

As Introduced

**129th General Assembly
Regular Session
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S. B. No. 214

Senator Burke

Cosponsor: Senator Patton

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A B I L L

To amend sections 145.57, 148.10, 742.461, 2907.15, 1
2921.41, 3305.09, 3307.37, 3309.67, and 5505.26 of 2
the Revised Code to modify when a public 3
retirement system, alternative retirement plan, or 4
deferred compensation program must comply with a 5
withholding order for restitution issued on 6
conviction of a public employee for certain 7
offenses committed in the course of public 8
employment. 9

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

Section 1. That sections 145.57, 148.10, 742.461, 2907.15, 10
2921.41, 3305.09, 3307.37, 3309.67, and 5505.26 of the Revised 11
Code be amended to read as follows: 12

Sec. 145.57. (A) Notwithstanding any other provision of this 13
chapter, any payment that is to be made under a pension, annuity, 14
allowance, or other type of benefit, other than a survivorship 15
benefit, that has been granted to a person under this chapter, any 16
~~payment of~~ accumulated contributions standing to a person's credit 17
under this chapter, and any ~~payment of any~~ other amounts to be 18
paid to a person under this chapter ~~upon the person's withdrawal~~ 19

~~of contributions pursuant to this chapter shall be subject to any~~ 20
~~withholding order issued pursuant to section 2907.15 of the~~ 21
~~Revised Code or division (C)(2)(b) of section 2921.41 of the~~ 22
~~Revised Code, and. On receipt of a copy of a withholding order,~~ 23
~~the public employees retirement board shall comply with that~~ 24
~~withholding the order in making the payment. A withholding under~~ 25
~~this division cancels an equivalent amount of service credit, as~~ 26
~~determined by the public employees retirement system.~~ 27

(B) Notwithstanding any other provision of this chapter, if 28
the board receives notice pursuant to section 2907.15 of the 29
Revised Code or division (D) of section 2921.41 of the Revised 30
Code that a person who has accumulated contributions standing to 31
the person's credit pursuant to this chapter is charged with a 32
violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 33
2921.41 of the Revised Code, no payment of those accumulated 34
contributions, of any other amounts to be paid to a contributor 35
under this chapter upon the person's withdrawal of contributions 36
pursuant to this chapter, or of any amount to be paid to a 37
contributor as a lump sum or single payment under section 145.38 38
of the Revised Code, shall be made prior to whichever of the 39
following is applicable: 40

(1) If the person is convicted of or pleads guilty to the 41
charge and no motion for a withholding order for purposes of 42
restitution has been filed under section 2907.15 of the Revised 43
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 44
Code, thirty days after the day on which final disposition of the 45
charge is made; 46

(2) If the person is convicted of or pleads guilty to the 47
charge and a motion for a withholding order for purposes of 48
restitution has been filed under section 2907.15 of the Revised 49
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 50
Code, the day on which the court decides the motion; 51

(3) If the charge is dismissed or the person is found not 52
guilty or not guilty by reason of insanity of the charge, the day 53
on which final disposition of the charge is made. 54

Sec. 148.10. (A) Notwithstanding any other provision of this 55
chapter, any account or payment, other than a survivorship 56
benefit, that is held for or to be made to a person by a deferred 57
compensation program pursuant to those sections or a deferred 58
compensation program offered by a government unit, as defined in 59
section 148.06 of the Revised Code, or by a municipal corporation 60
is subject to any withholding order issued pursuant to section 61
2907.15 or division (C)(2)(b) of section 2921.41 of the Revised 62
Code. The On receipt of a copy of a withholding order, the Ohio 63
public employees deferred compensation board, the governing board, 64
as defined in section 148.06 of the Revised Code, that is 65
associated with a government unit, and the governing board, 66
administrator, depository, or trustee of a deferred compensation 67
program of a municipal corporation shall comply with ~~that~~ 68
~~withholding the order in making payment.~~ 69

(B) Notwithstanding any other provision of this chapter, if a 70
deferred compensation program receives a notice pursuant to 71
section 2907.15 or division (D) of section 2921.41 of the Revised 72
Code that a person who has a participant account has been charged 73
with a violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 74
2921.41 of the Revised Code, no payment from that account shall be 75
made prior to whichever of the following is applicable: 76

