H) Information obtained by a government entity or person 411
under this section is confidential and shall not be released or 412
disseminated. 413

(I) The superintendent may charge a reasonable fee for 414
providing information or criminal records under division (F)(2) or 415
(G) of this section. 416

(J) As used in this section: 417

(1) "Sexually oriented offense" and "child-victim oriented 418
offense" have the same meanings as in section 2950.01 of the 419
Revised Code. 420

(2) "Registered private provider" means a nonpublic school or 421
entity registered with the superintendent of public instruction 422
under section 3310.41 of the Revised Code to participate in the 423
autism scholarship program or section 3310.58 of the Revised Code 424
to participate in the Jon Peterson special needs scholarship 425
program. 426

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 427
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 428
a completed form prescribed pursuant to division (C)(1) of this 429
section, and a set of fingerprint impressions obtained in the 430

manner described in division (C)(2) of this section, the 431
superintendent of the bureau of criminal identification and 432
investigation shall conduct a criminal records check in the manner 433
described in division (B) of this section to determine whether any 434
information exists that indicates that the person who is the 435
subject of the request previously has been convicted of or pleaded 436
guilty to any of the following: 437

(a) A violation of section 2903.01, 2903.02, 2903.03, 438
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 439
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 440
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 441
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 442
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 443
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 444
2925.06, or 3716.11 of the Revised Code, felonious sexual 445
penetration in violation of former section 2907.12 of the Revised 446
Code, a violation of section 2905.04 of the Revised Code as it 447
existed prior to July 1, 1996, a violation of section 2919.23 of 448
the Revised Code that would have been a violation of section 449
2905.04 of the Revised Code as it existed prior to July 1, 1996, 450
had the violation been committed prior to that date, or a 451
violation of section 2925.11 of the Revised Code that is not a 452
minor drug possession offense; 453

(b) A violation of an existing or former law of this state, 454
any other state, or the United States that is substantially 455
equivalent to any of the offenses listed in division (A)(1)(a) of 456
this section. 457

(2) On receipt of a request pursuant to section 5123.081 of 458
the Revised Code with respect to an applicant for employment in 459
any position with the department of developmental disabilities, 460
pursuant to section 5126.28 of the Revised Code with respect to an 461
applicant for employment in any position with a county board of 462

developmental disabilities, or pursuant to section 5126.281 of the
Revised Code with respect to an applicant for employment in a
direct services position with an entity contracting with a county
board for employment, a completed form prescribed pursuant to
division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check. The superintendent shall conduct the criminal records check
in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request has been convicted of or
pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03,
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12,
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321,
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,
2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this
state, any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(2)(a) of
this section.

(3) On receipt of a request pursuant to section 173.27,
173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised
Code, a completed form prescribed pursuant to division (C)(1) of
this section, and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check with respect

to any person who has applied for employment in a position for 495
which a criminal records check is required by those sections. The 496
superintendent shall conduct the criminal records check in the 497
manner described in division (B) of this section to determine 498
whether any information exists that indicates that the person who 499
is the subject of the request previously has been convicted of or 500
pleaded guilty to any of the following: 501

(a) A violation of section 2903.01, 2903.02, 2903.03, 502
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 503
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 504
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 505
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 506
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 507
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 508
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 509
2925.22, 2925.23, or 3716.11 of the Revised Code; 510

(b) An existing or former law of this state, any other state, 511
or the United States that is substantially equivalent to any of 512
the offenses listed in division (A)(3)(a) of this section. 513

(4) On receipt of a request pursuant to section 3701.881 of 514
the Revised Code with respect to an applicant for employment with 515
a home health agency as a person responsible for the care, 516
custody, or control of a child, a completed form prescribed 517
pursuant to division (C)(1) of this section, and a set of 518
fingerprint impressions obtained in the manner described in 519
division (C)(2) of this section, the superintendent of the bureau 520
of criminal identification and investigation shall conduct a 521
criminal records check. The superintendent shall conduct the 522
criminal records check in the manner described in division (B) of 523
this section to determine whether any information exists that 524
indicates that the person who is the subject of the request 525
previously has been convicted of or pleaded guilty to any of the 526

following: 527

(a) A violation of section 2903.01, 2903.02, 2903.03, 528
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 529
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 530
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 531
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 532
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 533
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 534
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 535
violation of section 2925.11 of the Revised Code that is not a 536
minor drug possession offense; 537

(b) An existing or former law of this state, any other state, 538
or the United States that is substantially equivalent to any of 539
the offenses listed in division (A)(4)(a) of this section. 540

