

As Reported by the House Judiciary Committee

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 162

Representatives Dovilla, Anielski

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

—

A B I L L

To amend sections 145.27, 145.572, 145.573, 145.581, 1
742.41, 742.463, 742.464, 742.53, 2329.66, 2
2901.43, 2929.192, 2929.193, 3305.08, 3305.11, 3
3305.12, 3305.20, 3307.20, 3307.372, 3307.373, 4
3309.22, 3309.672, 3309.673, 3309.691, 5505.04, 5
5505.262, 5505.263, and 5505.33, and to enact 6
sections 2901.432, 2901.433, 2901.434, and 2927.28 7
of the Revised Code to add extortion and perjury 8
and certain federal offenses to the offenses 9
committed by a public retirement system member in 10
the context of the member's public employment in a 11
position of honor, trust, or profit that may 12
result in forfeiture of retirement system benefits 13
or the termination of retirement system disability 14
benefits and to make the establishment of a long 15
term care insurance program by a public retirement 16
system discretionary. 17

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

Section 1. That sections 145.27, 145.572, 145.573, 145.581, 18
742.41, 742.463, 742.464, 742.53, 2329.66, 2901.43, 2929.192, 19

2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 20
3307.373, 3309.22, 3309.672, 3309.673, 3309.691, 5505.04, 21
5505.262, 5505.263, and 5505.33 be amended and sections 2901.432, 22
2901.433, 2901.434, and 2927.28 of the Revised Code be enacted to 23
read as follows: 24

Sec. 145.27. (A)(1) As used in this division, "personal 25
history record" means information maintained by the public 26
employees retirement board on an individual who is a member, 27
former member, contributor, former contributor, retirant, or 28
beneficiary that includes the address, telephone number, social 29
security number, record of contributions, correspondence with the 30
public employees retirement system, or other information the board 31
determines to be confidential. 32

(2) The records of the board shall be open to public 33
inspection and may be made available in printed or electronic 34
format, except that the following shall be excluded, except with 35
the written authorization of the individual concerned: 36

(a) The individual's statement of previous service and other 37
information as provided for in section 145.16 of the Revised Code; 38

(b) The amount of a monthly allowance or benefit paid to the 39
individual; 40

(c) The individual's personal history record. 41

(B) All medical reports and recommendations required by this 42
chapter are privileged, except as follows: 43

(1) Copies of medical reports or recommendations shall be 44
made available to the personal physician, attorney, or authorized 45
agent of the individual concerned upon written release from the 46
individual or the individual's agent, or when necessary for the 47
proper administration of the fund, to the board assigned 48
physician. 49

(2) Documentation required by section 2901.434 or 2929.193 of 50
the Revised Code shall be provided to a court holding a hearing 51
under that section. 52

(C) Any person who is a member or contributor of the system 53
shall be furnished with a statement of the amount to the credit of 54
the individual's account upon written request. The board is not 55
required to answer more than one such request of a person in any 56
one year. The board may issue annual statements of accounts to 57
members and contributors. 58

(D) Notwithstanding the exceptions to public inspection in 59
division (A)(2) of this section, the board may furnish the 60
following information: 61

(1) If a member, former member, contributor, former 62
contributor, or retirant is subject to an order issued under 63
section 2907.15 of the Revised Code or an order issued under 64
division (A) or (B) of section 2929.192 of the Revised Code or is 65
convicted of or pleads guilty to a violation of section 2921.41 of 66
the Revised Code, on written request of a prosecutor as defined in 67
section 2935.01 of the Revised Code, the board shall furnish to 68
the prosecutor the information requested from the individual's 69
personal history record. 70

(2) Pursuant to a court or administrative order issued 71
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 72
Code, the board shall furnish to a court or child support 73
enforcement agency the information required under that section. 74

(3) At the written request of any person, the board shall 75
provide to the person a list of the names and addresses of 76
members, former members, contributors, former contributors, 77
retirants, or beneficiaries. The costs of compiling, copying, and 78
mailing the list shall be paid by such person. 79

(4) Within fourteen days after receiving from the director of 80

job and family services a list of the names and social security 81
numbers of recipients of public assistance pursuant to section 82
5101.181 of the Revised Code, the board shall inform the auditor 83
of state of the name, current or most recent employer address, and 84
social security number of each member whose name and social 85
security number are the same as that of a person whose name or 86
social security number was submitted by the director. The board 87
and its employees shall, except for purposes of furnishing the 88
auditor of state with information required by this section, 89
preserve the confidentiality of recipients of public assistance in 90
compliance with section 5101.181 of the Revised Code. 91

(5) The system shall comply with orders issued under section 92
3105.87 of the Revised Code. 93

On the written request of an alternate payee, as defined in 94
section 3105.80 of the Revised Code, the system shall furnish to 95
the alternate payee information on the amount and status of any 96
amounts payable to the alternate payee under an order issued under 97
section 3105.171 or 3105.65 of the Revised Code. 98

(6) At the request of any person, the board shall make 99
available to the person copies of all documents, including 100
resumes, in the board's possession regarding filling a vacancy of 101
an employee member or retirant member of the board. The person who 102
made the request shall pay the cost of compiling, copying, and 103
mailing the documents. The information described in division 104
(D)(6) of this section is a public record. 105

(7) The system shall provide the notice required by section 106
145.573 of the Revised Code to the prosecutor assigned to the 107
case. 108

(8) The system may provide information requested by the 109
United States social security administration, United States 110
centers for medicare and medicaid, Ohio public employees deferred 111

compensation program, Ohio police and fire pension fund, school 112
employees retirement system, state teachers retirement system, 113
state highway patrol retirement system, or Cincinnati retirement 114
system. 115

(E) A statement that contains information obtained from the 116
system's records that is signed by the executive director or an 117
officer of the system and to which the system's official seal is 118
affixed, or copies of the system's records to which the signature 119
and seal are attached, shall be received as true copies of the 120
system's records in any court or before any officer of this state. 121

(F) For purposes of this section, the board may maintain 122
records in printed or electronic format. 123

Sec. 145.572. (A)(1) Notwithstanding any other provision of 124
this chapter, the following shall be subject to a forfeiture 125
ordered under ~~division (A) or (B)~~ of section 2901.433 or 2929.192 126
of the Revised Code: 127

(a) The right of a member to receive any payment under a 128
pension, annuity, allowance, or other type of benefit under this 129
chapter, other than a payment of the accumulated contributions 130
standing to the person's credit under this chapter; 131

(b) The right of a contributor to receive a benefit under 132
division (B) of section 145.384 of the Revised Code, other than a 133
payment of the person's contributions made under section 145.38 or 134
145.383 of the Revised Code. 135

(2) The public employees retirement system shall comply with 136
a forfeiture order issued under ~~division (A) or (B)~~ of section 137
2901.433 or 2929.192 of the Revised Code at the time the member or 138
contributor applies for payment of the person's accumulated 139
contributions. Upon payment of the person's contributions and 140
cancellation of any corresponding service credit, a person who is 141

subject to the forfeiture order described in this division may not 142
restore any canceled service credit under this chapter or the 143
provisions of Chapter 742., 3305., 3307., 3309., or 5505. of the 144
Revised Code. 145

(B) Notwithstanding any other provision of this chapter, if 146
the system receives notice pursuant to section 2901.43 or division 147
(C) of section 2901.432 of the Revised Code that a person who has 148
accumulated contributions standing to the person's credit pursuant 149
to this chapter is charged with any offense or violation ~~listed or~~ 150
described in ~~divisions~~ division (B)(1) of section 2901.432 or 151
division (D)(1) to (3) of section 2929.192 of the Revised Code 152
~~that is a felony in~~ under the circumstances specified in ~~the~~ 153
~~particular division~~ those sections, all of the following apply: 154

(1) No payment of those accumulated contributions or of any 155
other amount or amounts to be paid to a person who is a member or 156
contributor under this chapter upon the person's withdrawal of 157
contributions pursuant to this chapter shall be made prior to 158
whichever of the following is applicable: 159

(a) If the person is convicted of or pleads guilty to the 160
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 161
~~section~~ either of the following: 162

(i) Section 2929.192 of the Revised Code, the day on which 163
the system receives from the court a copy of the journal entry of 164
the offender's sentence under that section; 165

(ii) Section 2901.433 of the Revised Code, the day on which 166
the system receives from the court a copy of the journal entry 167
imposing the forfeiture order under that section. 168

(b) If the charge against the person is dismissed, the person 169
is found not guilty of the charge, or the person is found not 170
guilty by reason of insanity of the charge, the day on which the 171
system receives notice of the final disposition of the charge. 172

(2) The system shall not process any application for payment 173
under this chapter from the person prior to the final disposition 174
of the charge. 175

Sec. 145.573. Notwithstanding any other provision of this 176
chapter, a disability benefit granted under this chapter is 177
subject to an order issued under section 2901.434 or 2929.193 of 178
the Revised Code. The public employees retirement board shall 179
comply with the order. 180