(1) If the person is convicted of or pleads guilty to the 77
violation and a motion for a withholding order for purposes of 78
restitution has not been filed under section 2907.15 or division 79
(C)(2)(b)(i) of section 2921.41 of the Revised Code, thirty days 80
after the day on which the person is sentenced for the violation; 81

(2) If the person is convicted of or pleads guilty to the 82

violation and a motion for a withholding order for purposes of 83
restitution has been filed under section 2907.15 or division 84
(C)(2)(b)(i) of section 2921.41 of the Revised Code, the day on 85
which the court decides the motion; 86

(3) If the charge is dismissed or the person is found not 87
guilty or not guilty by reason of insanity of the violation, the 88
day on which the dismissal of the charge or the verdict is entered 89
in the journal of the court. 90

Sec. 742.461. (A) Notwithstanding any other provision of this 91
chapter, any payment that is to be made under a pension or other 92
type of benefit, other than a survivorship benefit, that has been 93
granted to a person under this chapter, any ~~payment of~~ accumulated 94
contributions standing to a person's credit under this chapter, 95
and ~~any payment of~~ any other amounts to be paid to a person under 96
this chapter ~~upon the person's withdrawal of contributions~~ 97
~~pursuant to this chapter~~ shall be subject to any withholding order 98
issued pursuant to section 2907.15 of the Revised Code or division 99
(C)(2)(b) of section 2921.41 of the Revised Code, and. On receipt 100
of a copy of a withholding order, the board of trustees of the 101
Ohio police and fire pension fund shall comply with ~~that~~ 102
~~withholding the order in making the payment.~~ A withholding order 103
under this division cancels an equivalent amount of service 104
credit, as determined by the Ohio police and fire pension fund. 105

106

(B) Notwithstanding any other provision of this chapter, if 107
the board receives notice pursuant to section 2907.15 of the 108
Revised Code or division (D) of section 2921.41 of the Revised 109
Code that a person who has accumulated contributions standing to 110
the person's credit pursuant to this chapter is charged with a 111
violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 112
2921.41 of the Revised Code, no payment of those accumulated 113

contributions or of any other amounts to be paid under this 114
chapter upon the person's withdrawal of contributions pursuant to 115
this chapter shall be made prior to whichever of the following is 116
applicable: 117

(1) If the person is convicted of or pleads guilty to the 118
charge and no motion for a withholding order for purposes of 119
restitution has been filed under section 2907.15 of the Revised 120
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 121
Code, thirty days after the day on which final disposition of the 122
charge is made; 123

(2) If the person is convicted of or pleads guilty to the 124
charge and a motion for a withholding order for purposes of 125
restitution has been filed under section 2907.15 of the Revised 126
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 127
Code, the day on which the court decides the motion; 128

(3) If the charge is dismissed or the person is found not 129
guilty or not guilty by reason of insanity of the charge, the day 130
on which final disposition of the charge is made. 131

Sec. 2907.15. (A) As used in this section: 132

(1) "Public retirement system" means the public employees 133
retirement system, state teachers retirement system, school 134
employees retirement system, Ohio police and fire pension fund, 135
state highway patrol retirement system, or a municipal retirement 136
system of a municipal corporation of this state. 137

(2) "Government deferred compensation program" means such a 138
program offered by the Ohio public employees deferred compensation 139
board; a municipal corporation; or a governmental unit, as defined 140
in section 148.06 of the Revised Code. 141

(3) "Deferred compensation program participant" means a 142
"participating employee" or "continuing member," as defined in 143

section 148.01 of the Revised Code, or any other public employee 144
who has funds in a government deferred compensation program. 145

(4) "Alternative retirement plan" means an alternative 146
retirement plan provided pursuant to Chapter 3305. of the Revised 147
Code. 148

(5) "Prosecutor" has the same meaning as in section 2935.01 149
of the Revised Code. 150

