

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 162**

**Representatives Dovilla, Anielski**

**Cosponsors: Representatives Buchy, Thompson, Hackett, Ruhl, Grossman,  
Becker, Patmon, Baker, Johnson, Hagan, C., Perales**

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**A B I L L**

To amend sections 145.56, 145.561, 145.572, 145.573, 1  
145.82, 145.95, 742.46, 742.463, 742.464, 742.47, 2  
2901.43, 2929.192, 2929.193, 3305.08, 3305.11, 3  
3305.12, 3307.372, 3307.373, 3307.41, 3307.42, 4  
3309.66, 3309.661, 3309.672, 3309.673, 3309.82, 5  
3309.95, 5505.22, 5505.262, and 5505.263 and to 6  
enact sections 145.575, 145.576, 742.465, 742.466, 7  
2901.432, 2927.28, 3305.13, 3305.14, 3307.374, 8  
3307.375, 3309.674, 3309.675, 5505.264, and 9  
5505.265 of the Revised Code to add extortion and 10  
perjury and certain federal offenses to the 11  
offenses committed by a public retirement system 12  
member while serving in a position of honor, 13  
trust, or profit that may result in forfeiture of 14  
retirement system benefits or the termination of 15  
retirement system disability benefits. 16

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

**Section 1.** That sections 145.56, 145.561, 145.572, 145.573, 17  
145.82, 145.95, 742.46, 742.463, 742.464, 742.47, 2901.43, 18  
2929.192, 2929.193, 3305.08, 3305.11, 3305.12, 3307.372, 3307.373, 19

3307.41, 3307.42, 3309.66, 3309.661, 3309.672, 3309.673, 3309.82, 20  
3309.95, 5505.22, 5505.262, and 5505.263 be amended and sections 21  
145.575, 145.576, 742.465, 742.466, 2901.432, 2927.28, 3305.13, 22  
3305.14, 3307.374, 3307.375, 3309.674, 3309.675, 5505.264, and 23  
5505.265 of the Revised Code be enacted to read as follows: 24

**Sec. 145.56.** The right of an individual to a pension, an 25  
annuity, or a retirement allowance itself, the right of an 26  
individual to any optional benefit, any other right accrued or 27  
accruing to any individual, under this chapter, or under any 28  
municipal retirement system established subject to this chapter 29  
under the laws of this state or any charter, the various funds 30  
created by this chapter, or under such municipal retirement 31  
system, and all moneys, investments, and income from moneys or 32  
investments are exempt from any state tax, except the tax imposed 33  
by section 5747.02 of the Revised Code, and are exempt from any 34  
county, municipal, or other local tax, except income taxes imposed 35  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 36  
Code, and, except as provided in sections 145.57, 145.572, 37  
145.573, 145.574, 145.575, 145.576, 3105.171, 3105.65, and 3115.32 38  
and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, 39  
shall not be subject to execution, garnishment, attachment, the 40  
operation of bankruptcy or insolvency laws, or other process of 41  
law whatsoever, and shall be unassignable except as specifically 42  
provided in this chapter and sections 3105.171, 3105.65, and 43  
3115.32 and Chapters 3119., 3121., 3123., and 3125. of the Revised 44  
Code. 45

**Sec. 145.561.** (A) Except as provided in division (B) of this 46  
section and section 145.363, 145.572, 145.573, ~~or 145.574~~, 47  
145.575, or 145.576 of the Revised Code, the granting of a 48  
retirement allowance, annuity, pension, or other benefit to any 49

person pursuant to action of the public employees retirement board 50  
vests a right in such person, so long as the person remains the 51  
recipient of any benefit of the funds established by section 52  
145.23 of the Revised Code, to receive such retirement allowance, 53  
annuity, pension, or other benefit at the rate fixed at the time 54  
of granting such retirement allowance, annuity, pension, or other 55  
benefit. Such right shall also be vested with equal effect in the 56  
recipient of a grant heretofore made from any of the funds named 57  
in section 145.23 of the Revised Code. 58

(B) This section does not apply to an increase made under 59  
section 145.323 of the Revised Code for a recipient whose benefit 60  
effective date is on or after ~~the effective date of this amendment~~ 61  
January 7, 2013. 62

**Sec. 145.572.** (A)(1) Notwithstanding any other provision of 63  
this chapter, the following shall be subject to a forfeiture 64  
ordered under ~~division (A) or (B) of section 145.575 or~~ 2929.192 65  
of the Revised Code: 66

(a) The right of a member to receive any payment under a 67  
pension, annuity, allowance, or other type of benefit under this 68  
chapter, other than a payment of the accumulated contributions 69  
standing to the person's credit under this chapter; 70

(b) The right of a contributor to receive a benefit under 71  
division (B) of section 145.384 of the Revised Code, other than a 72  
payment of the person's contributions made under section 145.38 or 73  
145.383 of the Revised Code. 74

(2) The public employees retirement system shall comply with 75  
a forfeiture order issued under ~~division (A) or (B) of section~~ 76  
145.575 or 2929.192 of the Revised Code at the time the member or 77  
contributor applies for payment of the person's accumulated 78  
contributions. Upon payment of the person's contributions and 79  
cancellation of any corresponding service credit, a person who is 80

subject to the forfeiture order described in this division may not 81  
restore any canceled service credit under this chapter or the 82  
provisions of Chapter 742., 3305., 3307., 3309., or 5505. of the 83  
Revised Code. 84

(B) Notwithstanding any other provision of this chapter, if 85  
the system receives notice pursuant to section 2901.43 or division 86  
(C) of section 2901.432 of the Revised Code that a person who has 87  
accumulated contributions standing to the person's credit pursuant 88  
to this chapter is charged with any offense or violation ~~listed or~~ 89  
described in ~~divisions~~ division (B)(1) of section 2901.432 or 90  
division (D)(1) to (3) of section 2929.192 of the Revised Code 91  
that is a felony in under the circumstances specified in ~~the~~ 92  
~~particular division~~ those sections, all of the following apply: 93

(1) No payment of those accumulated contributions or of any 94  
other amount or amounts to be paid to a person who is a member or 95  
contributor under this chapter upon the person's withdrawal of 96  
contributions pursuant to this chapter shall be made prior to 97  
whichever of the following is applicable: 98

(a) If the person is convicted of or pleads guilty to the 99  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 100  
~~section~~ either of the following: 101

(i) Section 2929.192 of the Revised Code, the day on which 102  
the system receives from the court a copy of the journal entry of 103  
the offender's sentence under that section; 104

(ii) Section 145.575 of the Revised Code, the day on which 105  
the system receives from the person the notice required by 106  
division (D) of section 2901.432 of the Revised Code. 107

(b) If the charge against the person is dismissed, the person 108  
is found not guilty of the charge, or the person is found not 109  
guilty by reason of insanity of the charge, the day on which the 110  
system receives notice of the final disposition of the charge. 111

(2) The system shall not process any application for payment 112  
under this chapter from the person prior to the final disposition 113  
of the charge. 114

**Sec. 145.573.** Notwithstanding any other provision of this 115  
chapter, a disability benefit granted under this chapter is 116  
subject to an order issued under section 2929.193 of the Revised 117  
Code. The public employees retirement board shall comply with the 118  
order. 119

On receipt of notice under section 2901.43 of the Revised 120  
Code that a public employees retirement system member is charged 121  
with an offense listed in division (D) of section 2929.192 of the 122  
Revised Code under the circumstances specified in that ~~division~~ 123  
section, the system shall determine whether the member has been 124  
granted a disability benefit. If so, the system shall send written 125  
notice to the prosecutor assigned to the case that the member has 126  
been granted a disability benefit under this chapter and may be 127  
subject to section 2929.193 of the Revised Code. 128

**Sec. 145.575.** (A) As used in this section, "position of 129  
honor, trust, or profit" has the same meaning as in section 130  
2929.192 of the Revised Code. 131

(B) Subject to division (D)(1) of this section, the public 132  
employees retirement system shall order the forfeiture of a 133  
person's right to a retirement allowance, pension, disability 134  
benefit, or other right or benefit, other than payment of the 135  
person's accumulated contributions, if all of the following apply: 136

(1) The person is convicted of or pleads guilty to an offense 137  
described in division (B)(1) of section 2901.432 of the Revised 138  
Code that was committed on or after the effective date of this 139  
section. 140

(2) The offense was committed while the person was serving in 141

a position of honor, trust, or profit. 142

(3) At the time of the offense, the person was a member of 143  
the system or a contributor to the system receiving or eligible to 144  
receive a benefit under section 145.384 of the Revised Code. 145

(C) The person may request a hearing regarding the forfeiture 146  
by submitting to the system a written request for a hearing. If 147  
there is a timely request, the system shall schedule the hearing. 148  
Not later than ten days prior to the scheduled date of the 149  
hearing, the system shall give written notice of the hearing to 150  
the person and the federal prosecutor who handled the case. The 151  
hearing shall be limited to a consideration of whether there is 152  
good cause based on evidence presented by the person for the 153  
forfeiture order not to be issued. 154