On receipt of notice under section 2901.43 of the Revised 181
Code that a public employees retirement system member is charged 182
with an offense listed in division (D) of section 2929.192 of the 183
Revised Code under the circumstances specified in that ~~division~~ 184
section, the system shall determine whether the member has been 185
granted a disability benefit. If so, the system shall send written 186
notice to the prosecutor assigned to the case that the member has 187
been granted a disability benefit under this chapter and may be 188
subject to section 2929.193 of the Revised Code. 189

On receipt of notice under division (D) of section 2901.432 190
of the Revised Code that a public employees retirement system 191
member has been convicted of or pleaded guilty to an offense 192
listed in division (B)(1) of that section under the circumstances 193
specified in that section, the system shall determine whether the 194
member has been granted a disability benefit. If so, the system 195
shall send written notice to the attorney general that the member 196
has been granted a disability benefit under this chapter and may 197
be subject to section 2901.434 of the Revised Code. 198

Sec. 145.581. (A) As used in this section: 199

(1) "Long-term care insurance" has the same meaning as in 200
section 3923.41 of the Revised Code. 201

(2) "Retirement systems" means the public employees 202

retirement system, the Ohio police and fire pension fund, the 203
state teachers retirement system, the school employees retirement 204
system, and the state highway patrol retirement system. 205

(B) The public employees retirement board ~~shall~~ may establish 206
a long-term care insurance program consisting of the programs 207
authorized by divisions (C) and (D) of this section. Such program 208
may be established independently or jointly with one or more of 209
the other retirement systems. If the program is established 210
jointly, the board shall adopt rules in accordance with section 211
111.15 of the Revised Code to establish the terms and conditions 212
of such joint participation. 213

(C) The board ~~shall~~ may establish a program under which it 214
makes long-term care insurance available to any person who 215
participated in a policy of long-term care insurance for which the 216
state or a political subdivision contracted under section 124.84 217
or 124.841 of the Revised Code and is the recipient of a pension, 218
benefit, or allowance from the system. To implement the program 219
under this division, the board, subject to division (E) of this 220
section, may enter into an agreement with the insurance company, 221
health insuring corporation, or government agency that provided 222
the insurance. The board shall, under any such agreement, deduct 223
the full premium charged from the person's benefit, pension, or 224
allowance notwithstanding any employer agreement to the contrary. 225

Any long-term care insurance policy entered into under this 226
division is subject to division (C) of section 124.84 of the 227
Revised Code. 228

(D)(1) The board, subject to division (E) of this section, 229
~~shall~~ may establish a program under which a recipient of a 230
pension, benefit, or allowance from the system who is not eligible 231
for such insurance under division (C) of this section may 232
participate in a contract for long-term care insurance. 233
Participation may include the recipient's dependents and family 234

members. 235

(2) The board ~~shall~~ may adopt rules in accordance with 236
section 111.15 of the Revised Code governing the program. ~~The~~ Any 237
rules adopted by the board shall establish methods of payment for 238
participation under this section, which may include deduction of 239
the full premium charged from a recipient's pension, benefit, or 240
allowance, or any other method of payment considered appropriate 241
by the board. 242

(E) Prior to entering into any agreement or contract with an 243
insurance company or health insuring corporation for the purchase 244
of, or participation in, a long-term care insurance policy under 245
this section, the board shall request the superintendent of 246
insurance to certify the financial condition of the company or 247
corporation. The board shall not enter into the agreement or 248
contract if, according to that certification, the company or 249
corporation is insolvent, is determined by the superintendent to 250
be potentially unable to fulfill its contractual obligations, or 251
is placed under an order of rehabilitation or conservation by a 252
court of competent jurisdiction or under an order of supervision 253
by the superintendent. 254

Sec. 742.41. (A) As used in this section: 255

(1) "Other system retirant" has the same meaning as in 256
section 742.26 of the Revised Code. 257

(2) "Personal history record" includes a member's, former 258
member's, or other system retirant's name, address, telephone 259
number, social security number, record of contributions, 260
correspondence with the Ohio police and fire pension fund, status 261
of any application for benefits, and any other information deemed 262
confidential by the trustees of the fund. 263

(B) The treasurer of state shall furnish annually to the 264

board of trustees of the fund a sworn statement of the amount of 265
the funds in the treasurer of state's custody belonging to the 266
Ohio police and fire pension fund. The records of the fund shall 267
be open for public inspection except for the following, which 268
shall be excluded, except with the written authorization of the 269
individual concerned: 270

(1) The individual's personal history record; 271

(2) Any information identifying, by name and address, the 272
amount of a monthly allowance or benefit paid to the individual. 273

(C) All medical reports and recommendations required are 274
privileged, except as follows: 275

(1) Copies of medical reports or recommendations shall be 276
made available to the personal physician, attorney, or authorized 277
agent of the individual concerned upon written release received 278
from the individual or the individual's agent or, when necessary 279
for the proper administration of the fund, to the board-assigned 280
physician. 281

(2) Documentation required by section 2901.434 or 2929.193 of 282
the Revised Code shall be provided to a court holding a hearing 283
under that section. 284

(D) Any person who is a member of the fund or an other system 285
retirant shall be furnished with a statement of the amount to the 286
credit of the person's individual account upon the person's 287
written request. The fund need not answer more than one such 288
request of a person in any one year. 289

(E) Notwithstanding the exceptions to public inspection in 290
division (B) of this section, the fund may furnish the following 291
information: 292

(1) If a member, former member, or other system retirant is 293
subject to an order issued under section 2907.15 of the Revised 294

Code or an order issued under division (A) or (B) of section 295
2929.192 of the Revised Code or is convicted of or pleads guilty 296
to a violation of section 2921.41 of the Revised Code, on written 297
request of a prosecutor as defined in section 2935.01 of the 298
Revised Code, the fund shall furnish to the prosecutor the 299
information requested from the individual's personal history 300
record. 301

(2) Pursuant to a court order issued pursuant to Chapter 302
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 303
furnish to a court or child support enforcement agency the 304
information required under that section. 305

(3) At the request of any organization or association of 306
members of the fund, the fund shall provide a list of the names 307
and addresses of members of the fund and other system retirants. 308
The fund shall comply with the request of such organization or 309
association at least once a year and may impose a reasonable 310
charge for the list. 311

(4) Within fourteen days after receiving from the director of 312
job and family services a list of the names and social security 313
numbers of recipients of public assistance pursuant to section 314
5101.181 of the Revised Code, the fund shall inform the auditor of 315
state of the name, current or most recent employer address, and 316
social security number of each member or other system retirant 317
whose name and social security number are the same as that of a 318
person whose name or social security number was submitted by the 319
director. The fund and its employees shall, except for purposes of 320
furnishing the auditor of state with information required by this 321
section, preserve the confidentiality of recipients of public 322
assistance in compliance with section 5101.181 of the Revised 323
Code. 324

(5) The fund shall comply with orders issued under section 325
3105.87 of the Revised Code. 326

On the written request of an alternate payee, as defined in 327
section 3105.80 of the Revised Code, the fund shall furnish to the 328
alternate payee information on the amount and status of any 329
amounts payable to the alternate payee under an order issued under 330
section 3105.171 or 3105.65 of the Revised Code. 331

(6) At the request of any person, the fund shall make 332
available to the person copies of all documents, including 333
resumes, in the fund's possession regarding filling a vacancy of a 334
police officer employee member, firefighter employee member, 335
police retirant member, or firefighter retirant member of the 336
board of trustees. The person who made the request shall pay the 337
cost of compiling, copying, and mailing the documents. The 338
information described in this division is a public record. 339

(7) The fund shall provide the notice required by section 340
742.464 of the Revised Code to the prosecutor assigned to the 341
case. 342

(F) A statement that contains information obtained from the 343
fund's records that is signed by the secretary of the board of 344
trustees of the Ohio police and fire pension fund and to which the 345
board's official seal is affixed, or copies of the fund's records 346
to which the signature and seal are attached, shall be received as 347
true copies of the fund's records in any court or before any 348
officer of this state. 349

Sec. 742.463. (A) Notwithstanding any other provision of this 350
chapter, any payment of accumulated contributions standing to a 351
person's credit under this chapter and any other amount or amounts 352
to be paid to a person who is a member or contributor under this 353
chapter upon the person's withdrawal of contributions pursuant to 354
this chapter shall be subject to any forfeiture ordered under 355
~~division (A) or (B) of~~ section 2901.433 or 2929.192 of the Revised 356
Code, and the Ohio police and fire pension fund shall comply with 357

that order in making the payment. Upon payment of the person's 358
accumulated contributions and cancellation of the corresponding 359
service credit, a person who is subject to the forfeiture 360
described in this division may not restore the canceled service 361
credit under this chapter or under Chapter 145., 3305., 3307., 362
3309., or 5505. of the Revised Code. 363