In any case in which a sentencing court orders restitution to 151
the victim under section 2929.18 or 2929.28 of the Revised Code 152
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 153
of the Revised Code and in which the offender is a government 154
deferred compensation program participant, is an electing 155
employee, as defined in section 3305.01 of the Revised Code, or is 156
a member of, or receiving a pension, benefit, or allowance, other 157
than a survivorship benefit, from, a public retirement system and 158
committed the offense against a child, student, patient, or other 159
person with whom the offender had contact in the context of the 160
offender's public employment, at the request of the victim the 161
prosecutor shall file a motion with the sentencing court 162
specifying the government deferred compensation program, 163
alternative retirement plan, or public retirement system and 164
requesting that the court issue an order requiring the government 165
deferred compensation program, alternative retirement plan, or 166
public retirement system to withhold the amount required as 167
restitution from one or more of the following: any payment to be 168
made from a government deferred compensation program, any payment 169
or benefit under an alternative retirement plan, or under a 170
pension, annuity, allowance, or any other benefit, other than a 171
survivorship benefit, that has been or is in the future granted to 172
the offender; from any ~~payment of~~ accumulated employee 173
contributions standing to the offender's credit with the 174
government deferred compensation program, alternative retirement 175

plan, or public retirement system; or from ~~any payment of~~ any 176
other amounts to be paid to the offender pursuant to Chapter 145., 177
148., 742., 3307., 3309., or 5505. of the Revised Code ~~on~~ 178
~~withdrawal of contributions~~. The motion may be filed at any time 179
subsequent to the conviction of the offender or entry of a guilty 180
plea. On the filing of the motion, the clerk of the court in which 181
the motion is filed shall notify the offender and the government 182
deferred compensation program, alternative retirement plan, or 183
public retirement system, in writing, of all of the following: 184
that the motion was filed; that the offender will be granted a 185
hearing on the issuance of the requested order if the offender 186
files a written request for a hearing with the clerk prior to the 187
expiration of thirty days after the offender receives the notice; 188
that, if a hearing is requested, the court will schedule a hearing 189
as soon as possible and notify the offender and the government 190
deferred compensation program, alternative retirement plan, or 191
public retirement system of the date, time, and place of the 192
hearing; that, if a hearing is conducted, it will be limited to a 193
consideration of whether the offender can show good cause why the 194
order should not be issued; that, if a hearing is conducted, the 195
court will not issue the order if the court determines, based on 196
evidence presented at the hearing by the offender, that there is 197
good cause for the order not to be issued; that the court will 198
issue the order if a hearing is not requested or if a hearing is 199
conducted but the court does not determine, based on evidence 200
presented at the hearing by the offender, that there is good cause 201
for the order not to be issued; and that, if the order is issued, 202
the government deferred compensation program, alternative 203
retirement plan, or public retirement system specified in the 204
motion will be required to withhold the amount required as 205
restitution from payments to the offender. 206

(B) In any case in which a motion requesting the issuance of 207
a withholding order as described in division (A) of this section 208

is filed, the offender may receive a hearing on the motion by 209
delivering a written request for a hearing to the court prior to 210
the expiration of thirty days after the offender's receipt of the 211
notice provided pursuant to division (A) of this section. If the 212
offender requests a hearing within the prescribed time, the court 213
shall schedule a hearing as soon as possible after the request is 214
made and notify the offender and the government deferred 215
compensation program, alternative retirement plan, or public 216
retirement system of the date, time, and place of the hearing. A 217
hearing scheduled under this division shall be limited to a 218
consideration of whether there is good cause, based on evidence 219
presented by the offender, for the requested order not to be 220
issued. If the court determines, based on evidence presented by 221
the offender, that there is good cause for the order not to be 222
issued, the court shall deny the motion and shall not issue the 223
order. Good cause for not issuing the order includes a 224
determination by the court that the order would severely impact 225
the offender's ability to support the offender's dependents. 226