(D)(1) If the system determines based on evidence presented 155  
by the person that there is good cause for the forfeiture order 156  
not to be issued, the system shall not order the forfeiture. 157

(2) If the person does not make a timely request for a 158  
hearing or if a hearing is held and the system does not determine 159  
based on evidence presented by the person that there is good cause 160  
for the forfeiture order not to be issued, the system shall order 161  
the forfeiture described in division (B) of this section. 162

**Sec. 145.576.** (A) As used in this section, "position of 163  
honor, trust, or profit" has the same meaning as in section 164  
2929.192 of the Revised Code. 165

(B) This section applies to a person to whom all of the 166  
following apply: 167

(1) The person is convicted of or pleads guilty to an offense 168  
described in division (B)(1) of section 2901.432 of the Revised 169  
Code that was committed on or after the effective date of this 170  
section. 171

(2) The offense was committed while the person was serving in a position of honor, trust, or profit. 172  
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(3) At the time of the offense, the person was a member of the public employees retirement system or a contributor to the system receiving or eligible to receive a benefit under section 145.384 of the Revised Code. 174  
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(4) Prior to the final disposition of the case, the person was granted a disability benefit by the system. 178  
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(C)(1) The retirement system shall hold a hearing regarding the condition for which the member was granted a disability benefit. Not later than ten days prior to the scheduled date of the hearing, the system shall give written notice of the hearing to the member and the federal prosecutor who handled the case. The hearing shall be limited to a consideration of whether the member's disabling condition arose out of the commission of the offense the member was convicted of or pleaded guilty to. 180  
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The system shall consider the member's medical reports and recommendations, and the member's disability application. If the system determines based on those documents that the disabling condition arose out of the commission of the offense the member was convicted of or pleaded guilty to, the system shall terminate the disability benefit. 188  
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(2) Any disability benefit paid the member prior to its termination may be recovered in accordance with section 145.563 of the Revised Code. 194  
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**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) of this section, sections 145.201 to 145.70 of the Revised Code do not apply to a PERS defined contribution plan, except that a PERS defined contribution plan may incorporate provisions of those sections as specified in the plan document. 197  
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(B) The following sections of Chapter 145. of the Revised Code apply to a PERS defined contribution plan: 145.195, 145.22, 145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.384, 145.391, 145.43, 145.431, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 145.573, 145.574, 145.575, 145.576, 145.69, and 145.70 of the Revised Code.

(C) A PERS defined contribution plan that includes definitely determinable benefits may incorporate by reference all or part of sections 145.201 to 145.79 of the Revised Code to allow a member participating in the plan to purchase service credit or to be eligible for any of the following:

(1) Retirement, disability, survivor, or death benefits;

(2) Health or long-term care insurance or any other type of health care benefit;

(3) Additional increases under section 145.323 of the Revised Code;

(4) A refund of contributions made by or on behalf of a member.

With respect to the benefits described in division (C)(1) of this section, the public employees retirement board may establish eligibility requirements and benefit formulas or amounts that differ from those of members participating in the PERS defined benefit plan. With respect to the purchase of service credit by a member participating in a PERS defined contribution plan, the board may reduce the cost of the service credit to reflect the different benefit formula established for the member.

**Sec. 145.95.** (A) Subject to division (B) of this section and sections 145.38, 145.56, 145.57, 145.572, 145.573, ~~and~~ 145.574, 145.575, and 145.576 of the Revised Code, the right of a member



participating in a PERS defined contribution plan to any payment 232  
or benefit accruing from contributions made by or on behalf of the 233  
member under sections 145.85 and 145.86 of the Revised Code shall 234  
vest in accordance with this section. 235

A member's right to any payment or benefit that is based on 236  
the member's contributions is nonforfeitable. 237

A member's right to any payment or benefit that is based on 238  
contributions by the member's employer is nonforfeitable as 239  
specified by the plan selected by the member. 240

(B) This section does not apply to an increase made under 241  
section 145.323 of the Revised Code on or after ~~the effective date~~ 242  
~~of this amendment~~ January 7, 2013. 243

**Sec. 742.46.** Except as provided in ~~section~~ sections 742.463, 244  
742.464, 742.465, and 742.466 of the Revised Code, the granting of 245  
a benefit or pension to any person under sections 742.01 to 742.61 246  
of the Revised Code, other than a person participating in the 247  
deferred retirement option plan established under section 742.43 248  
of the Revised Code, vests a right in such person to obtain and 249  
receive the amount of such benefit or pension granted to the 250  
person subject to sections 742.01 to 742.61 of the Revised Code. 251  
Subject to sections 742.444 ~~and~~, 742.463, 742.464, 742.465, and 252  
742.466 of the Revised Code, a person participating in the 253  
deferred retirement option plan vests in the right to obtain and 254  
receive the amount accrued to the benefit of the person when the 255  
person ceases participating in the plan. 256

Such right may be enforced by an action in mandamus 257  
instituted in the court of common pleas in the county in which the 258  
person granted such benefit or pension resides. 259

**Sec. 742.463.** (A) Notwithstanding any other provision of this 260  
chapter, any payment of accumulated contributions standing to a 261

person's credit under this chapter and any other amount or amounts 262  
to be paid to a person who is a member or contributor under this 263  
chapter upon the person's withdrawal of contributions pursuant to 264  
this chapter shall be subject to any forfeiture ordered under 265  
~~division (A) or (B) of~~ section 742.465 or 2929.192 of the Revised 266  
Code, and the Ohio police and fire pension fund shall comply with 267  
that order in making the payment. Upon payment of the person's 268  
accumulated contributions and cancellation of the corresponding 269  
service credit, a person who is subject to the forfeiture 270  
described in this division may not restore the canceled service 271  
credit under this chapter or under Chapter 145., 3305., 3307., 272  
3309., or 5505. of the Revised Code. 273

(B) Notwithstanding any other provision of this chapter, if 274  
the fund receives notice pursuant to section 2901.43 or division 275  
(C) of section 2901.432 of the Revised Code that a person who has 276  
accumulated contributions standing to the person's credit pursuant 277  
to this chapter is charged with any offense or violation ~~listed or~~ 278  
described in ~~divisions~~ division (B)(1) of section 2901.432 or 279  
division (D)(1) to (3) of section 2929.192 of the Revised Code 280  
~~that is a felony in~~ under the circumstances specified in ~~the~~ 281  
~~particular division~~ those sections, all of the following apply: 282

(1) No payment of those accumulated contributions or of any 283  
other amount or amounts to be paid to a person who is a member or 284  
contributor under this chapter upon the person's withdrawal of 285  
contributions pursuant to this chapter shall be made prior to 286  
whichever of the following is applicable: 287

(a) If the person is convicted of or pleads guilty to the 288  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 289  
~~section~~ either of the following: 290

(i) Section 2929.192 of the Revised Code, the day on which 291  
the fund receives from the court a copy of the journal entry of 292  
the offender's sentence under that section; 293

(ii) Section 724.465 of the Revised Code, the day on which 294  
the fund receives from the person the notice required by division 295  
(D) of section 2901.432 of the Revised Code. 296

(b) If the charge against the person is dismissed, the person 297  
is found not guilty of the charge, or the person is found not 298  
guilty by reason of insanity of the charge, the day on which the 299  
fund receives notice of the final disposition of the charge. 300

(2) The fund shall not process any application for payment 301  
under this chapter from the person prior to the final disposition 302  
of the charge. 303

**Sec. 742.464.** Notwithstanding any other provision of this 304  
chapter, a disability benefit granted under this chapter is 305  
subject to an order issued under section 2929.193 of the Revised 306  
Code. The board of trustees of the Ohio police and fire pension 307  
fund shall comply with the order. 308

On receipt of notice under section 2901.43 of the Revised 309  
Code that an Ohio police and fire pension fund member is charged 310  
with an offense listed in division (D) of section 2929.192 of the 311  
Revised Code under the circumstances specified in that ~~division~~ 312  
section, the fund shall determine whether the member has been 313  
granted a disability benefit. If so, the fund shall send written 314  
notice to the prosecutor assigned to the case that the member has 315  
been granted a disability benefit under this chapter and may be 316  
subject to section 2929.193 of the Revised Code. 317

**Sec. 742.465.** (A) As used in this section, "position of 318  
honor, trust, or profit" has the same meaning as in section 319  
2929.192 of the Revised Code. 320

(B) Subject to division (D)(1) of this section, the Ohio 321  
police and fire pension fund shall order the forfeiture of a 322  
person's right to a retirement allowance, pension, disability 323

benefit, or other right or benefit, other than payment of the 324  
person's accumulated contributions, if all of the following apply: 325

(1) The person is convicted of or pleads guilty to an offense 326  
described in division (B)(1) of section 2901.432 of the Revised 327  
Code that was committed on or after the effective date of this 328  
section. 329

(2) The offense was committed while the person was serving in 330  
a position of honor, trust, or profit. 331