(5) On receipt of a request pursuant to section 5111.032, 541
5111.033, or 5111.034 of the Revised Code, a completed form 542
prescribed pursuant to division (C)(1) of this section, and a set 543
of fingerprint impressions obtained in the manner described in 544
division (C)(2) of this section, the superintendent of the bureau 545
of criminal identification and investigation shall conduct a 546
criminal records check. The superintendent shall conduct the 547
criminal records check in the manner described in division (B) of 548
this section to determine whether any information exists that 549
indicates that the person who is the subject of the request 550
previously has been convicted of, has pleaded guilty to, or has 551
been found eligible for intervention in lieu of conviction for any 552
of the following, regardless of the date of the conviction, the 553
date of entry of the guilty plea, or the date the person was found 554
eligible for intervention in lieu of conviction: 555

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 556
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 557
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 558

2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 559
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 560
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 561
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 562
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 563
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 564
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 565
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 566
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 567
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 568
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 569
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 570
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 571
penetration in violation of former section 2907.12 of the Revised 572
Code, a violation of section 2905.04 of the Revised Code as it 573
existed prior to July 1, 1996, a violation of section 2919.23 of 574
the Revised Code that would have been a violation of section 575
2905.04 of the Revised Code as it existed prior to July 1, 1996, 576
had the violation been committed prior to that date; 577

(b) A violation of an existing or former municipal ordinance 578
or law of this state, any other state, or the United States that 579
is substantially equivalent to any of the offenses listed in 580
division (A)(5)(a) of this section. 581

(6) On receipt of a request pursuant to section 3701.881 of 582
the Revised Code with respect to an applicant for employment with 583
a home health agency in a position that involves providing direct 584
care to an older adult, a completed form prescribed pursuant to 585
division (C)(1) of this section, and a set of fingerprint 586
impressions obtained in the manner described in division (C)(2) of 587
this section, the superintendent of the bureau of criminal 588
identification and investigation shall conduct a criminal records 589
check. The superintendent shall conduct the criminal records check 590

in the manner described in division (B) of this section to 591
determine whether any information exists that indicates that the 592
person who is the subject of the request previously has been 593
convicted of or pleaded guilty to any of the following: 594

(a) A violation of section 2903.01, 2903.02, 2903.03, 595
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 596
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 597
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 598
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 599
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 600
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 601
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 602
2925.22, 2925.23, or 3716.11 of the Revised Code; 603

(b) An existing or former law of this state, any other state, 604
or the United States that is substantially equivalent to any of 605
the offenses listed in division (A)(6)(a) of this section. 606

(7) When conducting a criminal records check upon a request 607
pursuant to section 3319.39 of the Revised Code for an applicant 608
who is a teacher, in addition to the determination made under 609
division (A)(1) of this section, the superintendent shall 610
determine whether any information exists that indicates that the 611
person who is the subject of the request previously has been 612
convicted of or pleaded guilty to any offense specified in section 613
3319.31 of the Revised Code. 614

(8) On receipt of a request pursuant to section 2151.86 of 615
the Revised Code, a completed form prescribed pursuant to division 616
(C)(1) of this section, and a set of fingerprint impressions 617
obtained in the manner described in division (C)(2) of this 618
section, the superintendent of the bureau of criminal 619
identification and investigation shall conduct a criminal records 620
check in the manner described in division (B) of this section to 621
determine whether any information exists that indicates that the 622

person who is the subject of the request previously has been 623
convicted of or pleaded guilty to any of the following: 624

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 625
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 626
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 627
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 628
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 629
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 630
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 631
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 632
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 633
of the Revised Code, a violation of section 2905.04 of the Revised 634
Code as it existed prior to July 1, 1996, a violation of section 635
2919.23 of the Revised Code that would have been a violation of 636
section 2905.04 of the Revised Code as it existed prior to July 1, 637
1996, had the violation been committed prior to that date, a 638
violation of section 2925.11 of the Revised Code that is not a 639
minor drug possession offense, two or more OVI or OVUAC violations 640
committed within the three years immediately preceding the 641
submission of the application or petition that is the basis of the 642
request, or felonious sexual penetration in violation of former 643
section 2907.12 of the Revised Code; 644

(b) A violation of an existing or former law of this state, 645
any other state, or the United States that is substantially 646
equivalent to any of the offenses listed in division (A)(8)(a) of 647
this section. 648

(9) Upon receipt of a request pursuant to section 5104.012 or 649
5104.013 of the Revised Code, a completed form prescribed pursuant 650
to division (C)(1) of this section, and a set of fingerprint 651
impressions obtained in the manner described in division (C)(2) of 652
this section, the superintendent of the bureau of criminal 653
identification and investigation shall conduct a criminal records 654

check in the manner described in division (B) of this section to 655
determine whether any information exists that indicates that the 656
person who is the subject of the request has been convicted of or 657
pleaded guilty to any of the following: 658

