

As Introduced

**130th General Assembly
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H. B. No. 101

Representatives Lundy, Maag

**Cosponsors: Representatives Adams, J., Antonio, Baker, Barnes, Becker,
Foley, Hall, McGregor, Patmon, Retherford, Roegner, Rosenberger, Slesnick,
Thompson, Williams, Young, Ramos, Driehaus, Boose, Schuring**

—

A BILL

To amend sections 109.572 and 3770.99 and to enact 1
sections 3770.30 to 3770.40 of the Revised Code to 2
create the State Lottery Commission Office of 3
Sweepstakes Compliance to license and oversee the 4
operation of sweepstakes gaming devices. 5

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

Section 1. That sections 109.572 and 3770.99 be amended and 6
sections 3770.30, 3770.31, 3770.32, 3770.33, 3770.34, 3770.35, 7
3770.36, 3770.37, 3770.38, 3770.39, and 3770.40 of the Revised 8
Code be enacted to read as follows: 9

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 10
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 11
a completed form prescribed pursuant to division (C)(1) of this 12
section, and a set of fingerprint impressions obtained in the 13
manner described in division (C)(2) of this section, the 14
superintendent of the bureau of criminal identification and 15
investigation shall conduct a criminal records check in the manner 16
described in division (B) of this section to determine whether any 17

information exists that indicates that the person who is the 18
subject of the request previously has been convicted of or pleaded 19
guilty to any of the following: 20

(a) A violation of section 2903.01, 2903.02, 2903.03, 21
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 22
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 23
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 24
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 25
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 26
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 27
2925.06, or 3716.11 of the Revised Code, felonious sexual 28
penetration in violation of former section 2907.12 of the Revised 29
Code, a violation of section 2905.04 of the Revised Code as it 30
existed prior to July 1, 1996, a violation of section 2919.23 of 31
the Revised Code that would have been a violation of section 32
2905.04 of the Revised Code as it existed prior to July 1, 1996, 33
had the violation been committed prior to that date, or a 34
violation of section 2925.11 of the Revised Code that is not a 35
minor drug possession offense; 36

(b) A violation of an existing or former law of this state, 37
any other state, or the United States that is substantially 38
equivalent to any of the offenses listed in division (A)(1)(a) of 39
this section; 40

(c) If the request is made pursuant to section 3319.39 of the 41
Revised Code for an applicant who is a teacher, any offense 42
specified in section 3319.31 of the Revised Code. 43

(2) On receipt of a request pursuant to section 3712.09 or 44
3721.121 of the Revised Code, a completed form prescribed pursuant 45
to division (C)(1) of this section, and a set of fingerprint 46
impressions obtained in the manner described in division (C)(2) of 47
this section, the superintendent of the bureau of criminal 48
identification and investigation shall conduct a criminal records 49

check with respect to any person who has applied for employment in 50
a position for which a criminal records check is required by those 51
sections. The superintendent shall conduct the criminal records 52
check in the manner described in division (B) of this section to 53
determine whether any information exists that indicates that the 54
person who is the subject of the request previously has been 55
convicted of or pleaded guilty to any of the following: 56

(a) A violation of section 2903.01, 2903.02, 2903.03, 57
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 58
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 59
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 60
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 61
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 62
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 63
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 64
2925.22, 2925.23, or 3716.11 of the Revised Code; 65

(b) An existing or former law of this state, any other state, 66
or the United States that is substantially equivalent to any of 67
the offenses listed in division (A)(2)(a) of this section. 68

(3) On receipt of a request pursuant to section 173.27, 69
173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, or 70
5123.169 of the Revised Code, a completed form prescribed pursuant 71
to division (C)(1) of this section, and a set of fingerprint 72
impressions obtained in the manner described in division (C)(2) of 73
this section, the superintendent of the bureau of criminal 74
identification and investigation shall conduct a criminal records 75
check of the person for whom the request is made. The 76
superintendent shall conduct the criminal records check in the 77
manner described in division (B) of this section to determine 78
whether any information exists that indicates that the person who 79
is the subject of the request previously has been convicted of, 80
has pleaded guilty to, or has been found eligible for intervention 81

in lieu of conviction for any of the following, regardless of the 82
date of the conviction, the date of entry of the guilty plea, or 83
the date the person was found eligible for intervention in lieu of 84
conviction: 85

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 86
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 87
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 88
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 89
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 90
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 91
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 92
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 93
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 94
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 95
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 96
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 97
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 98
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 99
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 100
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 101
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 102
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 103
2927.12, or 3716.11 of the Revised Code; 104

(b) Felonious sexual penetration in violation of former 105
section 2907.12 of the Revised Code; 106

(c) A violation of section 2905.04 of the Revised Code as it 107
existed prior to July 1, 1996; 108