If the offender does not request a hearing within the 227
prescribed time or the court conducts a hearing but does not 228
determine, based on evidence presented by the offender, that there 229
is good cause for the order not to be issued, the court shall 230
order the government deferred compensation program, alternative 231
retirement plan, or public retirement system to withhold the 232
amount required as restitution from one or more of the following: 233
any payments to be made from a government deferred compensation 234
program, any payment or benefit under an alternative retirement 235
plan, or under a pension, annuity, allowance, or under any other 236
benefit, other than a survivorship benefit, that has been or is in 237
the future granted to the offender; from any ~~payment of~~ 238
accumulated employee contributions standing to the offender's 239
credit with the government deferred compensation program, 240
alternative retirement plan, or public retirement system; or from 241

any ~~payment of any~~ other amounts to be paid to the offender ~~upon~~ 242
~~withdrawal of contributions~~ pursuant to Chapter 145., 148., 742., 243
3307., 3309., or 5505. of the Revised Code ~~and to continue the~~ 244
~~withholding for that purpose, in accordance with the order, out of~~ 245
~~each payment to be made on or after the date of issuance of the~~ 246
~~order, until further order of the court.~~ On receipt of an order 247
issued under this division, the government deferred compensation 248
program, alternative retirement plan, or public retirement system 249
shall withhold the amount required as restitution, in accordance 250
with the order, ~~from any such payments~~ and immediately forward the 251
amount withheld to the clerk of the court in which the order was 252
issued for payment to the person to whom restitution is to be 253
made. The order shall not apply to any portion of payments made 254
from a government deferred compensation program, alternative 255
retirement plan, or public retirement system to a person other 256
than the offender pursuant to a previously issued domestic court 257
order. 258

(C) Service of a notice required by division (A) or (B) of 259
this section shall be effected in the same manner as provided in 260
the Rules of Civil Procedure for the service of process. 261

(D) Upon the filing of charges under section 2907.02, 262
2907.03, 2907.04, or 2907.05 of the Revised Code against a person 263
who is a deferred compensation program participant, an electing 264
employee participating in an alternative retirement plan, or a 265
member of, or receiving a pension benefit, or allowance, other 266
than a survivorship benefit, from a public retirement system for 267
an offense against a child, student, patient, or other person with 268
whom the offender had contact in the context of the offender's 269
public employment, the prosecutor shall send written notice that 270
charges have been filed against that person to the appropriate 271
government deferred compensation program, alternative retirement 272
plan, or public retirement system. The notice shall specifically 273

identify the person charged. 274

(E) The clerk of the court in which a withholding order is 275
issued under division (B) of this section shall send a certified 276
copy of the order to the appropriate public retirement system, 277
alternative retirement plan provider, deferred compensation 278
program, or, if more than one is subject to the order, the 279
applicable combination of these. 280

Sec. 2921.41. (A) No public official or party official shall 281
commit any theft offense, as defined in division (K) of section 282
2913.01 of the Revised Code, when either of the following applies: 283

(1) The offender uses the offender's office in aid of 284
committing the offense or permits or assents to its use in aid of 285
committing the offense; 286

(2) The property or service involved is owned by this state, 287
any other state, the United States, a county, a municipal 288
corporation, a township, or any political subdivision, department, 289
or agency of any of them, is owned by a political party, or is 290
part of a political campaign fund. 291

(B) Whoever violates this section is guilty of theft in 292
office. Except as otherwise provided in this division, theft in 293
office is a felony of the fifth degree. If the value of property 294
or services stolen is one thousand dollars or more and is less 295
than seven thousand five hundred dollars, theft in office is a 296
felony of the fourth degree. If the value of property or services 297
stolen is seven thousand five hundred dollars or more, theft in 298
office is a felony of the third degree. 299

(C)(1) A public official or party official who pleads guilty 300
to theft in office and whose plea is accepted by the court or a 301
public official or party official against whom a verdict or 302
finding of guilt for committing theft in office is returned is 303

forever disqualified from holding any public office, employment, 304
or position of trust in this state. 305

(2)(a) A court that imposes sentence for a violation of this 306
section based on conduct described in division (A)(2) of this 307
section shall require the public official or party official who is 308
convicted of or pleads guilty to the offense to make restitution 309
for all of the property or the service that is the subject of the 310
offense, in addition to the term of imprisonment and any fine 311
imposed. A court that imposes sentence for a violation of this 312
section based on conduct described in division (A)(1) of this 313
section and that determines at trial that this state or a 314
political subdivision of this state if the offender is a public 315
official, or a political party in the United States or this state 316
if the offender is a party official, suffered actual loss as a 317
result of the offense shall require the offender to make 318
restitution to the state, political subdivision, or political 319
party for all of the actual loss experienced, in addition to the 320
term of imprisonment and any fine imposed. 321