(a) A violation of section 2903.01, 2903.02, 2903.03, 659
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 660
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 661
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 662
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 663
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 664
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 665
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 666
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 667
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 668
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 669
3716.11 of the Revised Code, felonious sexual penetration in 670
violation of former section 2907.12 of the Revised Code, a 671
violation of section 2905.04 of the Revised Code as it existed 672
prior to July 1, 1996, a violation of section 2919.23 of the 673
Revised Code that would have been a violation of section 2905.04 674
of the Revised Code as it existed prior to July 1, 1996, had the 675
violation been committed prior to that date, a violation of 676
section 2925.11 of the Revised Code that is not a minor drug 677
possession offense, a violation of section 2923.02 or 2923.03 of 678
the Revised Code that relates to a crime specified in this 679
division, or a second violation of section 4511.19 of the Revised 680
Code within five years of the date of application for licensure or 681
certification. 682

(b) A violation of an existing or former law of this state, 683
any other state, or the United States that is substantially 684
equivalent to any of the offenses or violations described in 685
division (A)(9)(a) of this section. 686

(10) Upon receipt of a request pursuant to section 5153.111 687
of the Revised Code, a completed form prescribed pursuant to 688
division (C)(1) of this section, and a set of fingerprint 689
impressions obtained in the manner described in division (C)(2) of 690
this section, the superintendent of the bureau of criminal 691
identification and investigation shall conduct a criminal records 692
check in the manner described in division (B) of this section to 693
determine whether any information exists that indicates that the 694
person who is the subject of the request previously has been 695
convicted of or pleaded guilty to any of the following: 696

(a) A violation of section 2903.01, 2903.02, 2903.03, 697
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 698
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 699
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 700
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 701
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 702
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 703
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 704
felonious sexual penetration in violation of former section 705
2907.12 of the Revised Code, a violation of section 2905.04 of the 706
Revised Code as it existed prior to July 1, 1996, a violation of 707
section 2919.23 of the Revised Code that would have been a 708
violation of section 2905.04 of the Revised Code as it existed 709
prior to July 1, 1996, had the violation been committed prior to 710
that date, or a violation of section 2925.11 of the Revised Code 711
that is not a minor drug possession offense; 712

(b) A violation of an existing or former law of this state, 713
any other state, or the United States that is substantially 714
equivalent to any of the offenses listed in division (A)(10)(a) of 715
this section. 716

(11) On receipt of a request for a criminal records check 717
from an individual pursuant to section 4749.03 or 4749.06 of the 718

Revised Code, accompanied by a completed copy of the form 719
prescribed in division (C)(1) of this section and a set of 720
fingerprint impressions obtained in a manner described in division 721
(C)(2) of this section, the superintendent of the bureau of 722
criminal identification and investigation shall conduct a criminal 723
records check in the manner described in division (B) of this 724
section to determine whether any information exists indicating 725
that the person who is the subject of the request has been 726
convicted of or pleaded guilty to a felony in this state or in any 727
other state. If the individual indicates that a firearm will be 728
carried in the course of business, the superintendent shall 729
require information from the federal bureau of investigation as 730
described in division (B)(2) of this section. The superintendent 731
shall report the findings of the criminal records check and any 732
information the federal bureau of investigation provides to the 733
director of public safety. 734

(12) On receipt of a request pursuant to section 1321.37, 735
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 736
Code, a completed form prescribed pursuant to division (C)(1) of 737
this section, and a set of fingerprint impressions obtained in the 738
manner described in division (C)(2) of this section, the 739
superintendent of the bureau of criminal identification and 740
investigation shall conduct a criminal records check with respect 741
to any person who has applied for a license, permit, or 742
certification from the department of commerce or a division in the 743
department. The superintendent shall conduct the criminal records 744
check in the manner described in division (B) of this section to 745
determine whether any information exists that indicates that the 746
person who is the subject of the request previously has been 747
convicted of or pleaded guilty to any of the following: a 748
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 749
2925.03 of the Revised Code; any other criminal offense involving 750
theft, receiving stolen property, embezzlement, forgery, fraud, 751

passing bad checks, money laundering, or drug trafficking, or any 752
criminal offense involving money or securities, as set forth in 753
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 754
the Revised Code; or any existing or former law of this state, any 755
other state, or the United States that is substantially equivalent 756
to those offenses. 757