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 109
the Revised Code when the underlying offense that is the object of 110
the conspiracy, attempt, or complicity is one of the offenses 111
listed in divisions (A)(3)(a) to (c) of this section; 112

(e) A violation of an existing or former municipal ordinance 113
or law of this state, any other state, or the United States that 114
is substantially equivalent to any of the offenses listed in 115
divisions (A)(3)(a) to (d) of this section. 116

(4) On receipt of a request pursuant to section 2151.86 of 117
the Revised Code, a completed form prescribed pursuant to division 118
(C)(1) of this section, and a set of fingerprint impressions 119
obtained in the manner described in division (C)(2) of this 120
section, the superintendent of the bureau of criminal 121
identification and investigation shall conduct a criminal records 122
check in the manner described in division (B) of this section to 123
determine whether any information exists that indicates that the 124
person who is the subject of the request previously has been 125
convicted of or pleaded guilty to any of the following: 126

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 127
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 128
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 129
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 130
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 131
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 132
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 133
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 134
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 135
of the Revised Code, a violation of section 2905.04 of the Revised 136
Code as it existed prior to July 1, 1996, a violation of section 137
2919.23 of the Revised Code that would have been a violation of 138
section 2905.04 of the Revised Code as it existed prior to July 1, 139
1996, had the violation been committed prior to that date, a 140
violation of section 2925.11 of the Revised Code that is not a 141
minor drug possession offense, two or more OVI or OVUAC violations 142
committed within the three years immediately preceding the 143
submission of the application or petition that is the basis of the 144

request, or felonious sexual penetration in violation of former 145
section 2907.12 of the Revised Code; 146

(b) A violation of an existing or former law of this state, 147
any other state, or the United States that is substantially 148
equivalent to any of the offenses listed in division (A)(4)(a) of 149
this section. 150

(5) Upon receipt of a request pursuant to section 5104.012 or 151
5104.013 of the Revised Code, a completed form prescribed pursuant 152
to division (C)(1) of this section, and a set of fingerprint 153
impressions obtained in the manner described in division (C)(2) of 154
this section, the superintendent of the bureau of criminal 155
identification and investigation shall conduct a criminal records 156
check in the manner described in division (B) of this section to 157
determine whether any information exists that indicates that the 158
person who is the subject of the request has been convicted of or 159
pleaded guilty to any of the following: 160

(a) A violation of section 2903.01, 2903.02, 2903.03, 161
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 162
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 163
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 164
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 165
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 166
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 167
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 168
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 169
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 170
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 171
3716.11 of the Revised Code, felonious sexual penetration in 172
violation of former section 2907.12 of the Revised Code, a 173
violation of section 2905.04 of the Revised Code as it existed 174
prior to July 1, 1996, a violation of section 2919.23 of the 175
Revised Code that would have been a violation of section 2905.04 176

of the Revised Code as it existed prior to July 1, 1996, had the 177
violation been committed prior to that date, a violation of 178
section 2925.11 of the Revised Code that is not a minor drug 179
possession offense, a violation of section 2923.02 or 2923.03 of 180
the Revised Code that relates to a crime specified in this 181
division, or a second violation of section 4511.19 of the Revised 182
Code within five years of the date of application for licensure or 183
certification. 184

(b) A violation of an existing or former law of this state, 185
any other state, or the United States that is substantially 186
equivalent to any of the offenses or violations described in 187
division (A)(5)(a) of this section. 188

(6) Upon receipt of a request pursuant to section 5153.111 of 189
the Revised Code, a completed form prescribed pursuant to division 190
(C)(1) of this section, and a set of fingerprint impressions 191
obtained in the manner described in division (C)(2) of this 192
section, the superintendent of the bureau of criminal 193
identification and investigation shall conduct a criminal records 194
check in the manner described in division (B) of this section to 195
determine whether any information exists that indicates that the 196
person who is the subject of the request previously has been 197
convicted of or pleaded guilty to any of the following: 198

(a) A violation of section 2903.01, 2903.02, 2903.03, 199
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 200
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 201
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 202
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 203
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 204
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 205
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 206
felonious sexual penetration in violation of former section 207
2907.12 of the Revised Code, a violation of section 2905.04 of the 208

Revised Code as it existed prior to July 1, 1996, a violation of 209
section 2919.23 of the Revised Code that would have been a 210
violation of section 2905.04 of the Revised Code as it existed 211
prior to July 1, 1996, had the violation been committed prior to 212
that date, or a violation of section 2925.11 of the Revised Code 213
that is not a minor drug possession offense; 214

(b) A violation of an existing or former law of this state, 215
any other state, or the United States that is substantially 216
equivalent to any of the offenses listed in division (A)(6)(a) of 217
this section. 218