(b)(i) In any case in which a sentencing court is required to 322
order restitution under division (C)(2)(a) of this section and in 323
which the offender, at the time of the commission of the offense 324
or at any other time, was a member of the public employees 325
retirement system, the Ohio police and fire pension fund, the 326
state teachers retirement system, the school employees retirement 327
system, or the state highway patrol retirement system; was an 328
electing employee, as defined in section 3305.01 of the Revised 329
Code, participating in an alternative retirement plan provided 330
pursuant to Chapter 3305. of the Revised Code; was a participating 331
employee or continuing member, as defined in section 148.01 of the 332
Revised Code, in a deferred compensation program offered by the 333
Ohio public employees deferred compensation board; was an officer 334
or employee of a municipal corporation who was a participant in a 335

deferred compensation program offered by that municipal 336
corporation; was an officer or employee of a government unit, as 337
defined in section 148.06 of the Revised Code, who was a 338
participant in a deferred compensation program offered by that 339
government unit, or was a participating employee, continuing 340
member, or participant in any deferred compensation program 341
described in this division and a member of a retirement system 342
specified in this division or a retirement system of a municipal 343
corporation, the entity to which restitution is to be made may 344
file a motion with the sentencing court specifying any retirement 345
system, any provider as defined in section 3305.01 of the Revised 346
Code, and any deferred compensation program of which the offender 347
was a member, electing employee, participating employee, 348
continuing member, or participant and requesting the court to 349
issue an order requiring the specified retirement system, the 350
specified provider under the alternative retirement plan, or the 351
specified deferred compensation program, or, if more than one is 352
specified in the motion, the applicable combination of these, to 353
withhold the amount required as restitution from any payment that 354
is to be made under a pension, annuity, or allowance, under an 355
option in the alternative retirement plan, under a participant 356
account, as defined in section 148.01 of the Revised Code, or 357
under any other type of benefit, other than a survivorship 358
benefit, that has been or is in the future granted to the 359
offender, from any ~~payment of~~ accumulated employee contributions 360
standing to the offender's credit with that retirement system, 361
that provider of the option under the alternative retirement plan, 362
or that deferred compensation program, or, if more than one is 363
specified in the motion, the applicable combination of these, and 364
from any ~~payment of any~~ other amounts to be paid to the offender 365
~~upon the offender's withdrawal of the offender's contributions~~ 366
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 367
the Revised Code. A motion described in this division may be filed 368

at any time subsequent to the conviction of the offender or entry 369
of a guilty plea. Upon the filing of the motion, the clerk of the 370
court in which the motion is filed shall notify the offender, the 371
specified retirement system, the specified provider under the 372
alternative retirement plan, or the specified deferred 373
compensation program, or, if more than one is specified in the 374
motion, the applicable combination of these, in writing, of all of 375
the following: that the motion was filed; that the offender will 376
be granted a hearing on the issuance of the requested order if the 377
offender files a written request for a hearing with the clerk 378
prior to the expiration of thirty days after the offender receives 379
the notice; that, if a hearing is requested, the court will 380
schedule a hearing as soon as possible and notify the offender, 381
any specified retirement system, any specified provider under an 382
alternative retirement plan, and any specified deferred 383
compensation program of the date, time, and place of the hearing; 384
that, if a hearing is conducted, it will be limited only to a 385
consideration of whether the offender can show good cause why the 386
requested order should not be issued; that, if a hearing is 387
conducted, the court will not issue the requested order if the 388
court determines, based on evidence presented at the hearing by 389
the offender, that there is good cause for the requested order not 390
to be issued; that the court will issue the requested order if a 391
hearing is not requested or if a hearing is conducted but the 392
court does not determine, based on evidence presented at the 393
hearing by the offender, that there is good cause for the 394
requested order not to be issued; and that, if the requested order 395
is issued, any retirement system, any provider under an 396
alternative retirement plan, and any deferred compensation program 397
specified in the motion will be required to withhold the amount 398
required as restitution from payments to the offender. 399