(13) On receipt of a request for a criminal records check 758
from the treasurer of state under section 113.041 of the Revised 759
Code or from an individual under section 4701.08, 4715.101, 760
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 761
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 762
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 763
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 764
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 765
a completed form prescribed under division (C)(1) of this section 766
and a set of fingerprint impressions obtained in the manner 767
described in division (C)(2) of this section, the superintendent 768
of the bureau of criminal identification and investigation shall 769
conduct a criminal records check in the manner described in 770
division (B) of this section to determine whether any information 771
exists that indicates that the person who is the subject of the 772
request has been convicted of or pleaded guilty to any criminal 773
offense in this state or any other state. The superintendent shall 774
send the results of a check requested under section 113.041 of the 775
Revised Code to the treasurer of state and shall send the results 776
of a check requested under any of the other listed sections to the 777
licensing board specified by the individual in the request. 778

(14) On receipt of a request pursuant to section 1121.23, 779
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 780
Code, a completed form prescribed pursuant to division (C)(1) of 781
this section, and a set of fingerprint impressions obtained in the 782
manner described in division (C)(2) of this section, the 783

superintendent of the bureau of criminal identification and 784
investigation shall conduct a criminal records check in the manner 785
described in division (B) of this section to determine whether any 786
information exists that indicates that the person who is the 787
subject of the request previously has been convicted of or pleaded 788
guilty to any criminal offense under any existing or former law of 789
this state, any other state, or the United States. 790

(15) On receipt of a request for a criminal records check 791
from an appointing or licensing authority under section 3772.07 of 792
the Revised Code, a completed form prescribed under division 793
(C)(1) of this section, and a set of fingerprint impressions 794
obtained in the manner prescribed in division (C)(2) of this 795
section, the superintendent of the bureau of criminal 796
identification and investigation shall conduct a criminal records 797
check in the manner described in division (B) of this section to 798
determine whether any information exists that indicates that the 799
person who is the subject of the request previously has been 800
convicted of or pleaded guilty or no contest to any offense under 801
any existing or former law of this state, any other state, or the 802
United States that is a disqualifying offense as defined in 803
section 3772.07 of the Revised Code or substantially equivalent to 804
such an offense. 805

(16) Upon receipt of a request pursuant to section 1541.82 or 806
3313.539 of the Revised Code, a completed form prescribed pursuant 807
to division (C)(1) of this section, and a set of fingerprint 808
impressions obtained in the manner described in division (C)(2) of 809
this section, the superintendent of the bureau of criminal 810
identification and investigation shall conduct a criminal records 811
check in the manner described in division (B) of this section to 812
determine whether any information exists that indicates that the 813
person who is the subject of the request previously has been 814
convicted of or pleaded guilty to any of the following: 815

(a) Any offense of violence; 816

(b) A violation of any section of Chapter 2907. of the 817
Revised Code that is not an offense of violence; 818

(c) A violation of any existing or former law of this state, 819
any other state, or the United States that is substantially 820
equivalent to any of the offenses described in division (A)(16)(a) 821
or (b) of this section. 822

(17) Not later than thirty days after the date the 823
superintendent receives a request of a type described in division 824
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 825
(14), ~~or~~ (15), or (16) of this section, the completed form, and 826
the fingerprint impressions, the superintendent shall send the 827
person, board, or entity that made the request any information, 828
other than information the dissemination of which is prohibited by 829
federal law, the superintendent determines exists with respect to 830
the person who is the subject of the request that indicates that 831
the person previously has been convicted of or pleaded guilty to 832
any offense listed or described in division (A)(1), (2), (3), (4), 833
(5), (6), (7), (8), (9), (10), (11), (12), (14), ~~or~~ (15), or (16) 834
of this section, as appropriate. The superintendent shall send the 835
person, board, or entity that made the request a copy of the list 836
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 837
(7), (8), (9), (10), (11), (12), (14), ~~or~~ (15), or (16) of this 838
section, as appropriate. If the request was made under section 839
3701.881 of the Revised Code with regard to an applicant who may 840
be both responsible for the care, custody, or control of a child 841
and involved in providing direct care to an older adult, the 842
superintendent shall provide a list of the offenses specified in 843
divisions (A)(4) and (6) of this section. 844

Not later than thirty days after the superintendent receives 845
a request for a criminal records check pursuant to section 113.041 846
of the Revised Code, the completed form, and the fingerprint 847

impressions, the superintendent shall send the treasurer of state 848
any information, other than information the dissemination of which 849
is prohibited by federal law, the superintendent determines exist 850
with respect to the person who is the subject of the request that 851
indicates that the person previously has been convicted of or 852
pleaded guilty to any criminal offense in this state or any other 853
state. 854