(7) On receipt of a request for a criminal records check from 219
an individual pursuant to section 4749.03 or 4749.06 of the 220
Revised Code, accompanied by a completed copy of the form 221
prescribed in division (C)(1) of this section and a set of 222
fingerprint impressions obtained in a manner described in division 223
(C)(2) of this section, the superintendent of the bureau of 224
criminal identification and investigation shall conduct a criminal 225
records check in the manner described in division (B) of this 226
section to determine whether any information exists indicating 227
that the person who is the subject of the request has been 228
convicted of or pleaded guilty to a felony in this state or in any 229
other state. If the individual indicates that a firearm will be 230
carried in the course of business, the superintendent shall 231
require information from the federal bureau of investigation as 232
described in division (B)(2) of this section. Subject to division 233
(F) of this section, the superintendent shall report the findings 234
of the criminal records check and any information the federal 235
bureau of investigation provides to the director of public safety. 236

(8) On receipt of a request pursuant to section 1321.37, 237
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 238
Code, a completed form prescribed pursuant to division (C)(1) of 239
this section, and a set of fingerprint impressions obtained in the 240

manner described in division (C)(2) of this section, the 241
superintendent of the bureau of criminal identification and 242
investigation shall conduct a criminal records check with respect 243
to any person who has applied for a license, permit, or 244
certification from the department of commerce or a division in the 245
department. The superintendent shall conduct the criminal records 246
check in the manner described in division (B) of this section to 247
determine whether any information exists that indicates that the 248
person who is the subject of the request previously has been 249
convicted of or pleaded guilty to any of the following: a 250
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 251
2925.03 of the Revised Code; any other criminal offense involving 252
theft, receiving stolen property, embezzlement, forgery, fraud, 253
passing bad checks, money laundering, or drug trafficking, or any 254
criminal offense involving money or securities, as set forth in 255
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 256
the Revised Code; or any existing or former law of this state, any 257
other state, or the United States that is substantially equivalent 258
to those offenses. 259

(9) On receipt of a request for a criminal records check from 260
the treasurer of state under section 113.041 of the Revised Code 261
or from an individual under section 4701.08, 4715.101, 4717.061, 262
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 263
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 264
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 265
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 266
4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by 267
a completed form prescribed under division (C)(1) of this section 268
and a set of fingerprint impressions obtained in the manner 269
described in division (C)(2) of this section, the superintendent 270
of the bureau of criminal identification and investigation shall 271
conduct a criminal records check in the manner described in 272
division (B) of this section to determine whether any information 273

exists that indicates that the person who is the subject of the 274
request has been convicted of or pleaded guilty to any criminal 275
offense in this state or any other state. Subject to division (F) 276
of this section, the superintendent shall send the results of a 277
check requested under section 113.041 of the Revised Code to the 278
treasurer of state and shall send the results of a check requested 279
under any of the other listed sections to the licensing board 280
specified by the individual in the request. 281

(10) On receipt of a request pursuant to section 1121.23, 282
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 283
Code, a completed form prescribed pursuant to division (C)(1) of 284
this section, and a set of fingerprint impressions obtained in the 285
manner described in division (C)(2) of this section, the 286
superintendent of the bureau of criminal identification and 287
investigation shall conduct a criminal records check in the manner 288
described in division (B) of this section to determine whether any 289
information exists that indicates that the person who is the 290
subject of the request previously has been convicted of or pleaded 291
guilty to any criminal offense under any existing or former law of 292
this state, any other state, or the United States. 293

(11) On receipt of a request for a criminal records check 294
from an appointing or licensing authority under section 3772.07 of 295
the Revised Code or the office of sweepstakes compliance under 296
section 3770.36 of the Revised Code, a completed form prescribed 297
under division (C)(1) of this section, and a set of fingerprint 298
impressions obtained in the manner prescribed in division (C)(2) 299
of this section, the superintendent of the bureau of criminal 300
identification and investigation shall conduct a criminal records 301
check in the manner described in division (B) of this section to 302
determine whether any information exists that indicates that the 303
person who is the subject of the request previously has been 304
convicted of or pleaded guilty or no contest to any offense under 305

any existing or former law of this state, any other state, or the 306
United States that is a disqualifying offense as defined in 307
section 3770.36 or 3772.07 of the Revised Code or substantially 308
equivalent to such an offense. 309

(12) On receipt of a request pursuant to section 2151.33 or 310
2151.412 of the Revised Code, a completed form prescribed pursuant 311
to division (C)(1) of this section, and a set of fingerprint 312
impressions obtained in the manner described in division (C)(2) of 313
this section, the superintendent of the bureau of criminal 314
identification and investigation shall conduct a criminal records 315
check with respect to any person for whom a criminal records check 316
is required by that section. The superintendent shall conduct the 317
criminal records check in the manner described in division (B) of 318
this section to determine whether any information exists that 319
indicates that the person who is the subject of the request 320
previously has been convicted of or pleaded guilty to any of the 321
following: 322

(a) A violation of section 2903.01, 2903.02, 2903.03, 323
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 324
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 325
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 326
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 327
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 328
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 329
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 330
2925.22, 2925.23, or 3716.11 of the Revised Code; 331