(3) At the time of the offense, the person was a member of 332  
the fund or a contributor to the fund receiving or eligible to 333  
receive a benefit under section 742.26 of the Revised Code. 334

(C) The person may request a hearing regarding the forfeiture 335  
by submitting to the fund a written request for a hearing. If 336  
there is a timely request, the fund shall schedule the hearing. 337  
Not later than ten days prior to the scheduled date of the 338  
hearing, the fund shall give written notice of the hearing to the 339  
person and the federal prosecutor who handled the case. The 340  
hearing shall be limited to a consideration of whether there is 341  
good cause based on evidence presented by the person for the 342  
forfeiture order not to be issued. 343

(D)(1) If the fund determines based on evidence presented by 344  
the person that there is good cause for the forfeiture order not 345  
to be issued, the fund shall not order the forfeiture. 346

(2) If the person does not make a timely request for a 347  
hearing or if a hearing is held and the fund does not determine 348  
based on evidence presented by the person that there is good cause 349  
for the forfeiture order not to be issued, the fund shall order 350  
the forfeiture described in division (B) of this section. 351

**Sec. 742.466.** (A) As used in this section, "position of 352  
honor, trust, or profit" has the same meaning as in section 353

2929.192 of the Revised Code. 354

(B) This section applies to a person to whom all of the 355  
following apply: 356

(1) The person is convicted of or pleads guilty to an offense 357  
described in division (B)(1) of section 2901.432 of the Revised 358  
Code that was committed on or after the effective date of this 359  
section. 360

(2) The offense was committed while the person was serving in 361  
a position of honor, trust, or profit. 362

(3) At the time of the offense, the person was a member of 363  
the Ohio police and fire pension fund or a contributor to the fund 364  
receiving or eligible to receive a benefit under section 742.26 of 365  
the Revised Code. 366

(4) Prior to the final disposition of the case, the person 367  
was granted a disability benefit by the fund. 368

(C)(1) The fund shall hold a hearing regarding the condition 369  
for which the member was granted a disability benefit. Not later 370  
than ten days prior to the scheduled date of the hearing, the fund 371  
shall give written notice of the hearing to the member and the 372  
federal prosecutor who handled the case. The hearing shall be 373  
limited to a consideration of whether the member's disabling 374  
condition arose out of the commission of the offense the member 375  
was convicted of or pleaded guilty to. 376

The fund shall consider the member's medical reports and 377  
recommendations, and the member's disability application. If the 378  
fund determines based on those documents that the disabling 379  
condition arose out of the commission of the offense the member 380  
was convicted of or pleaded guilty to, the fund shall terminate 381  
the disability benefit. 382

(2) Any disability benefit paid the member prior to its 383

termination may be recovered in accordance with section 742.64 of 384  
the Revised Code. 385

**Sec. 742.47.** Except as provided in sections 742.461, 742.463, 386  
742.464, 742.465, 742.466, 3105.171, 3105.65, and 3115.32 and 387  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, sums 388  
of money due or to become due to any individual from the Ohio 389  
police and fire pension fund are not liable to attachment, 390  
garnishment, levy, or seizure under any legal or equitable process 391  
or any other process of law whatsoever, whether those sums remain 392  
with the treasurer of the fund or any officer or agent of the 393  
board of trustees of the fund or are in the course of transmission 394  
to the individual entitled to them, but shall inure wholly to the 395  
benefit of that individual. 396

**Sec. 2901.43.** (A)(1) As used in this section: 397

(a) "Public retirement system," "alternative retirement 398  
plan," and "prosecutor" have the same meanings as in section 399  
2907.15 of the Revised Code. 400

(b) "Position of honor, trust, or profit" has the same 401  
meaning as in section 2929.192 of the Revised Code. 402

(2) For purposes of ~~divisions (B) and (C)~~ of this section, a 403  
both of the following apply: 404

(a) A violation of section 2923.32 of the Revised Code or any 405  
other violation or offense that includes as an element a course of 406  
conduct or the occurrence of multiple acts is "committed on or 407  
after ~~the effective date of this section~~ May 13, 2008," if the 408  
course of conduct continues, one or more of the multiple acts 409  
occurs, or the subject person's accountability for the course of 410  
conduct or for one or more of the multiple acts continues, on or 411  
after ~~the effective date of this section~~ May 13, 2008; 412

(b) A violation of section 2923.32 of the Revised Code or any 413

other violation or offense that includes as an element a course of 414  
conduct or the occurrence of multiple acts is "committed on or 415  
after the effective date of this amendment" if the course of 416  
conduct continues, one or more of the multiple acts occurs, or the 417  
offender's accountability for the course of conduct or for one or 418  
more of the multiple acts continues on or after the effective date 419  
of this amendment. 420

(B) This section applies to a person to whom all of the 421  
following apply: 422

(1) The person is charged with an offense described in 423  
division (D) of section 2929.192 of the Revised Code that was 424  
allegedly committed on or after the appropriate date specified in 425  
that division. 426

(2) The offense was allegedly committed while the person was 427  
serving in a position of honor, trust, or profit. 428

(3) At the time of the alleged offense, the person was one of 429  
the following: 430

(a) A member of a public retirement system; 431

(b) A contributor to a public retirement system receiving or 432  
eligible to receive a benefit under section 145.384, 742.26, 433  
3307.352, or 3309.344 of the Revised Code; 434

(c) A participant in an alternative retirement plan. 435

(C) Upon the filing of charges against a person alleging that 436  
the person committed on or after the effective date of this 437  
section any violation or offense specified in division (C) of this 438  
section, if the person allegedly committed the violation or 439  
offense while serving in a position of honor, trust, or profit and 440  
if the person is an electing employee participating in an 441  
alternative retirement plan or a member of a public retirement 442  
system subject to this section, the prosecutor who is assigned to 443

the case shall send written notice that those charges have been 444  
filed against that person to the alternative retirement plan in 445  
which the person is a participant or the public retirement system 446  
in which the person is a member or contributor, whichever is 447  
applicable. The written notice shall specifically identify the 448  
person charged. 449

~~(C) Division (B) of this section applies when a person is 450  
charged with committing on or after the effective date of this 451  
section any offense or violation listed or described in divisions 452  
(D)(1) to (3) of section 2929.192 of the Revised Code that is a 453  
felony, in the circumstances specified in the particular division. 454~~

**Sec. 2901.432.** (A) As used in this section: 455

(1) "Public retirement system" and "alternative retirement 456  
plan" have the same meanings as in section 2907.15 of the Revised 457  
Code. 458

(2) "Position of honor, trust, or profit" has the same 459  
meaning as in section 2929.192 of the Revised Code. 460

(B) This section applies to a person to whom all of the 461  
following apply: 462

(1) The person is charged with any of the following offenses 463  
that was allegedly committed on or after the effective date of 464  
this section: 465

(a) Section 901(a) of the "Organized Crime Control Act of 466  
1970," 84 Stat. 941, 18 U.S.C. 1961 et seq., as amended; 467

(b) Section 1104 of the "Comprehensive Crime Control Act of 468  
1984," 98 Stat. 2143, 18 U.S.C. 666, as amended; 469

(c) Section 1951 of the "Hobbs Act," 62 Stat. 793, 18 U.S.C. 470  
1951, as amended; 471

(d) Section 7603 of the "Anti-Drug Abuse Act of 1988," 102 472



Stat. 4508, 18 U.S.C. 1341 or 1343; 473

(e) A conspiracy to commit any violation described in 474  
divisions (B)(1)(a),(b),(c), and (d) of this section, in violation 475  
of 62 Stat. 701, 18 U.S.C. 371. 476

(2) The offense was allegedly committed while the person was 477  
serving in a position of honor, trust, or profit. 478

(3) At the time of the alleged offense, the person was one of 479  
the following: 480

(a) A member of a public retirement system; 481

(b) A contributor to a public retirement system receiving or 482  
eligible to receive a benefit under section 145.384, 742.26, 483  
3307.352, or 3309.344 of the Revised Code; 484

(c) A participant in an alternative retirement plan. 485

(C) On the filing of charges against a person subject to this 486  
section, the person shall send written notice to the public 487  
retirement system or alternative retirement plan in which the 488  
person is a member, contributor, or participant that charges have 489  
been filed against the person. The notice shall specifically 490  
identify the person. 491

(D) On the conviction or guilty plea of a person subject to 492  
this section, the person shall send written notice to the public 493  
retirement system or alternative retirement plan in which the 494  
person is a member, contributor, or participant of the person's 495  
conviction or guilty plea. The notice shall specifically identify 496  
the person. 497

**Sec. 2927.28.** (A) No person shall knowingly fail to send the 498  
written notice required by division (C) or (D) of section 2901.432 499  
of the Revised Code. 500

(B) Whoever violates this section is guilty of failure to 501

report a charge or conviction to a public retirement system or an 502  
alternative retirement plan, a misdemeanor of the fourth degree. 503