(ii) In any case in which a sentencing court is required to 400
order restitution under division (C)(2)(a) of this section and in 401

which a motion requesting the issuance of a withholding order as 402
described in division (C)(2)(b)(i) of this section is filed, the 403
offender may receive a hearing on the motion by delivering a 404
written request for a hearing to the court prior to the expiration 405
of thirty days after the offender's receipt of the notice provided 406
pursuant to division (C)(2)(b)(i) of this section. If a request 407
for a hearing is made by the offender within the prescribed time, 408
the court shall schedule a hearing as soon as possible after the 409
request is made and shall notify the offender, the specified 410
retirement system, the specified provider under the alternative 411
retirement plan, or the specified deferred compensation program, 412
or, if more than one is specified in the motion, the applicable 413
combination of these, of the date, time, and place of the hearing. 414
A hearing scheduled under this division shall be limited to a 415
consideration of whether there is good cause, based on evidence 416
presented by the offender, for the requested order not to be 417
issued. If the court determines, based on evidence presented by 418
the offender, that there is good cause for the order not to be 419
issued, the court shall deny the motion and shall not issue the 420
requested order. If the offender does not request a hearing within 421
the prescribed time or if the court conducts a hearing but does 422
not determine, based on evidence presented by the offender, that 423
there is good cause for the order not to be issued, the court 424
shall order the specified retirement system, the specified 425
provider under the alternative retirement plan, or the specified 426
deferred compensation program, or, if more than one is specified 427
in the motion, the applicable combination of these, to withhold 428
the amount required as restitution under division (C)(2)(a) of 429
this section from any payments to be made under a pension, 430
annuity, or allowance, under a participant account, as defined in 431
section 148.01 of the Revised Code, under an option in the 432
alternative retirement plan, or under any other type of benefit, 433
other than a survivorship benefit, that has been or is in the 434

future granted to the offender, from any ~~payment of~~ accumulated 435
employee contributions standing to the offender's credit with that 436
retirement system, that provider under the alternative retirement 437
plan, or that deferred compensation program, or, if more than one 438
is specified in the motion, the applicable combination of these, 439
and from ~~any payment of~~ any other amounts to be paid to the 440
offender ~~upon the offender's withdrawal of the offender's~~ 441
~~contributions~~ pursuant to Chapter 145., 148., 742., 3307., 3309., 442
or 5505. of the Revised Code, ~~and to continue the withholding for~~ 443
~~that purpose, in accordance with the order, out of each payment to~~ 444
~~be made on or after the date of issuance of the order, until~~ 445
~~further order of the court.~~ Upon receipt of an order issued under 446
this division, the public employees retirement system, the Ohio 447
police and fire pension fund, the state teachers retirement 448
system, the school employees retirement system, the state highway 449
patrol retirement system, a municipal corporation retirement 450
system, the provider under the alternative retirement plan, and 451
the deferred compensation program offered by the Ohio public 452
employees deferred compensation board, a municipal corporation, or 453
a government unit, as defined in section 148.06 of the Revised 454
Code, whichever are applicable, shall withhold the amount required 455
as restitution, in accordance with the order, from any such 456
payments and immediately shall forward the amount withheld to the 457
clerk of the court in which the order was issued for payment to 458
the entity to which restitution is to be made. 459

(iii) Service of a notice required by division (C)(2)(b)(i) 460
or (ii) of this section shall be effected in the same manner as 461
provided in the Rules of Civil Procedure for the service of 462
process. 463

(D) Upon the filing of charges against a person under this 464
section, the prosecutor, as defined in section 2935.01 of the 465
Revised Code, who is assigned the case shall send written notice 466

that charges have been filed against that person to the public 467
employees retirement system, the Ohio police and fire pension 468
fund, the state teachers retirement system, the school employees 469
retirement system, the state highway patrol retirement system, the 470
provider under an alternative retirement plan, any municipal 471
corporation retirement system in this state, and the deferred 472
compensation program offered by the Ohio public employees deferred 473
compensation board, a municipal corporation, or a government unit, 474
as defined in section 148.06 of the Revised Code. The written 475
notice shall specifically identify the person charged. 476

(E) The clerk of the court in which a withholding order is 477
issued under division (C)(2)(b)(ii) of this section shall send a 478
certified copy of the order to the appropriate public retirement 479
system, alternative retirement plan provider, deferred 480
compensation program, or, if more than one is subject to the 481
order, the applicable combination of these. 482