(B) Notwithstanding any other provision of this chapter, if 364
the fund receives notice pursuant to section 2901.43 or division 365
(C) of section 2901.432 of the Revised Code that a person who has 366
accumulated contributions standing to the person's credit pursuant 367
to this chapter is charged with any offense or violation ~~listed or~~ 368
described in ~~divisions~~ division (B)(1) of section 2901.432 or 369
division (D)(1) to (3) of section 2929.192 of the Revised Code 370
~~that is a felony in~~ under the circumstances specified in ~~the~~ 371
~~particular division~~ those sections, all of the following apply: 372

(1) No payment of those accumulated contributions or of any 373
other amount or amounts to be paid to a person who is a member or 374
contributor under this chapter upon the person's withdrawal of 375
contributions pursuant to this chapter shall be made prior to 376
whichever of the following is applicable: 377

(a) If the person is convicted of or pleads guilty to the 378
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 379
section either of the following: 380

(i) Section 2929.192 of the Revised Code, the day on which 381
the fund receives from the court a copy of the journal entry of 382
the offender's sentence under that section; 383

(ii) Section 2901.433 of the Revised Code, the day on which 384
the fund receives from the court a copy of the journal entry 385
imposing the forfeiture order under that section. 386

(b) If the charge against the person is dismissed, the person 387
is found not guilty of the charge, or the person is found not 388

guilty by reason of insanity of the charge, the day on which the 389
fund receives notice of the final disposition of the charge. 390

(2) The fund shall not process any application for payment 391
under this chapter from the person prior to the final disposition 392
of the charge. 393

Sec. 742.464. Notwithstanding any other provision of this 394
chapter, a disability benefit granted under this chapter is 395
subject to an order issued under section 2901.434 or 2929.193 of 396
the Revised Code. The board of trustees of the Ohio police and 397
fire pension fund shall comply with the order. 398

On receipt of notice under section 2901.43 of the Revised 399
Code that an Ohio police and fire pension fund member is charged 400
with an offense listed in division (D) of section 2929.192 of the 401
Revised Code under the circumstances specified in that ~~division~~ 402
section, the fund shall determine whether the member has been 403
granted a disability benefit. If so, the fund shall send written 404
notice to the prosecutor assigned to the case that the member has 405
been granted a disability benefit under this chapter and may be 406
subject to section 2929.193 of the Revised Code. 407

On receipt of notice under division (D) of section 2901.432 408
of the Revised Code that an Ohio police and fire pension fund 409
member has been convicted of or pleaded guilty to an offense 410
listed in division (B)(1) of that section under the circumstances 411
specified in that section, the fund shall determine whether the 412
member has been granted a disability benefit. If so, the fund 413
shall send written notice to the attorney general that the member 414
has been granted a disability benefit under this chapter and may 415
be subject to section 2901.434 of the Revised Code. 416

Sec. 742.53. (A) As used in this section: 417

(1) "Long-term care insurance" has the same meaning as in 418

section 3923.41 of the Revised Code. 419

(2) "Retirement systems" has the same meaning as in division 420
(A) of section 145.581 of the Revised Code. 421

(B) The board of trustees of the Ohio police and fire pension 422
fund ~~shall~~ may establish a program under which members of the 423
fund, employers on behalf of members, and persons receiving 424
service or disability pensions or survivor benefits are permitted 425
to participate in contracts for long-term care insurance. 426
Participation may include dependents and family members. If a 427
participant in a contract for long-term care insurance leaves 428
employment, the participant and the participant's dependents and 429
family members may, at their election, continue to participate in 430
a program established under this section in the same manner as if 431
the participant had not left employment, except that no part of 432
the cost of the insurance shall be paid by the participant's 433
former employer. 434

Such program may be established independently or jointly with 435
one or more of the other retirement systems. 436

(C) The fund may enter into an agreement with insurance 437
companies, health insuring corporations, or government agencies 438
authorized to do business in the state for issuance of a long-term 439
care policy or contract. However, prior to entering into such an 440
agreement with an insurance company or health insuring 441
corporation, the fund shall request the superintendent of 442
insurance to certify the financial condition of the company or 443
corporation. The fund shall not enter into the agreement if, 444
according to that certification, the company or corporation is 445
insolvent, is determined by the superintendent to be potentially 446
unable to fulfill its contractual obligations, or is placed under 447
an order of rehabilitation or conservation by a court of competent 448
jurisdiction or under an order of supervision by the 449
superintendent. 450

(D) The board ~~shall~~ may adopt rules in accordance with 451
section 111.15 of the Revised Code governing the program. The Any 452
rules adopted by the board shall establish methods of payment for 453
participation under this section, which may include establishment 454
of a payroll deduction plan under section 742.56 of the Revised 455
Code, deduction of the full premium charged from a person's 456
service or disability pension or survivor benefit, or any other 457
method of payment considered appropriate by the board. If the 458
program is established jointly with one or more of the other 459
retirement systems, the rules also shall establish the terms and 460
conditions of such joint participation. 461

Sec. 2329.66. (A) Every person who is domiciled in this state 462
may hold property exempt from execution, garnishment, attachment, 463
or sale to satisfy a judgment or order, as follows: 464

(1)(a) In the case of a judgment or order regarding money 465
owed for health care services rendered or health care supplies 466
provided to the person or a dependent of the person, one parcel or 467
item of real or personal property that the person or a dependent 468
of the person uses as a residence. Division (A)(1)(a) of this 469
section does not preclude, affect, or invalidate the creation 470
under this chapter of a judgment lien upon the exempted property 471
but only delays the enforcement of the lien until the property is 472
sold or otherwise transferred by the owner or in accordance with 473
other applicable laws to a person or entity other than the 474
surviving spouse or surviving minor children of the judgment 475
debtor. Every person who is domiciled in this state may hold 476
exempt from a judgment lien created pursuant to division (A)(1)(a) 477
of this section the person's interest, not to exceed one hundred 478
twenty-five thousand dollars, in the exempted property. 479

(b) In the case of all other judgments and orders, the 480
person's interest, not to exceed one hundred twenty-five thousand 481

dollars, in one parcel or item of real or personal property that 482
the person or a dependent of the person uses as a residence. 483

(c) For purposes of divisions (A)(1)(a) and (b) of this 484
section, "parcel" means a tract of real property as identified on 485
the records of the auditor of the county in which the real 486
property is located. 487

(2) The person's interest, not to exceed three thousand two 488
hundred twenty-five dollars, in one motor vehicle; 489

(3) The person's interest, not to exceed four hundred 490
dollars, in cash on hand, money due and payable, money to become 491
due within ninety days, tax refunds, and money on deposit with a 492
bank, savings and loan association, credit union, public utility, 493
landlord, or other person, other than personal earnings. 494

(4)(a) The person's interest, not to exceed five hundred 495
twenty-five dollars in any particular item or ten thousand seven 496
hundred seventy-five dollars in aggregate value, in household 497
furnishings, household goods, wearing apparel, appliances, books, 498
animals, crops, musical instruments, firearms, and hunting and 499
fishing equipment that are held primarily for the personal, 500
family, or household use of the person; 501

(b) The person's aggregate interest in one or more items of 502
jewelry, not to exceed one thousand three hundred fifty dollars, 503
held primarily for the personal, family, or household use of the 504
person or any of the person's dependents. 505

(5) The person's interest, not to exceed an aggregate of two 506
thousand twenty-five dollars, in all implements, professional 507
books, or tools of the person's profession, trade, or business, 508
including agriculture; 509

(6)(a) The person's interest in a beneficiary fund set apart, 510
appropriated, or paid by a benevolent association or society, as 511
exempted by section 2329.63 of the Revised Code; 512

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	513 514 515
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	516 517 518
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	519 520 521 522
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	523 524 525 526
(7) The person's professionally prescribed or medically necessary health aids;	527 528
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	529 530 531
(9) The person's interest in the following:	532
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	533 534
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	535 536
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	537 538
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	539 540
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the	541 542

Revised Code;	543
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	544 545
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	546 547
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under <u>division (B) or (C) of section 2901.433</u> or division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section <u>2901.434</u> , 2929.193, or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund;	548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569
(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or	570 571 572 573 574

profit-sharing plan or a payment included in division (A)(6)(b) or 575
(10)(a) of this section, on account of illness, disability, death, 576
age, or length of service, to the extent reasonably necessary for 577
the support of the person and any of the person's dependents, 578
except if all the following apply: 579

(i) The plan or contract was established by or under the 580
auspices of an insider that employed the person at the time the 581
person's rights or interests under the plan or contract arose. 582

(ii) The payment is on account of age or length of service. 583

(iii) The plan or contract is not qualified under the 584
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 585
amended. 586

(c) Except for any portion of the assets that were deposited 587
for the purpose of evading the payment of any debt and except as 588
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 589
3123.06 of the Revised Code, the person's rights or interests in 590
the assets held in, or to directly or indirectly receive any 591
payment or benefit under, any individual retirement account, 592
individual retirement annuity, "Roth IRA," "529 plan," or 593
education individual retirement account that provides payments or 594
benefits by reason of illness, disability, death, retirement, or 595
age or provides payments or benefits for purposes of education, to 596
the extent that the assets, payments, or benefits described in 597
division (A)(10)(c) of this section are attributable to or derived 598
from any of the following or from any earnings, dividends, 599
interest, appreciation, or gains on any of the following: 600