~~Sec. 2929.192. (A) If an offender is being sentenced for any~~ 504  
~~felony offense listed in division (D) of this section that was~~ 505  
~~committed on or after May 13, 2008, if the offender committed the~~ 506  
~~offense while serving in a position of honor, trust, or profit,~~ 507  
~~and if the offender, at the time of the commission of the offense,~~ 508  
~~was a member of any public retirement system or a participant in~~ 509  
~~an alternative retirement plan, in In addition to any other~~ 510  
~~sanction ~~it~~ a court imposes under section 2929.14, 2929.15,~~ 511  
~~2929.16, 2929.17, or 2929.18 of the Revised Code but subject to~~ 512  
~~division (B) of this section, the court shall order the forfeiture~~ 513  
~~to the public retirement system or alternative retirement plan in~~ 514  
~~which the offender was a member, contributor, or participant of~~ 515  
~~the offender's right to a retirement allowance, pension,~~ 516  
~~disability benefit, or other right or benefit, other than payment~~ 517  
~~of the offender's accumulated contributions, ~~earned by reason of~~~~ 518  
~~the offender's being a member of the public retirement system or~~ 519  
~~alternative retirement plan. A if all of the following apply:~~ 520

(1) The offender is being sentenced for an offense described 521  
in division (D) of this section that was committed on or after the 522  
appropriate date specified in that division. 523

(2) The offense was committed while the offender was serving 524  
in a position of honor, trust, or profit. 525

(3) At the time of the offense, the offender was one of the 526  
following: 527

(a) A member of a public retirement system; 528

(b) A contributor to a public retirement system receiving or 529  
eligible to receive a benefit under section 145.384, 742.26, 530  
3307.352, or 3309.344 of the Revised Code; 531

(c) A participant in an alternative retirement plan. 532

A forfeiture ordered under this division is part of, and 533  
shall be included in, the sentence of the offender. The court 534  
shall send a copy of the journal entry imposing sentence on the 535  
offender to the appropriate public retirement system or 536  
alternative retirement plan in which the offender was a member, 537  
contributor, or participant. 538

(B) In any case in which a sentencing court is required to 539  
order forfeiture of an offender's right to a retirement allowance, 540  
pension, disability benefit, or other right or benefit under 541  
division (A) of this section, the offender may request a hearing 542  
regarding the forfeiture by delivering to the court prior to 543  
sentencing a written request for a hearing. If a request for a 544  
hearing is made by the offender prior to sentencing, the court 545  
shall conduct the hearing before sentencing. The court shall 546  
notify the offender, the prosecutor who handled the case in which 547  
the offender was convicted of or pleaded guilty to the offense for 548  
which the forfeiture order was imposed, and the appropriate public 549  
retirement system, or alternative retirement plan provider, 550  
whichever is applicable, or, if more than one is specified in the 551  
motion, the applicable combination of these, of the hearing. A 552  
hearing scheduled under this division shall be limited to a 553  
consideration of whether there is good cause based on evidence 554  
presented by the offender for the forfeiture order not to be 555  
issued. If the court determines based on evidence presented by the 556  
offender that there is good cause for the forfeiture order not to 557  
be issued, the court shall not issue the forfeiture order. If the 558  
offender does not request a hearing prior to sentencing or if the 559  
court conducts a hearing but does not determine based on evidence 560  
presented by the offender that there is good cause for the 561  
forfeiture order not to be issued, the court shall order the 562  
forfeiture described in division (A) of this section in accordance 563

with that division and shall send a copy of the journal entry 564  
imposing sentence on the offender to the appropriate public 565  
retirement system or alternative retirement plan in which the 566  
offender was a member, contributor, or participant. 567

(C) Upon receipt of a copy of the journal entry imposing 568  
sentence on an offender under division (A) or (B) of this section 569  
that contains an order of forfeiture of a type described in that 570  
division, the public retirement system or alternative retirement 571  
plan in which the offender was a member, contributor, or 572  
participant shall comply with the forfeiture order on application 573  
for a refund of the accumulated contributions of the member, 574  
contributor, or participant. 575

(D)~~(1)~~ Division (A) of this section applies ~~regarding to an~~ 576  
offender who is convicted of or pleads guilty to any of the 577  
following offenses committed on or after May 13, 2008, ~~that is a~~ 578  
~~felony and who committed the offense while serving in a position~~ 579  
~~of honor, trust, or profit:~~ 580

~~(1)(a)~~ A violation of section 2921.02 or 2923.32 of the 581  
Revised Code that is a felony or a violation of section 2921.41 of 582  
the Revised Code that is a felony of the third degree; 583

~~(2)(b)~~ A violation of an existing or former municipal 584  
ordinance or law of this or any other state or the United States 585  
that is substantially equivalent to any violation ~~listed~~ described 586  
in division (D)(1)~~(a)~~ of this section; 587

~~(3)(c)~~ A conspiracy to commit, attempt to commit, or 588  
complicity in committing any violation ~~listed~~ described in 589  
division (D)(1)~~(a)~~ or ~~described in division (D)(2) (b)~~ of this 590  
section. 591

(2) Division (A) of this section applies to an offender who 592  
is convicted of or pleads guilty to any of the following offenses 593  
committed on or after the effective date of this amendment: 594

(a) A violation of section 2905.11 or 2921.11 of the Revised Code that is a felony; 595  
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(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation described in division (D)(2)(a) of this section; 597  
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(c) A conspiracy to commit, attempt to commit, or complicity in committing any violation described in division (D)(2)(a) or (b) of this section. 601  
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(E) For purposes of ~~divisions (A) and~~ division (D) of this section, a both of the following apply: 604  
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(1) A violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the ~~subject person's~~ offender's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008; 606  
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(2) A violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this amendment" if the course of conduct continues, one or more of the multiple acts occurs, or the offender's accountability for the course of conduct or for one or more of the multiple acts continues on or after the effective date of this amendment. 613  
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(F) As used in this section: 621

(1)(a) For the period beginning May 13, 2008, and ending the day before ~~the effective date of this amendment~~ July 29, 2011, "position of honor, trust, or profit" means any of the following: 622  
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(i) An elective office of the state or any political subdivision of the state; 625  
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(ii) A position on any board or commission of the state that is appointed by the governor or the attorney general; 627  
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(iii) A position as a public official or employee, as defined in section 102.01 of the Revised Code, who is required to file a disclosure statement under section 102.02 of the Revised Code; 629  
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(iv) A position as a prosecutor, as defined in section 2935.01 of the Revised Code; 632  
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(v) A position as a peace officer, as defined in section 2935.01 of the Revised Code, or as the superintendent or a trooper of the state highway patrol. 634  
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(b) On and after ~~the effective date of this amendment~~ July 29, 2011, "position of honor, trust, or profit" has the same meaning as in division (F)(1)(a) of this section, except that it also includes a position in which, in the course of public employment, an employee has control over the expenditure of public funds of one hundred thousand dollars or more annually. 637  
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(2) "Public retirement system" and "alternative retirement plan" have the same meanings as in section 2907.15 of the Revised Code. 643  
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(3) "Accumulated contributions" means whichever of the following is applicable: 646  
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(a) Regarding an offender who is a member of, or contributor to, the public employees retirement system, except as otherwise provided in division (F)(3)(a) of this section, "accumulated contributions" has the same meaning as in section 145.01 of the Revised Code. For a member participating in a PERS defined contribution plan, "accumulated contributions" means the contributions made under section 145.85 of the Revised Code and 648  
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any earnings on those contributions. For a member participating in 655  
a PERS defined contribution plan that includes definitely 656  
determinable benefits, "accumulated contributions" means the 657  
contributions made under section 145.85 of the Revised Code, any 658  
earnings on those contributions, and additionally any amounts paid 659  
by the member to purchase service ~~credits~~ credit. 660

(b) Regarding an offender who is or was a member of, or 661  
contributor to, the Ohio police and fire pension fund, 662  
"accumulated contributions" means the amount payable to a member 663  
under division (G) of section 742.37 of the Revised Code. 664

(c) Regarding an offender who is a member of, or contributor 665  
to, the state teachers retirement system, except as otherwise 666  
provided in division (F)(3)(c) of this section, "accumulated 667  
contributions" has the same meaning as in section 3307.50 of the 668  
Revised Code. For a member participating in an STRS defined 669  
contribution plan, "accumulated contributions" means the 670  
contributions made under section 3307.26 of the Revised Code to 671  
participate in a plan established under section 3307.81 of the 672  
Revised Code and any earnings on those contributions. For a member 673  
participating in a STRS defined contribution plan that includes 674  
definitely determinable benefits, "accumulated contributions" 675  
means the contributions made under section 3307.26 of the Revised 676  
Code to participate in a plan established under section 3307.81 of 677  
the Revised Code, any earnings on those contributions, and 678  
additionally any amounts paid by the member to purchase service 679  
~~credits~~ credit. 680

(d) Regarding an offender who is or was a member of, or 681  
contributor to, the school employees retirement system, 682  
"accumulated contributions" has the same meaning as in section 683  
3309.01 of the Revised Code and also includes employee 684  
contributions made under section 3309.85 of the Revised Code and 685  
any earnings on those contributions. 686