Sec. 3305.09. (A) Any payment that is to be made under a 483
contract entered into for purposes of funding an employee's 484
alternative retirement plan benefit and any account held for the 485
employee shall be subject to any withholding order issued pursuant 486
to section 2907.15 of the Revised Code or division (C)(2)(b) of 487
section 2921.41 of the Revised Code. ~~The~~ On receipt of a copy of a 488
withholding order, the provider of the contract shall comply with 489
~~that withholding the order in making the payment.~~ 490

(B) If the provider receives notice pursuant to section 491
2907.15 of the Revised Code or division (D) of section 2921.41 of 492
the Revised Code that the electing employee is charged with a 493
violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 494
2921.41 of the Revised Code, no payment shall be made under the 495
contract prior to whichever of the following is applicable: 496

(1) If the person is convicted of or pleads guilty to the 497

charge and no motion for a withholding order for purposes of 498
restitution has been filed under section 2907.15 of the Revised 499
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 500
Code, thirty days after the date on which final disposition of the 501
charge is made; 502

(2) If the person is convicted of or pleads guilty to the 503
charge and a motion for a withholding order for purposes of 504
restitution has been filed under section 2907.15 of the Revised 505
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 506
Code, the date on which the court decides the motion; 507

(3) If the charge is dismissed or the person is found not 508
guilty of the charge or not guilty of the charge by reason of 509
insanity, the date on which final disposition of the charge is 510
made. 511

Sec. 3307.37. (A) Notwithstanding any other provision of this 512
chapter, any payment that is to be made under a pension, annuity, 513
allowance, or other type of benefit payable under this chapter, 514
other than a survivorship benefit, that has been granted to a 515
person under this chapter, any ~~payment of~~ accumulated 516
contributions standing to a person's credit under this chapter, 517
and any ~~payment of any~~ other amounts to be paid to a person under 518
this chapter ~~upon the person's withdrawal of contributions~~ 519
~~pursuant to this chapter~~ shall be subject to any withholding order 520
issued pursuant to section 2907.15 of the Revised Code or division 521
(C)(2)(b) of section 2921.41 of the Revised Code, ~~and~~. On receipt 522
of a copy of a withholding order, the state ~~teacher's~~ teachers 523
retirement board shall comply with ~~that withholding~~ the order in 524
~~making the payment.~~ A withholding under this division cancels an 525
equivalent amount of service credit, as determined by the state 526
teachers retirement system. 527

(B) Notwithstanding any other provision of this chapter, if 528

the board receives notice pursuant to section 2907.15 of the 529
Revised Code or division (D) of section 2921.41 of the Revised 530
Code that a person who has contributions standing to the person's 531
credit pursuant to this chapter is charged with a violation of 532
section 2907.02, 2907.03, 2907.04, 2907.05, or 2921.41 of the 533
Revised Code, no payment of those contributions, of any other 534
amounts to be paid under this chapter upon the person's withdrawal 535
of contributions pursuant to this chapter, or of any amount to be 536
paid as a lump sum or single payment under section 3307.35 of the 537
Revised Code shall be made prior to whichever of the following is 538
applicable: 539

(1) If the person is convicted of or pleads guilty to the 540
charge and no motion for a withholding order for purposes of 541
restitution has been filed under section 2907.15 of the Revised 542
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 543
Code, thirty days after the day on which final disposition of the 544
charge is made; 545

(2) If the person is convicted of or pleads guilty to the 546
charge and a motion for a withholding order for purposes of 547
restitution has been filed under section 2907.15 of the Revised 548
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 549
Code, the day on which the court decides the motion; 550

(3) If the charge is dismissed or the person is found not 551
guilty or not guilty by reason of insanity of the charge, the day 552
on which final disposition of the charge is made. 553

Sec. 3309.67. (A) Notwithstanding any other provision of this 554
chapter, any payment that is to be made under a pension, annuity, 555
allowance, or other type of benefit, other than a survivorship 556
benefit, that has been granted to a person under this chapter, any 557
~~payment of~~ accumulated contributions standing to a person's credit 558
under this chapter, and any ~~payment of any~~ other amounts to be 559

paid to a person under this chapter ~~upon the person's withdrawal~~ 560
~~of contributions pursuant to this chapter~~ shall be subject to any 561
withholding order issued pursuant to section 2907.15 of the 562
Revised Code or division (C)(2)(b) of section 2921.41 of the 563
Revised Code, ~~and. On receipt of a copy of a withholding order,~~ 564
the school employees retirement board shall comply with ~~that~~ 565
~~withholding the order in making the payment.~~ A withholding under 566
this division cancels an equivalent amount of service credit, as 567
determined by the school employees retirement system. 568