(i) Contributions of the person that were less than or equal 601
to the applicable limits on deductible contributions to an 602
individual retirement account or individual retirement annuity in 603
the year that the contributions were made, whether or not the 604
person was eligible to deduct the contributions on the person's 605

federal tax return for the year in which the contributions were 606
made; 607

(ii) Contributions of the person that were less than or equal 608
to the applicable limits on contributions to a Roth IRA or 609
education individual retirement account in the year that the 610
contributions were made; 611

(iii) Contributions of the person that are within the 612
applicable limits on rollover contributions under subsections 219, 613
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 614
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 615
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 616

(iv) Contributions by any person into any plan, fund, or 617
account that is formed, created, or administered pursuant to, or 618
is otherwise subject to, section 529 of the "Internal Revenue Code 619
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 620

(d) Except for any portion of the assets that were deposited 621
for the purpose of evading the payment of any debt and except as 622
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 623
3123.06 of the Revised Code, the person's rights or interests in 624
the assets held in, or to receive any payment under, any Keogh or 625
"H.R. 10" plan that provides benefits by reason of illness, 626
disability, death, retirement, or age, to the extent reasonably 627
necessary for the support of the person and any of the person's 628
dependents. 629

(e) The person's rights to or interests in any assets held 630
in, or to directly or indirectly receive any payment or benefit 631
under, any individual retirement account, individual retirement 632
annuity, "Roth IRA," "529 plan," or education individual 633
retirement account that a decedent, upon or by reason of the 634
decedent's death, directly or indirectly left to or for the 635
benefit of the person, either outright or in trust or otherwise, 636

including, but not limited to, any of those rights or interests in 637
assets or to receive payments or benefits that were transferred, 638
conveyed, or otherwise transmitted by the decedent by means of a 639
will, trust, exercise of a power of appointment, beneficiary 640
designation, transfer or payment on death designation, or any 641
other method or procedure. 642

(f) The exemptions under divisions (A)(10)(a) to (e) of this 643
section also shall apply or otherwise be available to an alternate 644
payee under a qualified domestic relations order (QDRO) or other 645
similar court order. 646

(g) A person's interest in any plan, program, instrument, or 647
device described in divisions (A)(10)(a) to (e) of this section 648
shall be considered an exempt interest even if the plan, program, 649
instrument, or device in question, due to an error made in good 650
faith, failed to satisfy any criteria applicable to that plan, 651
program, instrument, or device under the "Internal Revenue Code of 652
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 653

(11) The person's right to receive spousal support, child 654
support, an allowance, or other maintenance to the extent 655
reasonably necessary for the support of the person and any of the 656
person's dependents; 657

(12) The person's right to receive, or moneys received during 658
the preceding twelve calendar months from, any of the following: 659

(a) An award of reparations under sections 2743.51 to 2743.72 660
of the Revised Code, to the extent exempted by division (D) of 661
section 2743.66 of the Revised Code; 662

(b) A payment on account of the wrongful death of an 663
individual of whom the person was a dependent on the date of the 664
individual's death, to the extent reasonably necessary for the 665
support of the person and any of the person's dependents; 666

(c) Except in cases in which the person who receives the 667

payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code;

(15) A seal and official register of a notary public, as

exempted by section 147.04 of the Revised Code; 699

(16) The person's interest in a tuition unit or a payment 700
under section 3334.09 of the Revised Code pursuant to a tuition 701
payment contract, as exempted by section 3334.15 of the Revised 702
Code; 703

(17) Any other property that is specifically exempted from 704
execution, attachment, garnishment, or sale by federal statutes 705
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 706
U.S.C.A. 101, as amended; 707

(18) The person's aggregate interest in any property, not to 708
exceed one thousand seventy-five dollars, except that division 709
(A)(18) of this section applies only in bankruptcy proceedings. 710

(B) On April 1, 2010, and on the first day of April in each 711
third calendar year after 2010, the Ohio judicial conference shall 712
adjust each dollar amount set forth in this section to reflect any 713
increase in the consumer price index for all urban consumers, as 714
published by the United States department of labor, or, if that 715
index is no longer published, a generally available comparable 716
index, for the three-year period ending on the thirty-first day of 717
December of the preceding year. Any adjustments required by this 718
division shall be rounded to the nearest twenty-five dollars. 719

The Ohio judicial conference shall prepare a memorandum 720
specifying the adjusted dollar amounts. The judicial conference 721
shall transmit the memorandum to the director of the legislative 722
service commission, and the director shall publish the memorandum 723
in the register of Ohio. (Publication of the memorandum in the 724
register of Ohio shall continue until the next memorandum 725
specifying an adjustment is so published.) The judicial conference 726
also may publish the memorandum in any other manner it concludes 727
will be reasonably likely to inform persons who are affected by 728
its adjustment of the dollar amounts. 729

(C) As used in this section:	730
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	731 732 733 734
(2) "Insider" means:	735
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	736 737 738 739 740
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	741 742 743 744 745 746
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;	747 748 749 750 751
(d) An entity or person to which or whom any of the following applies:	752 753
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	754 755 756 757 758 759 760

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of

this section, shall not include the amount of any lien otherwise 791
valid pursuant to section 2329.661 of the Revised Code. 792

Sec. 2901.43. (A)(1) As used in this section: 793

(a) "Public retirement system," "alternative retirement 794
plan," and "prosecutor" have the same meanings as in section 795
2907.15 of the Revised Code. 796

(b) "Position of honor, trust, or profit" has the same 797
meaning as in section 2929.192 of the Revised Code. 798

(2) For purposes of ~~divisions (B) and (C)~~ of this section, a 799
both of the following apply: 800

(a) A violation of section 2923.32 of the Revised Code or any 801
other violation or offense that includes as an element a course of 802
conduct or the occurrence of multiple acts is "committed on or 803
after ~~the effective date of this section~~ May 13, 2008," if the 804
course of conduct continues, one or more of the multiple acts 805
occurs, or the subject person's accountability for the course of 806
conduct or for one or more of the multiple acts continues, on or 807
after ~~the effective date of this section~~ May 13, 2008; 808

(b) A violation of section 2923.32 of the Revised Code or any 809
other violation or offense that includes as an element a course of 810
conduct or the occurrence of multiple acts is "committed on or 811
after the effective date of this amendment" if the course of 812
conduct continues, one or more of the multiple acts occurs, or the 813
offender's accountability for the course of conduct or for one or 814
more of the multiple acts continues on or after the effective date 815
of this amendment. 816

(B) This section applies to a person to whom all of the 817
following apply: 818

(1) The person is charged with an offense described in 819
division (D) of section 2929.192 of the Revised Code that was 820

allegedly committed on or after the appropriate date specified in 821
that division. 822

(2) The offense was allegedly committed within the context of 823
the person's public employment in a position of honor, trust, or 824
profit. 825

(3) At the time of the alleged offense, the person was one of 826
the following: 827

(a) A member of a public retirement system; 828

(b) A contributor to a public retirement system receiving or 829
eligible to receive a benefit under section 145.384, 742.26, 830
3307.352, or 3309.344 of the Revised Code; 831

(c) A participant in an alternative retirement plan. 832

~~(C) Upon the filing of charges against a person alleging that~~ 833
~~the person committed on or after the effective date of this~~ 834
~~section any violation or offense specified in division (C) of this~~ 835
~~section, if the person allegedly committed the violation or~~ 836
~~offense while serving in a position of honor, trust, or profit and~~ 837
~~if the person is an electing employee participating in an~~ 838
~~alternative retirement plan or a member of a public retirement~~ 839
~~system subject to this section, the prosecutor who is assigned to~~ 840
~~the case shall send written notice that those charges have been~~ 841
~~filed against that person to the alternative retirement plan in~~ 842
~~which the person is a participant or the public retirement system~~ 843
~~in which the person is a member or contributor, whichever is~~ 844
~~applicable. The written notice shall specifically identify the~~ 845
~~person charged.~~ 846

~~(C) Division (B) of this section applies when a person is~~ 847
~~charged with committing on or after the effective date of this~~ 848
~~section any offense or violation listed or described in divisions~~ 849
~~(D)(1) to (3) of section 2929.192 of the Revised Code that is a~~ 850
~~felony, in the circumstances specified in the particular division.~~ 851