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

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

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

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

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

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

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

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

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

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

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



following: 716

(a) A member of a public retirement system; 717

(b) A contributor to a public retirement system receiving or 718  
eligible to receive a benefit under section 145.384, 742.26, 719  
3307.352, or 3309.344 of the Revised Code; 720

(c) A participant in an alternative retirement plan. 721

(4) Prior to the final disposition of the case, the offender 722  
was granted a disability benefit by a public retirement system or 723  
an alternative retirement plan provider. 724

(C)(1) Prior to sentencing an offender subject to this 725  
section, the court shall hold a hearing regarding the condition 726  
for which the offender was granted a disability benefit. Not later 727  
than ten days prior to the scheduled date of the hearing, the 728  
court shall give written notice of the hearing to the offender, 729  
the prosecutor who handled the case, and the appropriate public 730  
retirement system, alternative retirement plan provider, or, if 731  
more than one is providing a disability benefit, the applicable 732  
combination of these. The hearing shall be limited to a 733  
consideration of whether the offender's disabling condition arose 734  
out of the commission of the offense the offender was convicted of 735  
or pleaded guilty to. 736

The system or provider shall submit to the court the 737  
offender's medical reports and recommendations, and the offender's 738  
disability application. If the court determines based on those 739  
documents that the disabling condition arose out of the commission 740  
of the offense the offender was convicted of or pleaded guilty to, 741  
the court shall order the system or provider to terminate the 742  
disability benefit. 743

(2) Any disability benefit paid the offender prior to its 744  
termination may be recovered in accordance with section 145.563, 745  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 746

(D) For purposes of this section, a both of the following 747  
apply: 748

(1) A violation of section 2923.32 of the Revised Code or any 749  
other violation or offense that includes as an element a course of 750  
conduct or the occurrence of multiple acts is "committed on or 751  
after ~~the effective date of this section~~ July 29, 2011," if the 752  
course of conduct continues, one or more of the multiple acts 753  
occurs, or the offender's accountability for the course of conduct 754  
or for one or more of the multiple acts continues on or after ~~the~~ 755  
~~effective date of this section~~ July 29, 2011; 756

(2) A violation of section 2923.32 of the Revised Code or any 757  
other violation or offense that includes as an element a course of 758  
conduct or the occurrence of multiple acts is "committed on or 759  
after the effective date of this amendment" if the course of 760  
conduct continues, one or more of the multiple acts occurs, or the 761  
offender's accountability for the course of conduct or for one or 762  
more of the multiple acts continues on or after the effective date 763  
of this amendment. 764

**Sec. 3305.08.** Any payment, benefit, or other right accruing 765  
to any electing employee under a contract entered into for 766  
purposes of an alternative retirement plan and all moneys, 767  
investments, and income of those contracts are exempt from any 768  
state tax, except the tax imposed by section 5747.02 of the 769  
Revised Code, are exempt from any county, municipal, or other 770  
local tax, except income taxes imposed pursuant to section 771  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 772  
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 773  
3121.02, 3121.03, 3123.06, 3305.09, ~~and 3305.11,~~ 3305.12, 3305.13, 774  
and 3305.14 of the Revised Code, shall not be subject to 775  
execution, garnishment, attachment, the operation of bankruptcy or 776  
the insolvency law, or other process of law, and shall be 777

unassignable except as specifically provided in this section and 778  
sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 3121.03, 779  
3115.32, and 3123.06 of the Revised Code or in any contract the 780  
electing employee has entered into for purposes of an alternative 781  
retirement plan. 782

**Sec. 3305.11.** (A) Notwithstanding any other provision of this 783  
chapter, any payment of accumulated contributions standing to a 784  
person's credit under this chapter and any other amount or amounts 785  
to be paid to a person who is a ~~contributor~~ participant in an 786  
alternative retirement plan under this chapter upon the person's 787  
withdrawal of contributions pursuant to this chapter shall be 788  
subject to any forfeiture ordered under ~~division (A) or (B) of~~ 789  
section 2929.192 or 3305.13 of the Revised Code, and the provider 790  
of an alternative retirement plan shall comply with that order in 791  
making the payment. Upon payment of the person's accumulated 792  
contributions and cancellation of the corresponding service 793  
credit, a person who is subject to the forfeiture described in 794  
this division may not restore the canceled service credit under 795  
this chapter or under Chapter 145., 742., 3307., 3309., or 5505. 796  
of the Revised Code. 797

(B) Notwithstanding any other provision of this chapter, if 798  
the provider of an alternative retirement plan receives notice 799  
pursuant to section 2901.43 or division (C) of section 2901.432 of 800  
the Revised Code that a person who has accumulated contributions 801  
standing to the person's credit pursuant to this chapter is 802  
charged with any offense or violation ~~listed or~~ described in 803  
~~divisions~~ division (B)(1) of section 2901.432 or division (D)(1) 804  
~~to (3)~~ of section 2929.192 of the Revised Code ~~that is a felony in~~ 805  
under the circumstances specified in the particular division those 806  
sections, all of the following apply: 807

(1) No payment of those accumulated contributions or of any 808

other amount or amounts to be paid to a person who is a 809  
~~contributor~~ participant under this chapter upon the person's 810  
withdrawal of contributions pursuant to this chapter shall be made 811  
prior to whichever of the following is applicable: 812

(a) If the person is convicted of or pleads guilty to the 813  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 814  
~~section~~ either of the following: 815

(i) Section 2929.192 of the Revised Code, the day on which 816  
the provider receives from the court a copy of the journal entry 817  
of the offender's sentence under that section; 818

(ii) Section 3305.13 of the Revised Code, the day on which 819  
the provider receives from the person the notice required by 820  
division (D) of section 2901.432 of the Revised Code. 821

(b) If the charge against the person is dismissed, the person 822  
is found not guilty of the charge, or the person is found not 823  
guilty by reason of insanity of the charge, the day on which the 824  
provider receives notice of the final disposition of the charge. 825

(2) The provider of an alternative retirement plan shall not 826  
process any application for payment under this chapter from the 827  
person prior to the final disposition of the charge. 828

**Sec. 3305.12.** Notwithstanding any other provision of an 829  
alternative retirement plan provided under this chapter, a 830  
disability benefit granted under the alternative retirement plan 831  
is subject to an order issued under section 2929.193 of the 832  
Revised Code. The entity providing the alternative retirement plan 833  
shall comply with the order. 834

On receipt of notice under section 2901.43 of the Revised 835  
Code that an alternative retirement plan participant is charged 836  
with an offense listed in division (D) of section 2929.192 of the 837  
Revised Code under the circumstances specified in that ~~division~~ 838

section, the entity shall determine whether the participant has 839  
been granted a disability benefit. If so, the entity shall send 840  
written notice to the prosecutor assigned to the case that the 841  
participant has been granted a disability benefit under an 842  
alternative retirement plan and may be subject to section 2929.193 843  
of the Revised Code. 844

Sec. 3305.13. (A) As used in this section, "position of 845  
honor, trust, or profit" has the same meaning as in section 846  
2929.192 of the Revised Code. 847

(B) Subject to division (D)(1) of this section, the entity 848  
providing the alternative retirement plan shall order the 849  
forfeiture of a person's right to a retirement allowance, pension, 850  
disability benefit, or other right or benefit, other than payment 851  
of the person's accumulated contributions, if all of the following 852  
apply: 853

(1) The person is convicted of or pleads guilty to an offense 854  
described in division (B)(1) of section 2901.432 of the Revised 855  
Code that was committed on or after the effective date of this 856  
section. 857

(2) The offense was committed while the person was serving in 858  
a position of honor, trust, or profit. 859

(3) At the time of the offense, the person was a participant 860  
in an alternative retirement plan. 861

(C) The person may request a hearing regarding the forfeiture 862  
by submitting to the entity a written request for a hearing. If 863  
there is a timely request, the entity shall schedule the hearing. 864  
Not later than ten days prior to the scheduled date of the 865  
hearing, the entity shall give written notice of the hearing to 866  
the person and the federal prosecutor who handled the case. The 867  
hearing shall be limited to a consideration of whether there is 868

good cause based on evidence presented by the person for the 869  
forfeiture order not to be issued. 870

(D)(1) If the entity determines based on evidence presented 871  
by the person that there is good cause for the forfeiture order 872  
not to be issued, the entity shall not order the forfeiture. 873

(2) If the person does not make a timely request for a 874  
hearing or if a hearing is held and the entity does not determine 875  
based on evidence presented by the person that there is good cause 876  
for the forfeiture order not to be issued, the entity shall order 877  
the forfeiture described in division (B) of this section. 878

**Sec. 3305.14.** (A) As used in this section, "position of 879  
honor, trust, or profit" has the same meaning as in section 880  
2929.192 of the Revised Code. 881

(B) This section applies to a person to whom all of the 882  
following apply: 883

(1) The person is convicted of or pleads guilty to an offense 884  
described in division (B)(1) of section 2901.432 of the Revised 885  
Code that was committed on or after the effective date of this 886  
section. 887