(b) An existing or former law of this state, any other state, 332
or the United States that is substantially equivalent to any of 333
the offenses listed in division (A)(12)(a) of this section. 334

(B) Subject to division (F) of this section, the 335
superintendent shall conduct any criminal records check to be 336
conducted under this section as follows: 337

(1) The superintendent shall review or cause to be reviewed 338
any relevant information gathered and compiled by the bureau under 339
division (A) of section 109.57 of the Revised Code that relates to 340
the person who is the subject of the criminal records check, 341
including, if the criminal records check was requested under 342
section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 343
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 344
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 345
3712.09, 3721.121, 3770.36, 3772.07, 4749.03, 4749.06, 4763.05, 346
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 347
5123.169, or 5153.111 of the Revised Code, any relevant 348
information contained in records that have been sealed under 349
section 2953.32 of the Revised Code; 350

(2) If the request received by the superintendent asks for 351
information from the federal bureau of investigation, the 352
superintendent shall request from the federal bureau of 353
investigation any information it has with respect to the person 354
who is the subject of the criminal records check, including 355
fingerprint-based checks of national crime information databases 356
as described in 42 U.S.C. 671 if the request is made pursuant to 357
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 358
any other Revised Code section requires fingerprint-based checks 359
of that nature, and shall review or cause to be reviewed any 360
information the superintendent receives from that bureau. If a 361
request under section 3319.39 of the Revised Code asks only for 362
information from the federal bureau of investigation, the 363
superintendent shall not conduct the review prescribed by division 364
(B)(1) of this section. 365

(3) The superintendent or the superintendent's designee may 366
request criminal history records from other states or the federal 367
government pursuant to the national crime prevention and privacy 368
compact set forth in section 109.571 of the Revised Code. 369

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a

county sheriff's office, municipal police department, or any other 401
entity with the ability to make fingerprint impressions on the 402
standard impression sheets prescribed by the superintendent. The 403
office, department, or entity may charge the person a reasonable 404
fee for making the impressions. The standard impression sheets the 405
superintendent prescribes pursuant to this division may be in a 406
tangible format, in an electronic format, or in both tangible and 407
electronic formats. 408

(3) Subject to division (D) of this section, the 409
superintendent shall prescribe and charge a reasonable fee for 410
providing a criminal records check under this section. The person 411
requesting the criminal records check shall pay the fee prescribed 412
pursuant to this division. In the case of a request under section 413
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 414
2151.412, 3770.36, or 5111.032 of the Revised Code, the fee shall 415
be paid in the manner specified in that section. 416

(4) The superintendent of the bureau of criminal 417
identification and investigation may prescribe methods of 418
forwarding fingerprint impressions and information necessary to 419
conduct a criminal records check, which methods shall include, but 420
not be limited to, an electronic method. 421

(D) The results of a criminal records check conducted under 422
this section, other than a criminal records check specified in 423
division (A)(7) of this section, are valid for the person who is 424
the subject of the criminal records check for a period of one year 425
from the date upon which the superintendent completes the criminal 426
records check. If during that period the superintendent receives 427
another request for a criminal records check to be conducted under 428
this section for that person, the superintendent shall provide the 429
results from the previous criminal records check of the person at 430
a lower fee than the fee prescribed for the initial criminal 431
records check. 432

(E) When the superintendent receives a request for 433
information from a registered private provider, the superintendent 434
shall proceed as if the request was received from a school 435
district board of education under section 3319.39 of the Revised 436
Code. The superintendent shall apply division (A)(1)(c) of this 437
section to any such request for an applicant who is a teacher. 438

(F)(1) All information regarding the results of a criminal 439
records check conducted under this section that the superintendent 440
reports or sends under division (A)(7) or (9) of this section to 441
the director of public safety, the treasurer of state, or the 442
person, board, or entity that made the request for the criminal 443
records check shall relate to the conviction of the subject 444
person, or the subject person's plea of guilty to, a criminal 445
offense. 446

(2) Division (F)(1) of this section does not limit, restrict, 447
or preclude the superintendent's release of information that 448
relates to an adjudication of a child as a delinquent child, or 449
that relates to a criminal conviction of a person under eighteen 450
years of age if the person's case was transferred back to a 451
juvenile court under division (B)(2) or (3) of section 2152.121 of 452
the Revised Code and the juvenile court imposed a disposition or 453
serious youthful offender disposition upon the person under either 454
division, if either of the following applies with respect to the 455
adjudication or conviction: 456

(a) The adjudication or conviction was for a violation of 457
section 2903.01 or 2903.02 of the Revised Code. 458

(b) The adjudication or conviction was for a sexually 459
oriented offense, as defined in section 2950.01 of the Revised 460
Code, the juvenile court was required to classify the child a 461
juvenile offender registrant for that offense under section 462
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 463
classification has not been removed. 464