(B) The superintendent shall conduct any criminal records 855
check requested under section 113.041, 121.08, 173.27, 173.394, 856
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 857
1322.031, 1541.82, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 858
3313.539, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 859
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 860
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 861
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 862
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 863
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 864
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 865
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 866
follows: 867

(1) The superintendent shall review or cause to be reviewed 868
any relevant information gathered and compiled by the bureau under 869
division (A) of section 109.57 of the Revised Code that relates to 870
the person who is the subject of the request, including, if the 871
criminal records check was requested under section 113.041, 872
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 873
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1541.82, 1733.47, 874
1761.26, 2151.86, 3301.32, 3301.541, 3313.539, 3319.39, 3701.881, 875
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 876
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 877
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, any 878
relevant information contained in records that have been sealed 879

under section 2953.32 of the Revised Code; 880

(2) If the request received by the superintendent asks for 881
information from the federal bureau of investigation, the 882
superintendent shall request from the federal bureau of 883
investigation any information it has with respect to the person 884
who is the subject of the request, including fingerprint-based 885
checks of national crime information databases as described in 42 886
U.S.C. 671 if the request is made pursuant to section 2151.86, 887
5104.012, or 5104.013 of the Revised Code or if any other Revised 888
Code section requires fingerprint-based checks of that nature, and 889
shall review or cause to be reviewed any information the 890
superintendent receives from that bureau. If a request under 891
section 3319.39 of the Revised Code asks only for information from 892
the federal bureau of investigation, the superintendent shall not 893
conduct the review prescribed by division (B)(1) of this section. 894

(3) The superintendent or the superintendent's designee may 895
request criminal history records from other states or the federal 896
government pursuant to the national crime prevention and privacy 897
compact set forth in section 109.571 of the Revised Code. 898

(C)(1) The superintendent shall prescribe a form to obtain 899
the information necessary to conduct a criminal records check from 900
any person for whom a criminal records check is requested under 901
section 113.041 of the Revised Code or required by section 121.08, 902
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 903
1321.531, 1322.03, 1322.031, 1541.82, 1733.47, 1761.26, 2151.86, 904
3301.32, 3301.541, 3313.539, 3319.39, 3701.881, 3712.09, 3721.121, 905
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 906
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 907
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 908
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 909
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 910
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 911

5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 912
Code. The form that the superintendent prescribes pursuant to this 913
division may be in a tangible format, in an electronic format, or 914
in both tangible and electronic formats. 915

(2) The superintendent shall prescribe standard impression 916
sheets to obtain the fingerprint impressions of any person for 917
whom a criminal records check is requested under section 113.041 918
of the Revised Code or required by section 121.08, 173.27, 919
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 920
1322.03, 1322.031, 1541.82, 1733.47, 1761.26, 2151.86, 3301.32, 921
3301.541, 3313.539, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 922
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 923
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 924
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 925
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 926
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 927
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 928
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 929
person for whom a records check is requested under or required by 930
any of those sections shall obtain the fingerprint impressions at 931
a county sheriff's office, municipal police department, or any 932
other entity with the ability to make fingerprint impressions on 933
the standard impression sheets prescribed by the superintendent. 934
The office, department, or entity may charge the person a 935
reasonable fee for making the impressions. The standard impression 936
sheets the superintendent prescribes pursuant to this division may 937
be in a tangible format, in an electronic format, or in both 938
tangible and electronic formats. 939

(3) Subject to division (D) of this section, the 940
superintendent shall prescribe and charge a reasonable fee for 941
providing a criminal records check requested under section 942
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 943

1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1541.82, 1733.47, 944
1761.26, 2151.86, 3301.32, 3301.541, 3313.539, 3319.39, 3701.881, 945
3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 946
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 947
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 948
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 949
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 950
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 951
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 952
Revised Code. The person making a criminal records request under 953
any of those sections shall pay the fee prescribed pursuant to 954
this division. A person making a request under section 3701.881 of 955
the Revised Code for a criminal records check for an applicant who 956
may be both responsible for the care, custody, or control of a 957
child and involved in providing direct care to an older adult 958
shall pay one fee for the request. In the case of a request under 959
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 960
5111.032 of the Revised Code, the fee shall be paid in the manner 961
specified in that section. 962

(4) The superintendent of the bureau of criminal 963
identification and investigation may prescribe methods of 964
forwarding fingerprint impressions and information necessary to 965
conduct a criminal records check, which methods shall include, but 966
not be limited to, an electronic method. 967