(2) The offense was committed while the person was serving in 888  
a position of honor, trust, or profit. 889

(3) At the time of the offense, the person was a participant 890  
in an alternative retirement plan. 891

(4) Prior to the final disposition of the case, the person 892  
was granted a disability benefit by the entity providing the 893  
alternative retirement plan. 894

(C)(1) The entity shall hold a hearing regarding the 895  
condition for which the participant was granted a disability 896  
benefit. Not later than ten days prior to the scheduled date of 897  
the hearing, the entity shall give written notice of the hearing 898

to the participant and the federal prosecutor who handled the 899  
case. The hearing shall be limited to a consideration of whether 900  
the participant's disabling condition arose out of the commission 901  
of the offense the participant was convicted of or pleaded guilty 902  
to. 903

The entity shall consider the participant's medical reports 904  
and recommendations, and the participant's disability application. 905  
If the entity determines based on those documents that the 906  
disabling condition arose out of the commission of the offense the 907  
participant was convicted of or pleaded guilty to, the entity 908  
shall terminate the disability benefit. 909

(2) Any disability benefit paid the participant prior to its 910  
termination may be recovered in accordance with section 3305.22 of 911  
the Revised Code. 912

**Sec. 3307.372.** (A) Notwithstanding any other provision of 913  
this chapter, any payment of accumulated contributions standing to 914  
a person's credit under this chapter and any other amount or 915  
amounts to be paid to a person who is a member or contributor 916  
under this chapter upon the person's withdrawal of contributions 917  
pursuant to this chapter shall be subject to any forfeiture 918  
ordered under ~~division (A) or (B) of~~ section 2929.192 or 3307.374 919  
of the Revised Code, and the state teachers retirement system 920  
shall comply with that order in making the payment. Upon payment 921  
of the person's accumulated contributions and cancellation of the 922  
corresponding service credit, a person who is subject to the 923  
forfeiture described in this division may not restore the canceled 924  
service credit under this chapter or under Chapter 145., 742., 925  
3305., 3309., or 5505. of the Revised Code. 926

(B) Notwithstanding any other provision of this chapter, if 927  
the system receives notice pursuant to section 2901.43 or division 928  
(C) of section 2901.432 of the Revised Code that a person who has 929

accumulated contributions standing to the person's credit pursuant 930  
to this chapter is charged with any offense or violation ~~listed or~~ 931  
described in ~~divisions~~ division (B)(1) of section 2901.432 or 932  
division (D)(1) to (3) of section 2929.192 of the Revised Code 933  
~~that is a felony in~~ under the circumstances specified in ~~the~~ 934  
~~particular division~~ those sections, all of the following apply: 935

(1) No payment of those accumulated contributions or of any 936  
other amount or amounts to be paid to a person who is a member or 937  
contributor under this chapter upon the person's withdrawal of 938  
contributions pursuant to this chapter shall be made prior to 939  
whichever of the following is applicable: 940

(a) If the person is convicted of or pleads guilty to the 941  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 942  
~~section~~ either of the following: 943

(i) Section 2929.192 of the Revised Code, the day on which 944  
the system receives from the court a copy of the journal entry of 945  
the offender's sentence under that section; 946

(ii) Section 3307.374 of the Revised Code, the day on which 947  
the system receives from the person the notice required by 948  
division (D) of section 2901.432 of the Revised Code. 949

(b) If the charge against the person is dismissed, the person 950  
is found not guilty of the charge, or the person is found not 951  
guilty by reason of insanity of the charge, the day on which the 952  
system receives notice of the final disposition of the charge. 953

(2) The system shall not process any application for payment 954  
under this chapter from the person prior to the final disposition 955  
of the charge. 956

**Sec. 3307.373.** Notwithstanding any other provision of this 957  
chapter, a disability benefit granted under this chapter is 958  
subject to an order issued under section 2929.193 of the Revised 959



Code. The state teachers retirement board shall comply with the order. 960  
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On receipt of notice under section 2901.43 of the Revised Code that a state teachers retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that ~~division~~ section, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code. 962  
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Sec. 3307.374. (A) As used in this section, "position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code. 971  
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(B) Subject to division (D)(1) of this section, the state teachers retirement system shall order the forfeiture of a person's right to a retirement allowance, pension, disability benefit, or other right or benefit, other than payment of the person's accumulated contributions, if all of the following apply: 974  
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(1) The person is convicted of or pleads guilty to an offense described in division (B)(1) of section 2901.432 of the Revised Code that was committed on or after the effective date of this section. 979  
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(2) The offense was committed while the person was serving in a position of honor, trust, or profit. 983  
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(3) At the time of the offense, the person was a member of the system or a contributor to the system receiving or eligible to receive a benefit under section 3307.352 of the Revised Code. 985  
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(C) The person may request a hearing regarding the forfeiture by submitting to the system a written request for a hearing. If 988  
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there is a timely request, the system shall schedule the hearing. 990  
Not later than ten days prior to the scheduled date of the 991  
hearing, the system shall give written notice of the hearing to 992  
the person and the federal prosecutor who handled the case. The 993  
hearing shall be limited to a consideration of whether there is 994  
good cause based on evidence presented by the person for the 995  
forfeiture order not to be issued. 996

(D)(1) If the system determines based on evidence presented 997  
by the person that there is good cause for the forfeiture order 998  
not to be issued, the system shall not order the forfeiture. 999

(2) If the person does not make a timely request for a 1000  
hearing or if a hearing is held and the system does not determine 1001  
based on evidence presented by the person that there is good cause 1002  
for the forfeiture order not to be issued, the system shall order 1003  
the forfeiture described in division (B) of this section. 1004

**Sec. 3307.375.** (A) As used in this section, "position of 1005  
honor, trust, or profit" has the same meaning as in section 1006  
2929.192 of the Revised Code. 1007

(B) This section applies to a person to whom all of the 1008  
following apply: 1009

(1) The person is convicted of or pleads guilty to an offense 1010  
described in division (B)(1) of section 2901.432 of the Revised 1011  
Code that was committed on or after the effective date of this 1012  
section. 1013

(2) The offense was committed while the person was serving in 1014  
a position of honor, trust, or profit. 1015

(3) At the time of the offense, the person was a member of 1016  
the state teachers retirement system or a contributor to the 1017  
system receiving or eligible to receive a benefit under section 1018  
3307.352 of the Revised Code. 1019

(4) Prior to the final disposition of the case, the person 1020  
was granted a disability benefit by the system. 1021

(C)(1) The retirement system shall hold a hearing regarding 1022  
the condition for which the member was granted a disability 1023  
benefit. Not later than ten days prior to the scheduled date of 1024  
the hearing, the system shall give written notice of the hearing 1025  
to the member and the federal prosecutor who handled the case. The 1026  
hearing shall be limited to a consideration of whether the 1027  
member's disabling condition arose out of the commission of the 1028  
offense the member was convicted of or pleaded guilty to. 1029

The system shall consider the member's medical reports and 1030  
recommendations, and the member's disability application. If the 1031  
system determines based on those documents that the disabling 1032  
condition arose out of the commission of the offense the member 1033  
was convicted of or pleaded guilty to, the system shall terminate 1034  
the disability benefit. 1035

(2) Any disability benefit paid the member prior to its 1036  
termination may be recovered in accordance with section 3307.47 of 1037  
the Revised Code. 1038

**Sec. 3307.41.** The right of an individual to a pension, an 1039  
annuity, or a retirement allowance itself, the right of an 1040  
individual to any optional benefit, or any other right or benefit 1041  
accrued or accruing to any individual under this chapter, the 1042  
various funds created by section 3307.14 of the Revised Code, and 1043  
all moneys, investments, and income from moneys or investments are 1044  
exempt from any state tax, except the tax imposed by section 1045  
5747.02 of the Revised Code, and are exempt from any county, 1046  
municipal, or other local tax, except income taxes imposed 1047  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 1048  
Code, and, except as provided in sections 3105.171, 3105.65, 1049  
3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3307.37, 1050

3307.372, ~~and~~ 3307.373, 3307.374, and 3307.375 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter or sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code.

**Sec. 3307.42.** (A) Except as provided in ~~section~~ sections 3307.372, 3307.373, 3307.374, and 3307.375 of the Revised Code, the granting to any person of an allowance, annuity, pension, or other benefit under the STRS defined benefit plan, or the granting of a benefit under an STRS defined contribution plan, pursuant to an action of the state teachers' retirement board vests a right in such person, so long as the person remains the beneficiary of any of the funds established by section 3307.14 of the Revised Code, to receive the allowance, annuity, pension, or benefit at the rate fixed at the time of granting the allowance, annuity, pension, or benefit. Such right shall also be vested with equal effect in the beneficiary of a grant heretofore made from any of the funds named in section 3307.14 of the Revised Code.