(G) As used in this section: 465

(1) "Criminal records check" means any criminal records check 466
conducted by the superintendent of the bureau of criminal 467
identification and investigation in accordance with division (B) 468
of this section. 469

(2) "Minor drug possession offense" has the same meaning as 470
in section 2925.01 of the Revised Code. 471

(3) "OVI or OVUAC violation" means a violation of section 472
4511.19 of the Revised Code or a violation of an existing or 473
former law of this state, any other state, or the United States 474
that is substantially equivalent to section 4511.19 of the Revised 475
Code. 476

(4) "Registered private provider" means a nonpublic school or 477
entity registered with the superintendent of public instruction 478
under section 3310.41 of the Revised Code to participate in the 479
autism scholarship program or section 3310.58 of the Revised Code 480
to participate in the Jon Peterson special needs scholarship 481
program. 482

Sec. 3770.30. As used in sections 3770.30 to 3770.40 of the 483
Revised Code: 484

(A) "Central system" means a computer system that provides 485
the following functions related to sweepstakes gaming devices: 486
security, auditing, data and information retrieval, and other 487
purposes deemed necessary and authorized by the office of 488
sweepstakes compliance. 489

(B) "Conduct" means to back, promote, organize, manage, carry 490
on, sponsor, or prepare for the operation of a sweepstakes. 491

(C) "Consumer product" means any tangible goods offered to 492
the public, at fair market value, of which no portion can be used 493
or consumed to reveal an entry in a sweepstakes. "Consumer 494

product" does not mean offering a service to access the internet. 495

(D) "Entry" means the act or process by which a person 496
becomes eligible to receive any prize offered in a sweepstakes. 497

(E) "Sweepstakes" means a contest, game of chance, or gift 498
enterprise, conducted within or throughout the state and other 499
states that reveals an entry with the use of a sweepstakes gaming 500
device, in which the elements of chance and prize are present. 501
"Sweepstakes" does not include bingo conducted by a charitable 502
organization as provided under Chapter 2915. of the Revised Code. 503

(F) "Sweepstakes compliance laboratory" means a laboratory 504
that has been certified by the office of sweepstakes compliance to 505
analyze and certify sweepstakes software used to conduct a 506
sweepstakes under the rules adopted by the state lottery 507
commission under section 3770.32 of the Revised Code. 508

(G) "Sweepstakes gaming device" means any video, electronic, 509
or mechanical device owned, possessed, or provided by a 510
sweepstakes gaming device operator to be used by any person to 511
reveal an entry in a sweepstakes. 512

(H) "Sweepstakes gaming device operator" means a person 513
licensed by the office of sweepstakes compliance to operate or 514
conduct a sweepstakes in this state. 515

(I) "Sweepstakes gaming device vendor" means a person 516
licensed by the office of sweepstakes compliance to supply or 517
maintain sweepstakes software to a sweepstakes gaming device 518
operator. 519

(J) "Sweepstakes software" means a computer program used by a 520
sweepstakes gaming device operator to reveal an entry in a 521
sweepstakes. 522

Sec. 3770.31. There is hereby created the state lottery 523
commission office of sweepstakes compliance, which shall consist 524

of directors, deputies, agents, and employees as are appointed by 525
the director of the state lottery commission to administer the 526
various functions of the office, including the review of 527
applications and issuance of sweepstakes-related licenses. 528

The commission shall adopt rules under Chapter 119. of the 529
Revised Code to regulate the operation of sweepstakes gaming 530
devices in order to maintain the integrity of sweepstakes in this 531
state and to issue licenses related to sweepstakes. The rules 532
shall not conflict with federal law regarding sweepstakes. The 533
rules may include authorizing a central system to be operated by 534
the office for sweepstakes gaming device operators, of which such 535
operators shall be responsible for the costs of the system as it 536
relates to sweepstakes gaming devices. Any violation of sections 537
3770.30 to 3770.40 of the Revised Code or any rules adopted under 538
those sections is grounds to reject a sweepstakes-related license 539
application or to revoke or suspend a sweepstakes-related license. 540

Sec. 3770.32. (A) The state lottery commission shall adopt 541
rules under Chapter 119. of the Revised Code establishing 542
procedures to certify a person as a sweepstakes compliance 543
laboratory through the office of sweepstakes compliance and to 544
establish criteria needed to certify sweepstakes software. The 545
rules shall include provisions giving sweepstakes compliance 546
laboratories located in this state priority over those located in 547
other states. 548

(B) Before sweepstakes software is used in this state by a 549
sweepstakes gaming device operator, a sweepstakes gaming device 550
operator shall provide the office with a report from a sweepstakes 551
compliance laboratory certifying that the sweepstakes software 552
meets all of the applicable criteria adopted in the commission's 553
rules. 554