(D) A determination whether any information exists that 968
indicates that a person previously has been convicted of or 969
pleaded guilty to any offense listed or described in division 970
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 971
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 972
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), ~~or~~ (A)(15), 973
or (16)(a), (b), or (c) of this section, or that indicates that a 974
person previously has been convicted of or pleaded guilty to any 975

criminal offense in this state or any other state regarding a 976
criminal records check of a type described in division (A)(13) of 977
this section, and that is made by the superintendent with respect 978
to information considered in a criminal records check in 979
accordance with this section is valid for the person who is the 980
subject of the criminal records check for a period of one year 981
from the date upon which the superintendent makes the 982
determination. During the period in which the determination in 983
regard to a person is valid, if another request under this section 984
is made for a criminal records check for that person, the 985
superintendent shall provide the information that is the basis for 986
the superintendent's initial determination at a lower fee than the 987
fee prescribed for the initial criminal records check. 988

(E) When the superintendent receives a request for 989
information from a registered private provider, the superintendent 990
shall proceed as if the request was received from a school 991
district board of education under section 3319.39 of the Revised 992
Code. The superintendent shall apply division (A)(7) of this 993
section to any such request for an applicant who is a teacher. 994

(F) As used in this section: 995

(1) "Criminal records check" means any criminal records check 996
conducted by the superintendent of the bureau of criminal 997
identification and investigation in accordance with division (B) 998
of this section. 999

(2) "Minor drug possession offense" has the same meaning as 1000
in section 2925.01 of the Revised Code. 1001

(3) "Older adult" means a person age sixty or older. 1002

(4) "OVI or OVUAC violation" means a violation of section 1003
4511.19 of the Revised Code or a violation of an existing or 1004
former law of this state, any other state, or the United States 1005
that is substantially equivalent to section 4511.19 of the Revised 1006

Code. 1007

(5) "Registered private provider" means a nonpublic school or 1008
entity registered with the superintendent of public instruction 1009
under section 3310.41 of the Revised Code to participate in the 1010
autism scholarship program or section 3310.58 of the Revised Code 1011
to participate in the Jon Peterson special needs scholarship 1012
program. 1013

Sec. 109.575. ~~At~~ Except as otherwise provided in section 1014
1541.82 of the Revised Code, at the time of a person's initial 1015
application to an organization or entity to be a volunteer in a 1016
position in which the person on a regular basis will have 1017
unsupervised access to a child, the organization or entity shall 1018
inform the person that, at any time, the person might be required 1019
to provide a set of impressions of the person's fingerprints and a 1020
criminal records check might be conducted with respect to the 1021
person. ~~Not later than thirty days after the effective date of~~ 1022
~~this section, each organization or entity shall notify each~~ 1023
~~current volunteer who is in a position in which the person on a~~ 1024
~~regular basis has unsupervised access to a child that, at any~~ 1025
~~time, the volunteer might be required to provide a set of~~ 1026
~~impressions of the volunteer's fingerprints and a criminal records~~ 1027
~~check might be conducted with respect to the volunteer.~~ 1028

Sec. 109.576. (A) ~~If~~ Except as otherwise provided in section 1029
1541.82 of the Revised Code, if a person has applied to an 1030
organization or entity to be a volunteer in a position in which 1031
the person on a regular basis has unsupervised access to a child, 1032
if the organization or entity subjects the person to a criminal 1033
records check, if the report of the results of the criminal 1034
records check indicates that the person has been convicted of or 1035
pleaded guilty to any of the offenses described in division (A)(1) 1036
of section 109.572 of the Revised Code, and if the organization or 1037

entity accepts the person as a volunteer in a position in which 1038
the person on a regular basis has unsupervised access to a child, 1039
the organization or entity shall notify the parent or guardian of 1040
each child for whom it provides services that the volunteer has 1041
been convicted of one or more of those offenses but that, 1042
nonetheless, the person will be serving the organization or entity 1043
in that position. The notification required by this division shall 1044
be in writing, and the organization or entity shall send the 1045
notice to the parent or guardian on the date the organization or 1046
entity commences providing services to the child or on the date 1047
the organization or entity decides to accept the person as a 1048
volunteer after receiving the report of the results of the 1049
criminal records check, whichever is later. 1050