(B)(1) The state teachers retirement system may suspend the benefit of a person receiving a benefit under section 3307.58 or 3307.59 of the Revised Code, a disability benefit under section 3307.63 or 3307.631 of the Revised Code, a survivor benefit under section 3307.66 of the Revised Code, any payment under section 3307.352 of the Revised Code, a benefit under section 3307.60 of the Revised Code as a beneficiary, or a benefit under an STRS defined contribution plan under either of the following circumstances:

(a) The retirement system has good cause to believe that the person receiving benefits is incapacitated and no other person has

authority to act or receive benefits on the person's behalf. 1082

(b) The retirement system learns that the person receiving 1083  
benefits is missing, and no person provides evidence satisfactory 1084  
to the system that the person is alive and is entitled to receive 1085  
benefits. 1086

(2) Benefits shall resume on presentation of evidence 1087  
satisfactory to the board that the person is no longer 1088  
incapacitated or is alive and entitled to receive benefits. Any 1089  
missed payments shall be paid in a single lump sum payment. 1090

(3) A benefit suspended under division (B)(1)(b) of this 1091  
section shall be terminated on presentation to the board of a 1092  
decree of presumed death. Notwithstanding section 2121.04 of the 1093  
Revised Code, the termination shall be retroactive to the date the 1094  
benefit was suspended. 1095

**Sec. 3309.66.** The right of an individual to a pension, an 1096  
annuity, or a retirement allowance itself, the right of an 1097  
individual to any optional benefit, any other right accrued or 1098  
accruing to any individual under this chapter, the various funds 1099  
created by section 3309.60 of the Revised Code, and all moneys, 1100  
investments, and income from moneys and investments are exempt 1101  
from any state tax, except the tax imposed by section 5747.02 of 1102  
the Revised Code, and are exempt from any county, municipal, or 1103  
other local tax, except income taxes imposed pursuant to section 1104  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 1105  
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1106  
3121.02, 3121.03, 3123.06, 3309.67, 3309.672, ~~and~~ 3309.673, 1107  
3309.674, and 3309.675 of the Revised Code, shall not be subject 1108  
to execution, garnishment, attachment, the operation of bankruptcy 1109  
or insolvency laws, or any other process of law whatsoever, and 1110  
shall be unassignable except as specifically provided in this 1111  
chapter and in sections 3105.171, 3105.65, 3115.32, 3119.80, 1112

3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code. 1113

**Sec. 3309.661.** Except as provided in ~~section~~ sections 1114  
3309.672, 3309.673, 3309.674, and 3309.675 of the Revised Code, 1115  
the granting of a retirement allowance, annuity, pension, or other 1116  
benefit to any person pursuant to action of the school employees 1117  
retirement board vests a right in such person, so long as the 1118  
person remains the recipient of any of the funds established by 1119  
section 3309.60 of the Revised Code, to receive such retirement 1120  
allowance, annuity, pension, or benefit. Such right shall also be 1121  
vested with equal effect in the recipient of a grant heretofore 1122  
made from any of the funds named in section 3309.60 of the Revised 1123  
Code. 1124

**Sec. 3309.672.** (A) Notwithstanding any other provision of 1125  
this chapter, any payment of accumulated contributions standing to 1126  
a person's credit under this chapter and any other amount or 1127  
amounts to be paid to a person who is a member or contributor 1128  
under this chapter upon the person's withdrawal of contributions 1129  
pursuant to this chapter shall be subject to any forfeiture 1130  
ordered under ~~division (A) or (B) of~~ section 2929.192 or 3309.674 1131  
of the Revised Code, and the school employees retirement system 1132  
shall comply with that order in making the payment. Upon payment 1133  
of the person's accumulated contributions and cancellation of the 1134  
corresponding service credit, a person who is subject to the 1135  
forfeiture described in this division may not restore the canceled 1136  
service credit under this chapter or under Chapter 145., 742., 1137  
3305., 3307., or 5505. of the Revised Code. 1138

(B) Notwithstanding any other provision of this chapter, if 1139  
the system receives notice pursuant to section 2901.43 or division 1140  
(C) of section 2901.432 of the Revised Code that a person who has 1141  
accumulated contributions standing to the person's credit pursuant 1142  
to this chapter is charged with any offense or violation ~~listed or~~ 1143

described in ~~divisions~~ division (B)(1) of section 2901.432 or 1144  
division (D)(1) to (3) of section 2929.192 of the Revised Code 1145  
~~that is a felony in~~ under the circumstances specified in ~~the~~ 1146  
~~particular division~~ those sections, all of the following apply: 1147

(1) No payment of those accumulated contributions or of any 1148  
other amount or amounts to be paid to a person who is a member or 1149  
contributor under this chapter upon the person's withdrawal of 1150  
contributions pursuant to this chapter shall be made prior to 1151  
whichever of the following is applicable: 1152

(a) If the person is convicted of or pleads guilty to the 1153  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1154  
~~section~~ either of the following: 1155

(i) Section 2929.192 of the Revised Code, the day on which 1156  
the system receives from the court a copy of the journal entry of 1157  
the offender's sentence under that section; 1158

(ii) Section 3309.674 of the Revised Code, the day on which 1159  
the system receives from the person the notice required by 1160  
division (D) of section 2901.432 of the Revised Code. 1161

(b) If the charge against the person is dismissed, the person 1162  
is found not guilty of the charge, or the person is found not 1163  
guilty by reason of insanity of the charge, the day on which the 1164  
system receives notice of the final disposition of the charge. 1165

(2) The system shall not process any application for payment 1166  
under this chapter from the person prior to the final disposition 1167  
of the charge. 1168

**Sec. 3309.673.** Notwithstanding any other provision of this 1169  
chapter, a disability benefit granted under this chapter is 1170  
subject to an order issued under section 2929.193 of the Revised 1171  
Code. The school employees retirement board shall comply with the 1172  
order. 1173

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

Sec. 3309.674. (A) As used in this section, "position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.

(B) Subject to division (D)(1) of this section, the school employees retirement system shall order the forfeiture of a person's right to a retirement allowance, pension, disability benefit, or other right or benefit, other than payment of the person's accumulated contributions, if all of the following apply:

(1) The person is convicted of or pleads guilty to an offense described in division (B)(1) of section 2901.432 of the Revised Code that was committed on or after the effective date of this section.

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

(3) At the time of the offense, the person was a member of the system or a contributor to the system receiving or eligible to receive a benefit under section 3309.344 of the Revised Code.

(C) The person may request a hearing regarding the forfeiture by submitting to the system a written request for a hearing. If there is a timely request, the system shall schedule the hearing. Not later than ten days prior to the scheduled date of the



hearing, the system shall give written notice of the hearing to 1204  
the person and the federal prosecutor who handled the case. The 1205  
hearing shall be limited to a consideration of whether there is 1206  
good cause based on evidence presented by the person for the 1207  
forfeiture order not to be issued. 1208

(D)(1) If the system determines based on evidence presented 1209  
by the person that there is good cause for the forfeiture order 1210  
not to be issued, the system shall not order the forfeiture. 1211

(2) If the person does not make a timely request for a 1212  
hearing or if a hearing is held and the system does not determine 1213  
based on evidence presented by the person that there is good cause 1214  
for the forfeiture order not to be issued, the system shall order 1215  
the forfeiture described in division (B) of this section. 1216

Sec. 3309.675. (A) As used in this section, "position of 1217  
honor, trust, or profit" has the same meaning as in section 1218  
2929.192 of the Revised Code. 1219

(B) This section applies to a person to whom all of the 1220  
following apply: 1221

(1) The person is convicted of or pleads guilty to an offense 1222  
described in division (B)(1) of section 2901.432 of the Revised 1223  
Code that was committed on or after the effective date of this 1224  
section. 1225

(2) The offense was committed while the person was serving in 1226  
a position of honor, trust, or profit. 1227

(3) At the time of the offense, the person was a member of 1228  
the school employees retirement system or a contributor to the 1229  
system receiving or eligible to receive a benefit under section 1230  
3309.344 of the Revised Code. 1231

(4) Prior to the final disposition of the case, the person 1232  
was granted a disability benefit by the system. 1233

(C)(1) The retirement system shall hold a hearing regarding the condition for which the member was granted a disability benefit. Not later than ten days prior to the scheduled date of the hearing, the system shall give written notice of the hearing to the member and the federal prosecutor who handled the case. The hearing shall be limited to a consideration of whether the member's disabling condition arose out of the commission of the offense the member was convicted of or pleaded guilty to.

The system shall consider the member's medical reports and recommendations, and the member's disability application. If the system determines based on those documents that the disabling condition arose out of the commission of the offense the member was convicted of or pleaded guilty to, the system shall terminate the disability benefit.

(2) Any disability benefit paid the member prior to its termination may be recovered in accordance with section 3309.70 of the Revised Code.

**Sec. 3309.82.** (A) Except as provided in division (B) of this section, sections 3309.02, 3309.021, and 3309.022 and sections 3309.18 to 3309.70 of the Revised Code do not apply to a plan established under section 3309.81 of the Revised Code, except that a plan may incorporate provisions of those sections as specified in the plan document.