Sec. 3770.33. (A) Before conducting a sweepstakes, a person 555
shall obtain a sweepstakes gaming device operator license from the 556
office of sweepstakes compliance. The application for a 557
sweepstakes gaming device operator license shall be on a form 558
prescribed by the office and shall contain at least the following 559
information: 560

(1) The name of the sweepstakes; 561

(2) The full legal name of the applicant and required contact 562
information, including address, telephone number, federal tax 563
identification number, and contact person; 564

(3) The address of the location where the sweepstakes will 565
take place; 566

(4) The beginning and ending dates of the sweepstakes; 567

(5) The number of entries contained in the sweepstakes; 568

(6) A listing of all available prizes for the sweepstakes 569
winners; 570

(7) The sweepstakes compliance laboratory report certifying 571
the sweepstakes software; and 572

(8) Surety bond information as required under division (D) of 573
this section. 574

A license shall display at least the number of sweepstakes 575
gaming devices at a sweepstakes location, the number of available 576
entries in the sweepstakes, that the outcome of an entry is 577
predetermined, and that playing the games to reveal an entry in a 578
sweepstakes is not gambling. 579

(B) Each person receiving a sweepstakes gaming device 580
operator license shall pay to the office both of the following 581
fees: 582

(1) A fee each calendar year, pro rata, of five thousand 583

dollars if the sweepstakes gaming device operator will have 584
between one and ten sweepstakes gaming devices; of ten thousand 585
dollars if the sweepstakes gaming device operator will have 586
between eleven and twenty-four sweepstakes gaming devices; of 587
twenty thousand dollars if the sweepstakes gaming device operator 588
will have between twenty-five and forty-nine sweepstakes gaming 589
devices, and of thirty thousand dollars if the sweepstakes gaming 590
device operator will have fifty or more sweepstakes gaming 591
devices; 592

(2) A fee of two hundred fifty dollars each calendar year, 593
pro rata, for each sweepstakes gaming device to be operated by the 594
sweepstakes gaming device operator. 595

Fees collected under division (B)(2) of this section shall be 596
allocated to the municipal corporation or unincorporated area of 597
the township in which the licensee's sweepstakes gaming devices 598
are located, as applicable. The state lottery commission may adopt 599
rules describing and identifying when during each calendar year a 600
person may submit an application and related fees related to a 601
sweepstakes gaming device operator license. The commission may 602
establish a schedule that allows persons to submit applications 603
and fees on a rolling basis. 604

(C) Within sixty days after the winners have been determined, 605
a sweepstakes gaming device operator shall provide the office with 606
a certified list of the names and addresses of all persons who 607
have won prizes with a value of more than twenty-five dollars, the 608
value of the prizes, and the dates on which the prizes were won. 609

(D) A sweepstakes gaming device operator shall obtain a 610
surety bond in an amount equal to the total value of all prizes 611
offered in the sweepstakes. The sweepstakes gaming device operator 612
shall file the bond with the office at least seven days before the 613
start of the sweepstakes. 614

(E) A sweepstakes conducted by a sweepstakes gaming device operator shall have a finite pool of not more than ten million entries. 615
616
617

(F) A sweepstakes gaming device operator shall not require consideration to be given to participate in the sweepstakes. Any entry for which no consideration is given shall be drawn from the same pool as is used for any entry for which consideration is given. 618
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(G) A sweepstakes gaming device operator shall only conduct a sweepstakes in connection with the sale of a consumer product. 623
624

Sec. 3770.34. (A) Before supplying sweepstakes software to or maintaining sweepstakes software for a sweepstakes gaming device operator, a person shall obtain a sweepstakes gaming device vendor license from the office of sweepstakes compliance. The application for a sweepstakes gaming device vendor license shall be on a form prescribed by the office and shall contain at least the following information: 625
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(1) The full legal name of the applicant and required contact information, including address, telephone number, federal tax identification number, and contact person; and 632
633
634

(2) A sweepstakes compliance laboratory report certifying the sweepstakes software. 635
636

(B) Each person receiving a sweepstakes gaming device vendor license shall pay to the office a fee of one hundred thousand dollars, pro rata, each calendar year. Such a person also shall pay any actual costs for certifying the sweepstakes software. The state lottery commission may adopt rules describing and identifying when during each calendar year a person may submit an application and related fees related to a sweepstakes gaming device vendor license. The commission may establish a schedule 637
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that allows persons to submit applications and fees on a rolling 645
basis. 646

Sec. 3770.35. (A) No person, personally or through the 647
person's agent, shall conduct a sweepstakes with the use of a 648
sweepstakes gaming device in this state or supply or maintain 649
sweepstakes software in this state without first obtaining a 650
license from the office of sweepstakes compliance as provided 651
under sections 3770.30 to 3770.40 of the Revised Code. 652