(B) ~~If~~ Except as otherwise provided in section 1541.82 of the 1051
Revised Code, if a person is serving an organization or entity as 1052
a volunteer in a position in which the person on a regular basis 1053
has unsupervised access to a child, if the organization or entity 1054
subjects the person to a criminal records check, if the report of 1055
the results of the criminal records check indicates that the 1056
person has been convicted of or pleaded guilty to any of the 1057
offenses described in division (A)(1) of section 109.572 of the 1058
Revised Code, and if the organization or entity retains the person 1059
as a volunteer in the same position or in any other position in 1060
which the person on a regular basis has unsupervised access to a 1061
child, the organization or entity shall notify the parent or 1062
guardian of each child for whom it provides services that the 1063
volunteer has been convicted of one or more of those offenses but 1064
that, nonetheless, the person will be retained by the organization 1065
or entity in that position. The notification required by this 1066
division shall be in writing, and the organization or entity shall 1067
send the notice to the parent or guardian on the date the 1068
organization or entity commences providing services to the child 1069
or on the date the organization or entity decides to retain the 1070

person after receiving the report of the results of the criminal 1071
records check, whichever is later. 1072

(C) A notification to a parent or guardian of a child that is 1073
required by division (A) or (B) of this section shall identify by 1074
name the person who is accepted or retained as a volunteer in a 1075
position in which the person on a regular basis has unsupervised 1076
access to a child, shall state the fact that the person has been 1077
convicted of or pleaded guilty to one or more of the offenses 1078
described in division (A)(1) of section 109.572 of the Revised 1079
Code, but shall not identify the offense or offenses in question. 1080

(D) Divisions (A) to (C) of this section apply regarding any 1081
criminal records check performed by the bureau of criminal 1082
identification and investigation pursuant to section 109.57, 1083
section 109.572, or rules adopted under division (E) of section 1084
109.57 of the Revised Code, any criminal records check performed 1085
in any manner by the organization or entity or any of its officers 1086
or employees, or any criminal records check performed in any 1087
manner by any person upon the request of the organization or 1088
entity or any of its officers or employees. 1089

Sec. 109.577. (A)(1) If an organization or entity or a 1090
recreational youth athletics organization or entity uses a 1091
volunteer in a position in which the person on a regular basis has 1092
unsupervised access to a child and if the volunteer has been 1093
subjected to a criminal records check performed by the bureau of 1094
criminal identification and investigation pursuant to section 1095
109.57, section 109.572, or rules adopted under division (E) of 1096
section 109.57 of the Revised Code, the organization or entity, 1097
and its officials and employees, are immune from civil liability 1098
that might otherwise be incurred or imposed for any death or any 1099
injury or loss to person or property that is caused by any act or 1100
omission of the volunteer and that results from or is related to 1101

the volunteer having unsupervised access to a child on a regular 1102
basis, provided that the following apply: 1103

(a) In the case of an organization or entity, the 1104
organization or entity also has not subsequent to receipt of the 1105
results of the criminal records checks acquired any reasonable 1106
basis on which to suspect the volunteer has committed an act that 1107
would be an offense described in division (A)(1) of section 1108
109.572 of the Revised Code; 1109

(b) In the case of a recreational youth athletics 1110
organization or entity, the organization or entity also has not 1111
subsequent to receipt of the results of the criminal records 1112
checks acquired any reasonable basis on which to suspect the 1113
volunteer has committed an act that would be an offense described 1114
in division (A)(16) of section 109.572 of the Revised Code. This 1115

(2) This immunity does not apply to a person, or 1116
organization, or entity that has immunity from civil liability in 1117
accordance with section 9.86, 2744.02, or 2744.03 of the Revised 1118
Code for the good faith compliance, attempted compliance, or 1119
failure to comply. 1120

(B) This section does not create a new cause of action or 1121
substantive legal right against a person, organization, or entity, 1122
or recreational youth athletics organization or entity, and does 1123
not affect any immunities from civil liability or defenses 1124
established by another section of the Revised Code or available at 1125
common law, to which a person, organization, or entity, or 1126
recreational youth athletics organization or entity, may be 1127
entitled under circumstances not covered by this section. 1128

Sec. 121.402. ~~(A)~~ The Ohio commission on service and 1129
volunteerism shall establish and maintain an educational program 1130
that does all of the following: 1131

~~(1)(A)~~ Makes available to parents and guardians of children 1132
notice about the provisions of sections 109.574 to 109.577, 1133
~~section 121.401, and section 121.402, and 1541.82~~ of the Revised 1134
Code and information about how to keep children safe when they are 1135
under the care, custody, or control of a person other than the 1136
parent or guardian; 1137

~~(2)(B)~~ Makes available to organizations and entities 1138
information regarding the best methods of screening and 1139
supervising volunteers, how to obtain a criminal records check of 1140
a volunteer, confidentiality issues relating to reports of 1141
criminal records checks, and record keeping regarding the reports; 1142