<u>Sec. 2901.432. (A) As used in this section:</u>	852
<u>(1) "Public retirement system" and "alternative retirement plan" have the same meanings as in section 2907.15 of the Revised Code.</u>	853 854 855
<u>(2) "Position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.</u>	856 857
<u>(B) This section applies to a person to whom all of the following apply:</u>	858 859
<u>(1) The person is charged with any of the following offenses that were allegedly committed on or after the effective date of this section:</u>	860 861 862
<u>(a) Section 901(a) of the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961 et seq., as amended;</u>	863 864
<u>(b) Section 1104 of the "Comprehensive Crime Control Act of 1984," 98 Stat. 2143, 18 U.S.C. 666, as amended;</u>	865 866
<u>(c) Section 1951 of the "Hobbs Act," 62 Stat. 793, 18 U.S.C. 1951, as amended;</u>	867 868
<u>(d) Section 7603 of the "Anti-Drug Abuse Act of 1988," 102 Stat. 4508, 18 U.S.C. 1341, 1343, and 1346;</u>	869 870
<u>(e) A conspiracy to commit any violation described in divisions (B)(1)(a),(b),(c), and (d) of this section, in violation of 62 Stat. 701, 18 U.S.C. 371.</u>	871 872 873
<u>(2) The offense was allegedly committed within the context of the person's public employment in a position of honor, trust, or profit.</u>	874 875 876
<u>(3) At the time of the alleged offense, the person was one of the following:</u>	877 878
<u>(a) A member of a public retirement system;</u>	879

(b) A contributor to a public retirement system receiving or 880
eligible to receive a benefit under section 145.384, 742.26, 881
3307.352, or 3309.344 of the Revised Code; 882

(c) A participant in an alternative retirement plan. 883

(C) On the filing of charges against a person subject to this 884
section, the person shall send written notice to the public 885
retirement system or alternative retirement plan in which the 886
person is a member, contributor, or participant and to the 887
attorney general that charges have been filed against the person. 888
The notice shall specifically identify the person. 889

(D) On the conviction or guilty plea of a person subject to 890
this section, the person shall send written notice to the public 891
retirement system or alternative retirement plan in which the 892
person is a member, contributor, or participant and to the 893
attorney general of the person's conviction or guilty plea. The 894
notice shall specifically identify the person. 895

Sec. 2901.433. (A) As used in this section: 896

(1) "Public retirement system" and "alternative retirement 897
plan" have the same meanings as in section 2907.15 of the Revised 898
Code. 899

(2) "Position of honor, trust, or profit" has the same 900
meaning as in division (F)(1)(b) of section 2929.192 of the 901
Revised Code. 902

(3) "Accumulated contributions" has the same meaning as in 903
section 2929.192 of the Revised Code. 904

(B)(1) On receipt of the notice under division (D) of section 905
2901.432 of the Revised Code, the attorney general shall determine 906
whether the federal court that is charged with sentencing the 907
offender who is subject to that section has issued an order of 908
forfeiture of or writ of garnishment on the retirement allowance, 909

pension, disability benefit, or other right or benefit of the 910
offender who is a member, contributor, or participant in a public 911
retirement system or alternative retirement plan. If the federal 912
court has not issued that order or writ, the attorney general 913
shall bring an action in the court of common pleas of Franklin 914
county requesting the court to order a forfeiture to the public 915
retirement system or alternative retirement plan in which the 916
offender was a member, contributor, or participant of the 917
offender's right to a retirement allowance, pension, disability 918
benefit, or other right or benefit, other than payment of the 919
offender's accumulated contributions. The court shall notify the 920
offender of the action and shall order the forfeiture if all of 921
the following apply: 922

(a) The offender has been convicted of or pleaded guilty to 923
an offense described in division (B)(1) of section 2901.432 of the 924
Revised Code that was committed on or after the effective date of 925
this section. 926

(b) The offense was committed within the context of the 927
offender's public employment in a position of honor, trust, or 928
profit. 929

(c) At the time of the offense, the offender was one of the 930
following: 931

(i) A member of a public retirement system; 932

(ii) A contributor to a public retirement system eligible to 933
receive a benefit under section 145.384, 742.26, 3307.352, or 934
3309.344 of the Revised Code; 935

(iii) A participant in an alternative retirement plan. 936

(2) The court of common pleas shall send a copy of the 937
journal entry imposing the forfeiture order under division (B)(1) 938
of this section to the appropriate public retirement system or 939
alternative retirement plan in which the offender was a member, 940

contributor, or participant. 941

(C) In any case in which the court of common pleas is 942
required to order forfeiture under division (B) of this section, 943
the offender may request a hearing regarding the forfeiture by 944
delivering a written request for a hearing to the court not later 945
than thirty days after receipt of the notice described in that 946
division. If a request for a hearing is made by the offender, the 947
court shall conduct the hearing. The court shall notify the 948
offender, the United States attorney who handled the case in which 949
the offender was convicted of or pleaded guilty to the offense for 950
which the forfeiture order will be imposed, the attorney general 951
who commenced the action under this section, and the appropriate 952
public retirement system or alternative retirement plan provider, 953
whichever is applicable, or, if more than one is specified in the 954
action, the applicable combination of these, of the hearing. A 955
hearing scheduled under this division shall be limited to a 956
consideration of whether there is good cause based on evidence 957
presented by the offender for the forfeiture order not to be 958
issued. If the court determines that there is good cause for the 959
forfeiture order not to be issued, the court shall not issue the 960
forfeiture order. If the offender does not request a hearing or if 961
the court conducts a hearing but does not determine that there is 962
good cause for the forfeiture order not to be issued, the court 963
shall order the forfeiture described in division (B) of this 964
section in accordance with that division and shall send a copy of 965
the journal entry imposing the forfeiture order to the appropriate 966
public retirement system or alternative retirement plan in which 967
the offender was a member, contributor, or participant. 968

(D) Upon receipt of a copy of a journal entry under division 969
(B) or (C) of this section that contains an order of forfeiture, 970
the public retirement system or alternative retirement plan in 971
which the offender was a member, contributor, or participant shall 972

comply with the forfeiture order on application for a refund of 973
the accumulated contributions of the member, contributor, or 974
participant. 975

(E) For purposes of division (B) of this section, a violation 976
or offense that includes as an element a course of conduct or the 977
occurrence of multiple acts is "committed on or after the 978
effective date of this section" if the course of conduct 979
continues, one or more of the multiple acts occurs, or the subject 980
person's accountability for the course of conduct or for one or 981
more of the multiple acts continues on or after the effective date 982
of this section. 983

Sec. 2901.434. (A) As used in this section: 984

(1) "Public retirement system" and "alternative retirement 985
plan" have the same meanings as in section 2907.15 of the Revised 986
Code. 987

(2) "Position of honor, trust, or profit" has the same 988
meaning as in division (F)(1)(b) of section 2929.192 of the 989
Revised Code. 990

(B) This section applies to an offender to whom all of the 991
following apply: 992

(1) The offender has been convicted of or pleaded guilty to 993
an offense listed in division (B)(1) of section 2901.432 of the 994
Revised Code that was committed on or after the effective date of 995
this section. 996

(2) The offense was committed within the context of the 997
offender's public employment in a position of honor, trust, or 998
profit. 999

(3) At the time of the offense, the offender was one of the 1000
following: 1001

(a) A member of a public retirement system; 1002

(b) A contributor to a public retirement system receiving or eligible to receive a benefit under section 145.384, 742.26, 3307.352, or 3309.344 of the Revised Code; 1003
1004
1005

(c) A participant in an alternative retirement plan. 1006

(4) Prior to the final disposition of the case, the offender was granted a disability benefit by a public retirement system or an alternative retirement plan provider. 1007
1008
1009

(C)(1) On receipt of the notice under division (D) of section 2901.432 of the Revised Code, the attorney general shall determine whether the federal court that is charged with sentencing the offender who is subject to that section has issued an order of forfeiture of or writ of garnishment on the disability benefit of the offender who is a member, contributor, or participant in a public retirement system or an alternative retirement plan. If the federal court has not issued that order or writ, the attorney general shall bring an action in the court of common pleas of Franklin county requesting the court to order a termination of the offender's disability benefit. The court shall notify the offender of the action and shall order the termination of the offender's disability benefit if all of the conditions listed in division (B) of this section are met. Prior to issuing the order, the court shall hold a hearing regarding the condition for which the offender was granted a disability benefit. Not later than ten days prior to the scheduled date of the hearing, the court shall give written notice of the hearing to the offender, the United States attorney who handled the case in which the offender was convicted of or pleaded guilty to the offense for which the order to terminate the disability benefit will be imposed, the attorney general, and the appropriate public retirement system, alternative retirement plan provider, or, if more than one is providing a disability benefit, the applicable combination of these. The hearing shall be limited to a consideration of whether the 1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034

offender's disabling condition arose out of the commission of the 1035
offense the offender was convicted of or pleaded guilty to. 1036

The system or provider shall submit to the court the 1037
offender's medical reports and recommendations, and the offender's 1038
disability application. If the court determines based on those 1039
documents that the disabling condition arose out of the commission 1040
of the offense the offender was convicted of or pleaded guilty to, 1041
the court shall order the system or provider to terminate the 1042
disability benefit. 1043

(2) Any disability benefit paid the offender prior to its 1044
termination may be recovered in accordance with section 145.563, 1045
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 1046