(B) No person shall do any of the following: 653

(1) Design, promote, or conduct a sweepstakes in which the 654
sweepstakes software may be manipulated or rigged so as to do 655
either of the following: 656

(a) Allocate a winning sweepstakes or part thereof to a 657
specific winner or to certain lessees, agents, or franchises; or 658

(b) Allocate a winning sweepstakes or part thereof to a 659
particular period of the sweepstakes or to a particular geographic 660
area. 661

(2) Arbitrarily remove, disqualify, disallow, or reject any 662
entry. 663

(3) Fail to award prizes offered or award or advertise prizes 664
other than those available for the sweepstakes as provided in the 665
application under section 3770.33 of the Revised Code. 666

(4) Print, publish, or circulate literature or an 667
advertisement for a sweepstakes that is false, deceptive, or 668
misleading. 669

(5) Require the participant in a sweepstakes to pay an entry 670
fee, make any payment, or provide proof of purchase as a condition 671
of entering. 672

(C) The office of sweepstakes compliance or any law 673

enforcement agency may investigate and inspect sweepstakes 674
operations in this state and sweepstakes gaming device vendors, 675
including requesting records and information from any person, 676
requiring the attendance of any person for an examination under 677
oath, and taking any other necessary and reasonable action to 678
determine if a violation of any provision of sections 3770.30 to 679
3770.40 of the Revised Code or any rule adopted under those 680
sections has occurred. If any law enforcement agency has 681
reasonable grounds to believe that a person has violated any of 682
those provisions, the law enforcement agency has a cause of action 683
to, and may proceed in the proper court to enforce such 684
provisions. No person shall obstruct, impede, or otherwise refuse 685
to comply with a lawful request made under this section. 686

Sec. 3770.36. The office of sweepstakes compliance shall 687
request from the bureau of criminal identification and 688
investigation under section 109.572 of the Revised Code, or 689
coordinate with appropriate federal, state, and local government 690
agencies to accomplish, criminal records checks for any person 691
applying for a sweepstakes gaming device operator license or 692
sweepstakes gaming device vendor license. At or before the time of 693
making a request for a criminal records check, the office shall 694
require the applicant to submit to the office valid fingerprint 695
impressions in a format and by any media or means acceptable to 696
the bureau of criminal identification and investigation and, when 697
applicable, the federal bureau of investigation. The office may 698
cause the bureau of criminal identification and investigation to 699
conduct a criminal records check through the federal bureau of 700
investigation only if the person for whom the criminal records 701
check would be conducted resides or works outside of this state or 702
has resided or worked outside of this state during the preceding 703
five years, or if a criminal records check conducted by the bureau 704
of criminal identification and investigation within this state 705

indicates that the person may have a criminal record outside of 706
this state. 707

In the case of a criminal records check under section 109.572 708
of the Revised Code, the office shall forward to the bureau of 709
criminal identification and investigation the requisite form, 710
fingerprint impressions, and fee described in division (C) of that 711
section. When requested by the office in accordance with this 712
section, the bureau of criminal identification and investigation 713
shall request from the federal bureau of investigation any 714
information it has with respect to the person who is the subject 715
of the requested criminal records check and shall forward the 716
requisite fingerprint impressions and information to the federal 717
bureau of investigation for that criminal records check. After 718
conducting a criminal records check or receiving the results of a 719
criminal records check from the federal bureau of investigation, 720
the bureau of criminal identification and investigation shall 721
provide the results to the office. 722

The office may require any person about whom a criminal 723
records check is requested to pay to the office the amount 724
necessary to cover the fee charged to the office by the bureau of 725
criminal identification and investigation under division (C)(3) of 726
section 109.572 of the Revised Code, including, when applicable, 727
any fee for a criminal records check conducted by the federal 728
bureau of investigation. 729

Before issuing a license, the office shall review the results 730
of the criminal records check. The office shall not issue a 731
license to a person a criminal records check discloses has been 732
convicted of or has pleaded guilty or no contest to a 733
disqualifying offense. A "disqualifying offense" means any 734
gambling offense, any theft offense, any offense having an element 735
of fraud or misrepresentation, any offense having an element of 736

moral turpitude, or any felony not otherwise included in the 737
foregoing list. 738

Sec. 3770.37. (A) A sweepstakes gaming device operator shall 739
adhere to all local zoning or land use laws, subdivision 740
ordinances, resolutions, or regulations, or similar provisions 741
that apply to the location at which the operator conducts 742
sweepstakes. 743

(B) The sweepstakes gaming device operator shall display the 744
operator's license and the sweepstakes software certification in a 745
public and conspicuous place at the location at which the operator 746
conducts sweepstakes. 747