~~(3)(C)~~ Makes available to volunteers information regarding 1143
the possibility of being subjected to a criminal records check and 1144
displaying appropriate behavior to minors; 1145

~~(4)(D)~~ Makes available to children advice on personal safety 1146
and information on what action to take if someone takes 1147
inappropriate action towards a child. 1148

~~(B) The program shall begin making the materials described in 1149
this section available not later than March 22, 2002. 1150~~

Sec. 1541.82. (A) Each person who applies to be a volunteer 1151
coach for a recreational youth athletics organization or entity 1152
shall be the subject of a criminal records check. The 1153
administrator of the recreational youth athletics organization or 1154
entity shall request the superintendent of the bureau of criminal 1155
identification and investigation to conduct the criminal records 1156
check under division (A)(16) of section 109.572 of the Revised 1157
Code to determine whether the person has been convicted of or 1158
pleaded guilty to any of the offenses described in that division. 1159

(B)(1) Except as provided in division (B)(2) of this section, 1160
a recreational youth athletics organization or entity shall not 1161

use a person as a volunteer coach if the person has been convicted 1162
of or pleaded guilty to any of the offenses described in division 1163
(A)(16) of section 109.572 of the Revised Code. 1164

(2)(a) Subject to division (B)(2)(b) of this section, a 1165
recreational youth athletics organization or entity may use a 1166
person who has been convicted of or pleaded guilty to any of the 1167
offenses described in division (A)(16) of section 109.572 of the 1168
Revised Code as a volunteer coach if the recreational youth 1169
athletics organization or entity has reasonable cause to believe 1170
that the use of the person as a volunteer coach would not pose a 1171
threat to the safety of any child to whom the person would have 1172
unsupervised access on a regular basis as a result of the person's 1173
service as a volunteer coach. 1174

(b) If a person was imprisoned under a sentence imposed for a 1175
violation of any of the offenses described in division (A)(16) of 1176
section 109.572 of the Revised Code, a recreational youth 1177
athletics organization or entity shall not use the person as a 1178
volunteer coach prior to five years after the person's release 1179
from imprisonment for that offense. If a person was not imprisoned 1180
under a sentence imposed for a violation of any of the offenses 1181
described in division (A)(16) of section 109.572 of the Revised 1182
Code, the recreational youth athletics organization or entity 1183
shall not use the person as a volunteer coach prior to five years 1184
after the date on which the court imposed the sentence on the 1185
person for that violation. 1186

Sec. 3313.539. (A) Each organization or association that 1187
regulates interscholastic athletics among public or nonpublic 1188
schools in the state shall require each individual who applies for 1189
issuance or renewal of a permit to officiate interscholastic 1190
athletic games and contests to undergo a criminal records check. 1191
The organization or association shall request the superintendent 1192
of the bureau of criminal identification and investigation to 1193

conduct the criminal records check under division (A)(16) of 1194
section 109.572 of the Revised Code to determine whether that 1195
individual has been convicted of or pleaded guilty to any of the 1196
offenses listed or described in that division. 1197

(B)(1) Except as provided in division (B)(2) of this section, 1198
the organization or association shall not issue or renew a permit 1199
for any individual who has been convicted of or pleaded guilty to 1200
any of the offenses listed or described in division (A)(16) of 1201
section 109.572 of the Revised Code. 1202

(2)(a) Subject to division (B)(2)(b) of this section, an 1203
organization or association may use an individual who has been 1204
convicted of or pleaded guilty to any of the offenses described in 1205
division (A)(16) of section 109.572 of the Revised Code to 1206
officiate interscholastic athletic games and contests if the 1207
organization or association has reasonable cause to believe that 1208
the use of the individual to officiate interscholastic athletic 1209
games and contests would not pose a threat to the safety of any 1210
child to whom the individual would have access as a result of the 1211
individual's service. 1212

(b) If an individual was imprisoned under a sentence imposed 1213
for a violation of any of the offenses described in division 1214
(A)(16) of section 109.572 of the Revised Code, an organization or 1215
association shall not use the individual to officiate 1216
interscholastic athletic games and contests prior to five years 1217
after the person's release from imprisonment for that offense. If 1218
a person was not imprisoned under a sentence imposed for a 1219
violation of any of the offenses described in division (A)(16) of 1220
section 109.572 of the Revised Code, the organization or 1221
association shall not use the person to officiate interscholastic 1222
athletic games and contests prior to five years after the date on 1223
which the court imposed the sentence on the individual for that 1224
violation. 1225

Section 2. That existing sections 109.57, 109.572, 109.575,	1226
109.576, 109.577, and 121.402 of the Revised Code are hereby	1227
repealed.	1228