(D) For purposes of division (B) of this section, a violation 1047
or offense that includes as an element a course of conduct or the 1048
occurrence of multiple acts is "committed on or after the 1049
effective date of this section" if the course of conduct 1050
continues, one or more of the multiple acts occurs, or the 1051
offender's accountability for the course of conduct or for one or 1052
more of the multiple acts continues on or after the effective date 1053
of this section. 1054

Sec. 2927.28. (A) No person shall knowingly fail to send the 1055
written notice required by division (C) or (D) of section 2901.432 1056
of the Revised Code. 1057

(B) Whoever violates this section is guilty of failure to 1058
report a charge or conviction to a public retirement system or an 1059
alternative retirement plan, a misdemeanor of the fourth degree. 1060

Sec. 2929.192. (A) If an offender is being sentenced for any 1061
felony offense listed in division (D) of this section that was 1062
committed on or after May 13, 2008, if the offender committed the 1063
offense while serving in a position of honor, trust, or profit, 1064

~~and if the offender, at the time of the commission of the offense,~~ 1065
~~was a member of any public retirement system or a participant in~~ 1066
~~an alternative retirement plan, in~~ In addition to any other 1067
sanction ~~it~~ a court imposes under section 2929.14, 2929.15, 1068
2929.16, 2929.17, or 2929.18 of the Revised Code but subject to 1069
division (B) of this section, the court shall order the forfeiture 1070
to the public retirement system or alternative retirement plan in 1071
which the offender was a member, contributor, or participant of 1072
the offender's right to a retirement allowance, pension, 1073
disability benefit, or other right or benefit, other than payment 1074
of the offender's accumulated contributions, ~~earned by reason of~~ 1075
~~the offender's being a member of the public retirement system or~~ 1076
~~alternative retirement plan. A~~ if all of the following apply: 1077

(1) The offender is being sentenced for an offense described 1078
in division (D) of this section that was committed on or after the 1079
appropriate date specified in that division. 1080

(2) The offense was committed within the context of the 1081
offender's public employment in a position of honor, trust, or 1082
profit. 1083

(3) At the time of the offense, the offender was one of the 1084
following: 1085

(a) A member of a public retirement system; 1086

(b) A contributor to a public retirement system receiving or 1087
eligible to receive a benefit under section 145.384, 742.26, 1088
3307.352, or 3309.344 of the Revised Code; 1089

(c) A participant in an alternative retirement plan. 1090

A forfeiture ordered under this division is part of, and 1091
shall be included in, the sentence of the offender. The court 1092
shall send a copy of the journal entry imposing sentence on the 1093
offender to the appropriate public retirement system or 1094
alternative retirement plan in which the offender was a member, 1095

contributor, or participant. 1096

(B) In any case in which a sentencing court is required to 1097
order forfeiture of an offender's right to a retirement allowance, 1098
pension, disability benefit, or other right or benefit under 1099
division (A) of this section, the offender may request a hearing 1100
regarding the forfeiture by delivering to the court prior to 1101
sentencing a written request for a hearing. If a request for a 1102
hearing is made by the offender prior to sentencing, the court 1103
shall conduct the hearing before sentencing. The court shall 1104
notify the offender, the prosecutor who handled the case in which 1105
the offender was convicted of or pleaded guilty to the offense for 1106
which the forfeiture order was imposed, and the appropriate public 1107
retirement system, or alternative retirement plan provider, 1108
whichever is applicable, or, if more than one is specified in the 1109
motion, the applicable combination of these, of the hearing. A 1110
hearing scheduled under this division shall be limited to a 1111
consideration of whether there is good cause based on evidence 1112
presented by the offender for the forfeiture order not to be 1113
issued. If the court determines based on evidence presented by the 1114
offender that there is good cause for the forfeiture order not to 1115
be issued, the court shall not issue the forfeiture order. If the 1116
offender does not request a hearing prior to sentencing or if the 1117
court conducts a hearing but does not determine based on evidence 1118
presented by the offender that there is good cause for the 1119
forfeiture order not to be issued, the court shall order the 1120
forfeiture described in division (A) of this section in accordance 1121
with that division and shall send a copy of the journal entry 1122
imposing sentence on the offender to the appropriate public 1123
retirement system or alternative retirement plan in which the 1124
offender was a member, contributor, or participant. 1125

(C) Upon receipt of a copy of the journal entry imposing 1126
sentence on an offender under division (A) or (B) of this section 1127

that contains an order of forfeiture of a type described in that 1128
division, the public retirement system or alternative retirement 1129
plan in which the offender was a member, contributor, or 1130
participant shall comply with the forfeiture order on application 1131
for a refund of the accumulated contributions of the member, 1132
contributor, or participant. 1133

(D)~~(1)~~ Division (A) of this section applies ~~regarding to~~ an 1134
offender who is convicted of or pleads guilty to any of the 1135
following offenses committed on or after May 13, 2008, ~~that is a~~ 1136
~~felony and who committed the offense while serving in a position~~ 1137
~~of honor, trust, or profit:~~ 1138

~~(1)~~(a) A violation of section 2921.02 or 2923.32 of the 1139
Revised Code that is a felony or a violation of section 2921.41 of 1140
the Revised Code that is a felony of the third degree; 1141

~~(2)~~(b) A violation of an existing or former municipal 1142
ordinance or law of this or any other state or the United States 1143
that is substantially equivalent to any violation ~~listed~~ described 1144
in division (D)(1)(a) of this section; 1145

~~(3)~~(c) A conspiracy to commit, attempt to commit, or 1146
complicity in committing any violation ~~listed~~ described in 1147
division (D)(1)(a) or ~~described in division (D)(2)~~ (b) of this 1148
section. 1149

(2) Division (A) of this section applies to an offender who 1150
is convicted of or pleads guilty to any of the following offenses 1151
committed on or after the effective date of this amendment: 1152

(a) A violation of section 2905.11 or 2921.11 of the Revised 1153
Code that is a felony; 1154

(b) A violation of an existing or former municipal ordinance 1155
or law of this or any other state or the United States that is 1156
substantially equivalent to any violation described in division 1157
(D)(2)(a) of this section; 1158

(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. 1159
1160
1161

(E) For purposes of ~~divisions (A) and~~ division (D) of this section, ~~a~~ both of the following apply: 1162
1163

(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; 1164
1165
1166
1167
1168
1169
1170

(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. 1171
1172
1173
1174
1175
1176
1177
1178

(F) As used in this section: 1179

(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: 1180
1181
1182

(i) An elective office of the state or any political subdivision of the state; 1183
1184

(ii) A position on any board or commission of the state that is appointed by the governor or the attorney general; 1185
1186

(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 1187
1188

disclosure statement under section 102.02 of the Revised Code;	1189
(iv) A position as a prosecutor, as defined in section	1190
2935.01 of the Revised Code;	1191
(v) A position as a peace officer, as defined in section	1192
2935.01 of the Revised Code, or as the superintendent or a trooper	1193
of the state highway patrol.	1194
(b) On and after the effective date of this amendment <u>July</u>	1195
<u>29, 2011</u> , "position of honor, trust, or profit" has the same	1196
meaning as in division (F)(1)(a) of this section, except that it	1197
also includes a position in which, in the course of public	1198
employment, an employee has control over the expenditure of public	1199
funds of one hundred thousand dollars or more annually.	1200
(2) "Public retirement system" and "alternative retirement	1201
plan" have the same meanings as in section 2907.15 of the Revised	1202
Code.	1203
(3) "Accumulated contributions" means whichever of the	1204
following is applicable:	1205
(a) Regarding an offender who is a member of, <u>or contributor</u>	1206
<u>to</u> , the public employees retirement system, except as otherwise	1207
provided in division (F)(3)(a) of this section, "accumulated	1208
contributions" has the same meaning as in section 145.01 of the	1209
Revised Code. For a member participating in a PERS defined	1210
contribution plan, "accumulated contributions" means the	1211
contributions made under section 145.85 of the Revised Code and	1212
any earnings on those contributions. For a member participating in	1213
a PERS defined contribution plan that includes definitely	1214
determinable benefits, "accumulated contributions" means the	1215
contributions made under section 145.85 of the Revised Code, any	1216
earnings on those contributions, and additionally any amounts paid	1217
by the member to purchase service credits <u>credit</u> .	1218
(b) Regarding an offender who is or was a member of, <u>or</u>	1219

contributor to, the Ohio police and fire pension fund, 1220
"accumulated contributions" means the amount payable to a member 1221
under division (G) of section 742.37 of the Revised Code. 1222

(c) Regarding an offender who is a member of, or contributor 1223
to, the state teachers retirement system, except as otherwise 1224
provided in division (F)(3)(c) of this section, "accumulated 1225
contributions" has the same meaning as in section 3307.50 of the 1226
Revised Code. For a member participating in an STRS defined 1227
contribution plan, "accumulated contributions" means the 1228
contributions made under section 3307.26 of the Revised Code to 1229
participate in a plan established under section 3307.81 of the 1230
Revised Code and any earnings on those contributions. For a member 1231
participating in a STRS defined contribution plan that includes 1232
definitely determinable benefits, "accumulated contributions" 1233
means the contributions made under section 3307.26 of the Revised 1234
Code to participate in a plan established under section 3307.81 of 1235
the Revised Code, any earnings on those contributions, and 1236
additionally any amounts paid by the member to purchase service 1237
~~credits~~ credit. 1238