(C) Before a consumer may reveal an entry with the use of a 748
sweepstakes gaming device, a sweepstakes gaming device operator 749
shall cause to be displayed on the sweepstakes gaming device in at 750
least a font size of fourteen the following, which shall be 751
affirmatively acknowledged by the consumer: "You Have Entered a 752
Sweepstakes Game that is Predetermined. You Cannot Change the 753
Outcome by Playing the Games. This is Not Gambling. SWEEPSTAKES 754
ENTRIES CAN BE OPENED IN ANY OF THE ENTERTAINING GAMES. THERE IS 755
NO RELATIONSHIP BETWEEN THE ENTERTAINMENT GAME AND THE AMOUNT OF A 756
PRIZE, IF ANY. THE VALUES OF THE PRIZES RELATED TO THE GAME ARE 757
FOR ENTERTAINMENT ONLY AND DO NOT REPRESENT PRIZES AVAILABLE TO BE 758
AWARDED IN THE SWEEPSTAKES." 759

(D) A sweepstakes gaming device operator shall not do any of 760
the following: 761

(1) Except for a location operated by a charitable, veterans, 762
fraternal, or sporting organization as defined in section 2915.01 763
of the Revised Code, permit beer or intoxicating liquor to be 764
served or consumed in any location in which a sweepstakes 765
conducted with the use of a sweepstakes gaming device takes place. 766
Except as provided in this division, a sweepstakes gaming device 767

operator shall not be issued a permit under Chapter 4303. of the 768
Revised Code for any location at which the operator conducts 769
sweepstakes. 770

(2) Permit any individual under eighteen years of age to 771
enter or be employed at a facility operated by the sweepstakes 772
gaming device operator at which sweepstakes are conducted. 773

(3) Offer or pay out any one prize with a value of more than 774
five thousand dollars. 775

(4) Offer or pay out any prize in any form other than cash. 776

(5) Permit any individual to play any entries on a 777
sweepstakes gaming device from prize winnings without first 778
cashing out those winnings. 779

(6) Cause the sweepstakes results to be located other than on 780
a server that shall be at the location at which the operator 781
conducts sweepstakes. 782

(7) Cause the result of an entry to be drawn from the finite 783
pool of entries other than at the time of purchase. 784

(8) Draw entries at one location from more than one finite 785
pool of entries. 786

(9) Allow the play level on a sweepstakes gaming device to 787
affect the prize level available for the entry. 788

Sec. 3770.38. Any regulation of sweepstakes gaming devices 789
shall be governed by this chapter and not by Chapter 2915. of the 790
Revised Code. 791

Sec. 3770.39. There is hereby created the sweepstakes gaming 792
compliance fund in the state treasury. All fees and fines received 793
under sections 3770.30 to 3770.40 of the Revised Code shall be 794
deposited into the fund and used for the purposes specified in 795
those sections. All moneys remaining in the fund shall be used by 796

the office of sweepstakes compliance for administering those 797
sections. All investment earnings of the fund shall be credited to 798
the fund. 799

Sec. 3770.40. The legislative authority of a municipal 800
corporation may adopt an ordinance for the municipal corporation 801
and a board of township trustees may adopt a resolution for the 802
unincorporated area of a township prohibiting the operation of 803
sweepstakes gaming devices or limiting the number of facilities 804
operated by a sweepstakes gaming device operator at which 805
sweepstakes are conducted in the respective municipal corporation 806
or township. 807

Sec. 3770.99. (A) Whoever is prohibited from claiming a 808
lottery prize award under division (E) of section 3770.07 of the 809
Revised Code and attempts to claim or is paid a lottery prize 810
award is guilty of a minor misdemeanor, and shall provide 811
restitution to the state lottery commission of any moneys 812
erroneously paid as a lottery prize award to that person. 813

(B) Whoever violates division (C) of section 3770.071 or 814
section 3770.08 of the Revised Code is guilty of a misdemeanor of 815
the third degree. 816

(C) Whoever violates sections 3770.30 to 3770.40 of the 817
Revised Code or rules adopted under those sections is guilty of a 818
felony of the fourth degree for each offense. 819

Section 2. That existing sections 109.572 and 3770.99 of the 820
Revised Code are hereby repealed. 821

Section 3. Beginning three months after the effective date of 822
sections 3770.30 to 3770.40 of the Revised Code, a person 823
conducting a sweepstakes or supplying or maintaining sweepstakes 824
software shall have been licensed under the applicable provisions 825

of those sections. After that date, any person who conducts a 826
sweepstakes or supplies or maintains sweepstakes software without 827
a license issued by the Office of Sweepstakes Compliance is 828
considered to be in violation of section 3770.35 of the Revised 829
Code. 830

Section 4. Section 109.572 of the Revised Code is presented 831
in this act as a composite of the section as amended by both Am. 832
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 833
The General Assembly, applying the principle stated in division 834
(B) of section 1.52 of the Revised Code that amendments are to be 835
harmonized if reasonably capable of simultaneous operation, finds 836
that the composite is the resulting version of the section in 837
effect prior to the effective date of the section as presented in 838
this act. 839