569

(B) Notwithstanding any other provision of this chapter, if 570
the board receives notice pursuant to section 2907.15 of the 571
Revised Code or division (D) of section 2921.41 of the Revised 572
Code that a person who has accumulated contributions standing to 573
the person's credit pursuant to this chapter is charged with a 574
violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 575
2921.41 of the Revised Code, no payment of those accumulated 576
contributions, of any other amounts to be paid under this chapter 577
upon the person's withdrawal of contributions pursuant to this 578
chapter, or of any amount to be paid to a contributor as a lump 579
sum or single payment under section 3309.341 of the Revised Code, 580
shall be made prior to whichever of the following is applicable: 581

(1) If the person is convicted of or pleads guilty to the 582
charge and no motion for a withholding order for purposes of 583
restitution has been filed under section 2907.15 of the Revised 584
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 585
Code, thirty days after the day on which final disposition of the 586
charge is made; 587

(2) If the person is convicted of or pleads guilty to the 588
charge and a motion for a withholding order for purposes of 589
restitution has been filed under section 2907.15 of the Revised 590
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 591

Code, the day on which the court decides the motion; 592

(3) If the charge is dismissed or the person is found not 593
guilty or not guilty by reason of insanity of the charge, the day 594
on which final disposition of the charge is made. 595

Sec. 5505.26. (A) Notwithstanding any other provision of this 596
chapter, any payment that is to be made under a pension or other 597
type of benefit, other than a survivorship benefit, that has been 598
granted to a person under this chapter, any ~~payment of~~ accumulated 599
contributions standing to a person's credit under this chapter, 600
and any ~~payment of any~~ other amounts to be paid to a person under 601
this chapter ~~upon withdrawal of contributions pursuant to this~~ 602
~~chapter~~ shall be subject to any withholding order issued pursuant 603
to section 2907.15 of the Revised Code or division (C)(2)(b) of 604
section 2921.41 of the Revised Code, ~~and. On receipt of a copy of~~ 605
a withholding order, the state highway patrol retirement board 606
shall comply with ~~that withholding the order in making the~~ 607
~~payment. A withholding under this division cancels an equivalent~~ 608
amount of service credit, as determined by the state highway 609
patrol retirement system. 610

(B) Notwithstanding any other provision of this chapter, if 611
the board receives notice pursuant to section 2907.15 of the 612
Revised Code or division (D) of section 2921.41 of the Revised 613
Code that a person who has accumulated contributions standing to 614
the person's credit pursuant to this chapter is charged with a 615
violation of section 2907.02, 2907.03, 2907.04, 2907.05, or 616
2921.41 of the Revised Code, no payment of those accumulated 617
contributions or of any other amounts to be paid under this 618
chapter upon the person's withdrawal of contributions pursuant to 619
this chapter shall be made prior to whichever of the following is 620
applicable: 621

(1) If the person is convicted of or pleads guilty to the 622

charge and no motion for a withholding order for purposes of 623
restitution has been filed under section 2907.15 of the Revised 624
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 625
Code, thirty days after the day on which final disposition of the 626
charge is made; 627

(2) If the person is convicted of or pleads guilty to the 628
charge and a motion for a withholding order for purposes of 629
restitution has been filed under section 2907.15 of the Revised 630
Code or division (C)(2)(b)(i) of section 2921.41 of the Revised 631
Code, the day on which the court decides the motion; 632

(3) If the charge is dismissed or the person is found not 633
guilty or not guilty by reason of insanity of the charge, the day 634
on which final disposition of the charge is made. 635

Section 2. That existing sections 145.57, 148.10, 742.461, 636
2907.15, 2921.41, 3305.09, 3307.37, 3309.67, and 5505.26 of the 637
Revised Code are hereby repealed. 638