(d) Regarding an offender who is or was a member of, or 1239
contributor to, the school employees retirement system, 1240
"accumulated contributions" has the same meaning as in section 1241
3309.01 of the Revised Code and also includes employee 1242
contributions made under section 3309.85 of the Revised Code and 1243
any earnings on those contributions. 1244

(e) Regarding an offender who is or was a member of the state 1245
highway patrol retirement system, "accumulated contributions" has 1246
the same meaning as in section 5505.01 of the Revised Code. 1247

(f) Regarding an offender who is or was participating in an 1248
alternative retirement plan, "accumulated contributions" means the 1249
amounts contributed to an alternative retirement plan 1250
participant's account by the plan participant pursuant to section 1251

3305.06 of the Revised Code and any earnings on those 1252
contributions. 1253

Sec. 2929.193. (A) As used in this section: 1254

(1) "Position of honor, trust, or profit" has the same 1255
meaning as in division (F)(1)(b) of section 2929.192 of the 1256
Revised Code. 1257

(2) "Public retirement system," "alternative retirement 1258
plan," and "prosecutor" have the same meanings as in section 1259
2907.15 of the Revised Code. 1260

(B) This section applies to an offender to whom all of the 1261
following apply: 1262

(1) The offender is being sentenced for ~~an~~ either of the 1263
following: 1264

(a) An offense listed described in division (D)(1) of section 1265
2929.192 of the Revised Code that ~~is a felony and~~ was committed on 1266
or after ~~the effective date of this section~~ July 29, 2011; 1267

(b) An offense described in division (D)(2) of section 1268
2929.192 of the Revised Code that was committed on or after the 1269
effective date of this amendment. 1270

(2) The offense was committed ~~while the offender was serving~~ 1271
within the context of the offender's public employment in a 1272
position of honor, trust, or profit. 1273

(3) At the time of the offense, the offender was one of the 1274
following: 1275

(a) A member of a public retirement system; 1276

(b) A contributor to a public retirement system receiving or 1277
eligible to receive a benefit under section 145.384, 742.26, 1278
3307.352, or 3309.344 of the Revised Code; 1279

(c) A participant in an alternative retirement plan. 1280

(4) Prior to the final disposition of the case, the offender 1281
was granted a disability benefit by a public retirement system or 1282
an alternative retirement plan provider. 1283

(C)(1) Prior to sentencing an offender subject to this 1284
section, the court shall hold a hearing regarding the condition 1285
for which the offender was granted a disability benefit. Not later 1286
than ten days prior to the scheduled date of the hearing, the 1287
court shall give written notice of the hearing to the offender, 1288
the prosecutor who handled the case, and the appropriate public 1289
retirement system, alternative retirement plan provider, or, if 1290
more than one is providing a disability benefit, the applicable 1291
combination of these. The hearing shall be limited to a 1292
consideration of whether the offender's disabling condition arose 1293
out of the commission of the offense the offender was convicted of 1294
or pleaded guilty to. 1295

The system or provider shall submit to the court the 1296
offender's medical reports and recommendations, and the offender's 1297
disability application. If the court determines based on those 1298
documents that the disabling condition arose out of the commission 1299
of the offense the offender was convicted of or pleaded guilty to, 1300
the court shall order the system or provider to terminate the 1301
disability benefit. 1302

(2) Any disability benefit paid the offender prior to its 1303
termination may be recovered in accordance with section 145.563, 1304
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 1305

(D) For purposes of this section, a both of the following 1306
apply: 1307

(1) A violation of section 2923.32 of the Revised Code or any 1308
other violation or offense that includes as an element a course of 1309
conduct or the occurrence of multiple acts is "committed on or 1310
after ~~the effective date of this section~~ July 29, 2011," if the 1311

course of conduct continues, one or more of the multiple acts 1312
occurs, or the offender's accountability for the course of conduct 1313
or for one or more of the multiple acts continues on or after ~~the~~ 1314
~~effective date of this section~~ July 29, 2011; 1315

(2) A violation of section 2923.32 of the Revised Code or any 1316
other violation or offense that includes as an element a course of 1317
conduct or the occurrence of multiple acts is "committed on or 1318
after the effective date of this amendment" if the course of 1319
conduct continues, one or more of the multiple acts occurs, or the 1320
offender's accountability for the course of conduct or for one or 1321
more of the multiple acts continues on or after the effective date 1322
of this amendment. 1323

Sec. 3305.08. Any payment, benefit, or other right accruing 1324
to any electing employee under a contract entered into for 1325
purposes of an alternative retirement plan and all moneys, 1326
investments, and income of those contracts are exempt from any 1327
state tax, except the tax imposed by section 5747.02 of the 1328
Revised Code, are exempt from any county, municipal, or other 1329
local tax, except income taxes imposed pursuant to section 1330
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 1331
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1332
3121.02, 3121.03, 3123.06, 3305.09, ~~and~~ 3305.11 and 3305.12 of the 1333
Revised Code, shall not be subject to execution, garnishment, 1334
attachment, the operation of bankruptcy or the insolvency law, or 1335
other process of law, and shall be unassignable except as 1336
specifically provided in this section and sections 3105.171, 1337
3105.65, 3119.80, 3119.81, 3121.02, 3121.03, 3115.32, and 3123.06 1338
of the Revised Code or in any contract the electing employee has 1339
entered into for purposes of an alternative retirement plan. 1340

Sec. 3305.11. (A) Notwithstanding any other provision of this 1341
chapter, any payment of accumulated contributions standing to a 1342

person's credit under this chapter and any other amount or amounts 1343
to be paid to a person who is a ~~contributor~~ participant in an 1344
alternative retirement plan under this chapter upon the person's 1345
withdrawal of contributions pursuant to this chapter shall be 1346
subject to any forfeiture ordered under ~~division (A) or (B) of~~ 1347
section 2901.433 or 2929.192 of the Revised Code, and the provider 1348
of an alternative retirement plan shall comply with that order in 1349
making the payment. Upon payment of the person's accumulated 1350
contributions and cancellation of the corresponding service 1351
credit, a person who is subject to the forfeiture described in 1352
this division may not restore the canceled service credit under 1353
this chapter or under Chapter 145., 742., 3307., 3309., or 5505. 1354
of the Revised Code. 1355

(B) Notwithstanding any other provision of this chapter, if 1356
the provider of an alternative retirement plan receives notice 1357
pursuant to section 2901.43 or division (C) of section 2901.432 of 1358
the Revised Code that a person who has accumulated contributions 1359
standing to the person's credit pursuant to this chapter is 1360
charged with any offense or violation ~~listed or~~ described in 1361
~~divisions~~ division (B)(1) of section 2901.432 or division (D)(1) 1362
~~to (3)~~ of section 2929.192 of the Revised Code ~~that is a felony in~~ 1363
under the circumstances specified in the particular division those 1364
sections, all of the following apply: 1365

(1) No payment of those accumulated contributions or of any 1366
other amount or amounts to be paid to a person who is a 1367
~~contributor~~ participant under this chapter upon the person's 1368
withdrawal of contributions pursuant to this chapter shall be made 1369
prior to whichever of the following is applicable: 1370

(a) If the person is convicted of or pleads guilty to the 1371
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1372
section either of the following: 1373

(i) Section 2929.192 of the Revised Code, the day on which 1374

the provider receives from the court a copy of the journal entry 1375
of the offender's sentence under that section; 1376

(ii) Section 2901.433 of the Revised Code, the day on which 1377
the provider receives from the court a copy of the journal entry 1378
imposing the forfeiture order under that section. 1379

(b) If the charge against the person is dismissed, the person 1380
is found not guilty of the charge, or the person is found not 1381
guilty by reason of insanity of the charge, the day on which the 1382
provider receives notice of the final disposition of the charge. 1383

(2) The provider of an alternative retirement plan shall not 1384
process any application for payment under this chapter from the 1385
person prior to the final disposition of the charge. 1386

Sec. 3305.12. Notwithstanding any other provision of an 1387
alternative retirement plan provided under this chapter, a 1388
disability benefit granted under the alternative retirement plan 1389
is subject to an order issued under section 2901.434 or 2929.193 1390
of the Revised Code. The entity providing the alternative 1391
retirement plan shall comply with the order. 1392

On receipt of notice under section 2901.43 of the Revised 1393
Code that an alternative retirement plan participant is charged 1394
with an offense listed in division (D) of section 2929.192 of the 1395
Revised Code under the circumstances specified in that ~~division~~ 1396
section, the entity shall determine whether the participant has 1397
been granted a disability benefit. If so, the entity shall send 1398
written notice to the prosecutor assigned to the case that the 1399
participant has been granted a disability benefit under an 1400
alternative retirement plan and may be subject to section 2929.193 1401
of the Revised Code. 1402