(B) The following sections of Chapter 3309. of the Revised Code apply to a plan established under section 3309.81 of the Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 3309.673, 3309.674, 3309.675, 3309.68, and 3309.70 of the Revised

Code. 1265

**Sec. 3309.95.** Subject to sections 3309.341, 3309.66, 3309.67, 1266  
3309.672, ~~and~~ 3309.673, 3309.674, and 3309.675 of the Revised 1267  
Code, the right of a member participating in a plan established 1268  
under section 3309.81 of the Revised Code to any payment or 1269  
benefit accruing from contributions made by or on behalf of the 1270  
member under sections 3309.85 and 3309.86 of the Revised Code 1271  
shall vest in accordance with this section. 1272

A member's right to any payment or benefit that is based on 1273  
the member's contributions is nonforfeitable. 1274

A member's right to any payment or benefit that is based on 1275  
contributions by the member's employer is nonforfeitable as 1276  
specified by the plan selected by the member. 1277

**Sec. 5505.22.** The right of any individual to a pension, or to 1278  
the return of accumulated contributions, payable as provided under 1279  
this chapter, and all moneys and investments of the state highway 1280  
patrol retirement system and income from moneys or investments are 1281  
exempt from any state tax, except the tax imposed by section 1282  
5747.02 of the Revised Code, and are exempt from any county, 1283  
municipal, or other local tax, except income taxes imposed 1284  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 1285  
Code, and, except as provided in sections 3105.171, 3105.65, 1286  
3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 5505.26, 1287  
5505.262, ~~and~~ 5505.263, 5505.264, and 5505.265 of the Revised 1288  
Code, shall not be subject to execution, garnishment, attachment, 1289  
the operation of bankruptcy or insolvency laws, or any other 1290  
process of law whatsoever, and shall be unassignable except as 1291  
specifically provided in this chapter. 1292

**Sec. 5505.262.** (A) Notwithstanding any other provision of 1293  
this chapter, any payment of accumulated contributions standing to 1294

a person's credit under this chapter and any other amount or 1295  
amounts to be paid to a person who is a member or contributor 1296  
under this chapter upon the person's withdrawal of contributions 1297  
pursuant to this chapter shall be subject to any forfeiture 1298  
ordered under ~~division (A) or (B)~~ of section 2929.192 or 5505.264 1299  
of the Revised Code, and the state highway patrol retirement 1300  
system shall comply with that order in making the payment. Upon 1301  
payment of the person's accumulated contributions and cancellation 1302  
of the corresponding service credit, a person who is subject to 1303  
the forfeiture described in this division may not restore the 1304  
canceled service credit under this chapter or under Chapter 145., 1305  
742., 3305., 3307., or 3309. of the Revised Code. 1306

(B) Notwithstanding any other provision of this chapter, if 1307  
the system receives notice pursuant to section 2901.43 or division 1308  
(C) of section 2901.432 of the Revised Code that a person who has 1309  
accumulated contributions standing to the person's credit pursuant 1310  
to this chapter is charged with any offense or violation ~~listed or~~ 1311  
described in ~~divisions~~ division (B)(1) of section 2901.432 or 1312  
division (D)(1) to (3) of section 2929.192 of the Revised Code 1313  
~~that is a felony in~~ under the circumstances specified in ~~the~~ 1314  
~~particular division~~ those sections, all of the following apply: 1315

(1) No payment of those accumulated contributions or of any 1316  
other amount or amounts to be paid to a person who is a member or 1317  
contributor under this chapter upon the person's withdrawal of 1318  
contributions pursuant to this chapter shall be made prior to 1319  
whichever of the following is applicable: 1320

(a) If the person is convicted of or pleads guilty to the 1321  
charge and forfeiture is ordered under ~~division (A) or (B)~~ of 1322  
~~section~~ either of the following: 1323

(i) Section 2929.192 of the Revised Code, the day on which 1324  
the system receives from the court a copy of the journal entry of 1325  
the offender's sentence under that section; 1326

(ii) Section 5505.264 of the Revised Code, the day on which 1327  
the system receives from the person the notice required by 1328  
division (D) of section 2901.432 of the Revised Code. 1329

(b) If the charge against the person is dismissed, the person 1330  
is found not guilty of the charge, or the person is found not 1331  
guilty by reason of insanity of the charge, the day on which the 1332  
system receives notice of the final disposition of the charge. 1333

(2) The system shall not process any application for payment 1334  
under this chapter from the person prior to the final disposition 1335  
of the charge. 1336

**Sec. 5505.263.** Notwithstanding any other provision of this 1337  
chapter, a disability benefit granted under this chapter is 1338  
subject to an order issued under section 2929.193 of the Revised 1339  
Code. The state highway patrol retirement board shall comply with 1340  
the order. 1341

On receipt of notice under section 2901.43 of the Revised 1342  
Code that a state highway patrol retirement system member is 1343  
charged with an offense listed in division (D) of section 2929.192 1344  
of the Revised Code under the circumstances specified in that 1345  
~~division~~ section, the system shall determine whether the member 1346  
has been granted a disability benefit. If so, the system shall 1347  
send written notice to the prosecutor assigned to the case that 1348  
the member has been granted a disability benefit under this 1349  
chapter and may be subject to section 2929.193 of the Revised 1350  
Code. 1351

**Sec. 5505.264.** (A) As used in this section, "position of 1352  
honor, trust, or profit" has the same meaning as in section 1353  
2929.192 of the Revised Code. 1354

(B) Subject to division (D)(1) of this section, the state 1355  
highway patrol retirement system shall order the forfeiture of a 1356

person's right to a retirement allowance, pension, disability 1357  
benefit, or other right or benefit, other than payment of the 1358  
person's accumulated contributions, if all of the following apply: 1359

(1) The person is convicted of or pleads guilty to an offense 1360  
described in division (B)(1) of section 2901.432 of the Revised 1361  
Code that was committed on or after the effective date of this 1362  
section. 1363

(2) The offense was committed while the person was serving in 1364  
a position of honor, trust, or profit. 1365

(3) At the time of the offense, the person was a member of 1366  
the system. 1367

(C) The person may request a hearing regarding the forfeiture 1368  
by submitting to the system a written request for a hearing. If 1369  
there is a timely request, the system shall schedule the hearing. 1370  
Not later than ten days prior to the scheduled date of the 1371  
hearing, the system shall give written notice of the hearing to 1372  
the person and the federal prosecutor who handled the case. The 1373  
hearing shall be limited to a consideration of whether there is 1374  
good cause based on evidence presented by the person for the 1375  
forfeiture order not to be issued. 1376

(D)(1) If the system determines based on evidence presented 1377  
by the person that there is good cause for the forfeiture order 1378  
not to be issued, the system shall not order the forfeiture. 1379

(2) If the person does not make a timely request for a 1380  
hearing or if a hearing is held and the system does not determine 1381  
based on evidence presented by the person that there is good cause 1382  
for the forfeiture order not to be issued, the system shall order 1383  
the forfeiture described in division (B) of this section. 1384

**Sec. 5505.265.** (A) As used in this section, "position of 1385  
honor, trust, or profit" has the same meaning as in section 1386

2929.192 of the Revised Code. 1387

(B) This section applies to a person to whom all of the 1388  
following apply: 1389

(1) The person is convicted of or pleads guilty to an offense 1390  
described in division (B)(1) of section 2901.432 of the Revised 1391  
Code that was committed on or after the effective date of this 1392  
section. 1393

(2) The offense was committed while the person was serving in 1394  
a position of honor, trust, or profit. 1395

(3) At the time of the offense, the person was a member of 1396  
the state highway patrol retirement system. 1397

(4) Prior to the final disposition of the case, the person 1398  
was granted a disability benefit by the system. 1399

(C)(1) The retirement system shall hold a hearing regarding 1400  
the condition for which the member was granted a disability 1401  
benefit. Not later than ten days prior to the scheduled date of 1402  
the hearing, the system shall give written notice of the hearing 1403  
to the member and the federal prosecutor who handled the case. The 1404  
hearing shall be limited to a consideration of whether the 1405  
member's disabling condition arose out of the commission of the 1406  
offense the member was convicted of or pleaded guilty to. 1407

The system shall consider the member's medical reports and 1408  
recommendations, and the member's disability application. If the 1409  
system determines based on those documents that the disabling 1410  
condition arose out of the commission of the offense the member 1411  
was convicted of or pleaded guilty to, the system shall terminate 1412  
the disability benefit. 1413

(2) Any disability benefit paid the member prior to its 1414  
termination may be recovered in accordance with section 5505.34 of 1415  
the Revised Code. 1416

<b>Section 2.</b> That existing sections 145.56, 145.561, 145.572,	1417
145.573, 145.82, 145.95, 742.46, 742.463, 742.464, 742.47,	1418
2901.43, 2929.192, 2929.193, 3305.08, 3305.11, 3305.12, 3307.372,	1419
3307.373, 3307.41, 3307.42, 3309.66, 3309.661, 3309.672, 3309.673,	1420
3309.82, 3309.95, 5505.22, 5505.262, and 5505.263 of the Revised	1421
Code are hereby repealed.	1422