On receipt of notice under division (D) of section 2901.432 1403
of the Revised Code that an alternative retirement plan 1404

participant has been convicted of or pleaded guilty to an offense 1405
listed in division (B)(1) of that section under the circumstances 1406
specified in that section, the entity shall determine whether the 1407
participant has been granted a disability benefit. If so, the 1408
entity shall send written notice to the attorney general that the 1409
participant has been granted a disability benefit under this 1410
chapter and may be subject to section 2901.434 of the Revised 1411
Code. 1412

Sec. 3305.20. As used in this section, "personal history 1413
record" means information maintained by the entity providing an 1414
alternative retirement plan on an individual who participates in 1415
the plan that includes the address, telephone number, social 1416
security number, record of contributions, correspondence with the 1417
plan, or other information the entity providing the plan 1418
determines to be confidential. 1419

The entity shall comply with orders issued under section 1420
3105.87 of the Revised Code requiring it to provide information 1421
from a participant's personal history record. 1422

The entity shall furnish information as follows: 1423

(A) On the written request of an alternate payee, as defined 1424
in section 3105.80 of the Revised Code, the entity providing the 1425
alternative retirement plan shall furnish to the alternate payee 1426
information on the amount and status of any amounts payable to the 1427
alternate payee under an order issued under section 3105.171 or 1428
3105.65 of the Revised Code. 1429

(B) Documentation required by section 2901.434 or 2929.193 of 1430
the Revised Code shall be provided to a court holding a hearing 1431
under that section. 1432

(C) The notice required by section 3305.12 of the Revised 1433
Code shall be provided to the prosecutor assigned to the case. 1434

Sec. 3307.20. (A) As used in this section:	1435
(1) "Personal history record" means information maintained by the state teachers retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, electronic mail address, telephone number, social security number, record of contributions, correspondence with the state teachers retirement system, or other information the board determines to be confidential.	1436 1437 1438 1439 1440 1441 1442
(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code and includes any former member receiving a benefit under an STRS defined contribution plan.	1443 1444 1445
(B) The records of the board shall be open to public inspection, except for the following, which shall be excluded, except with the written authorization of the individual concerned:	1446 1447 1448
(1) The individual's personal records provided for in section 3307.23 of the Revised Code;	1449 1450
(2) The individual's personal history record;	1451
(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.	1452 1453
(C)(1) All medical reports and recommendations received by the board from a member, member's physician, board-assigned physician, or other entity providing medical reports and recommendations to the board under sections 3307.48, 3307.62, and 3307.66 of the Revised Code are privileged, except as follows:	1454 1455 1456 1457 1458
(a) Copies of medical reports or recommendations shall be made available by the board to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or, when necessary for the proper administration of the fund, to the board assigned physician.	1459 1460 1461 1462 1463 1464

(b) Documentation required by section 2901.434 or 2929.193 of 1465
the Revised Code shall be provided to a court holding a hearing 1466
under that section. 1467

(2) No medical report or recommendation received by the board 1468
under section 3307.48, 3307.62, or 3307.66 of the Revised Code 1469
shall be released to the individual concerned or considered a 1470
medical record generated and maintained by a health care provider 1471
in the process of establishing a therapeutic relationship. 1472

(D) Any person who is a member or contributor of the system 1473
shall be furnished, on written request, with a statement of the 1474
amount to the credit of the person's account. The board need not 1475
answer more than one request of a person in any one year. 1476

(E) Notwithstanding the exceptions to public inspection in 1477
division (B) of this section, the board may furnish the following 1478
information: 1479

(1) If a member, former member, retirant, contributor, or 1480
former contributor is subject to an order issued under section 1481
2907.15 of the Revised Code or an order issued under division (A) 1482
or (B) of section 2929.192 of the Revised Code or is convicted of 1483
or pleads guilty to a violation of section 2921.41 of the Revised 1484
Code, on written request of a prosecutor as defined in section 1485
2935.01 of the Revised Code, the board shall furnish to the 1486
prosecutor the information requested from the individual's 1487
personal history record. 1488

(2) Pursuant to a court or administrative order issued under 1489
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1490
Revised Code, the board shall furnish to a court or child support 1491
enforcement agency the information required under that section. 1492

(3) At the written request of any person, the board shall 1493
provide to the person a complete list of the names and addresses 1494
of members, retirants, contributors, or beneficiaries. The costs 1495

of compiling, copying, and mailing the list shall be paid by such person. 1496
1497

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The board and its employees shall, except for purposes of furnishing the auditor of state with information required by this section, preserve the confidentiality of recipients of public assistance in compliance with section 5101.181 of the Revised Code. 1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509

(5) The system shall comply with orders issued under section 3105.87 of the Revised Code. 1510
1511

On the written request of an alternate payee, as defined in section 3105.80 of the Revised Code, the system shall furnish to the alternate payee information on the amount and status of any amounts payable to the alternate payee under an order issued under section 3105.171 or 3105.65 of the Revised Code. 1512
1513
1514
1515
1516

(6) At the request of any person, the board shall make available to the person copies of all documents, including resumes, in the board's possession regarding filling a vacancy of a contributing member or retired teacher member of the board. The person who made the request shall pay the cost of compiling, copying, and mailing the documents. The information described in this division is a public record. 1517
1518
1519
1520
1521
1522
1523

(7) The system shall provide the notice required by section 3307.373 of the Revised Code to the prosecutor assigned to the case. 1524
1525
1526

(F) A statement that contains information obtained from the system's records that is signed by an officer of the retirement system and to which the system's official seal is affixed, or copies of the system's records to which the signature and seal are attached, shall be received as true copies of the system's records in any court or before any officer of this state.

Sec. 3307.372. (A) Notwithstanding any other provision of this chapter, any payment of accumulated contributions standing to a person's credit under this chapter and any other amount or amounts to be paid to a person who is a member or contributor under this chapter upon the person's withdrawal of contributions pursuant to this chapter shall be subject to any forfeiture ordered under ~~division (A) or (B) of~~ section 2901.433 or 2929.192 of the Revised Code, and the state teachers retirement system shall comply with that order in making the payment. Upon payment of the person's accumulated contributions and cancellation of the corresponding service credit, a person who is subject to the forfeiture described in this division may not restore the canceled service credit under this chapter or under Chapter 145., 742., 3305., 3309., or 5505. of the Revised Code.

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

(1) No payment of those accumulated contributions or of any other amount or amounts to be paid to a person who is a member or

contributor under this chapter upon the person's withdrawal of 1558
contributions pursuant to this chapter shall be made prior to 1559
whichever of the following is applicable: 1560

(a) If the person is convicted of or pleads guilty to the 1561
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1562
section either of the following: 1563

(i) Section 2929.192 of the Revised Code, the day on which 1564
the system receives from the court a copy of the journal entry of 1565
the offender's sentence under that section; 1566

(ii) Section 2901.433 of the Revised Code, the day on which 1567
the system receives from the court a copy of the journal entry 1568
imposing the forfeiture order under that section. 1569

(b) If the charge against the person is dismissed, the person 1570
is found not guilty of the charge, or the person is found not 1571
guilty by reason of insanity of the charge, the day on which the 1572
system receives notice of the final disposition of the charge. 1573

(2) The system shall not process any application for payment 1574
under this chapter from the person prior to the final disposition 1575
of the charge. 1576

Sec. 3307.373. Notwithstanding any other provision of this 1577
chapter, a disability benefit granted under this chapter is 1578
subject to an order issued under section 2901.434 or 2929.193 of 1579
the Revised Code. The state teachers retirement board shall comply 1580
with the order. 1581

On receipt of notice under section 2901.43 of the Revised 1582
Code that a state teachers retirement system member is charged 1583
with an offense listed in division (D) of section 2929.192 of the 1584
Revised Code under the circumstances specified in that ~~division~~ 1585
section, the system shall determine whether the member has been 1586
granted a disability benefit. If so, the system shall send written 1587

notice to the prosecutor assigned to the case that the member has 1588
been granted a disability benefit under this chapter and may be 1589
subject to section 2929.193 of the Revised Code. 1590

On receipt of notice under division (D) of section 2901.432 1591
of the Revised Code that a state teachers retirement system member 1592
has been convicted of or pleaded guilty to an offense listed in 1593
division (B)(1) of that section under the circumstances specified 1594
in that section, the system shall determine whether the member has 1595
been granted a disability benefit. If so, the system shall send 1596
written notice to the attorney general that the member has been 1597
granted a disability benefit under this chapter and may be subject 1598
to section 2901.434 of the Revised Code. 1599

Sec. 3309.22. (A)(1) As used in this division, "personal 1600
history record" means information maintained in any format by the 1601
board on an individual who is a member, former member, 1602
contributor, former contributor, retirant, or beneficiary that 1603
includes the address, electronic mail address, telephone number, 1604
social security number, record of contributions, correspondence 1605
with the system, and other information the board determines to be 1606
confidential. 1607

(2) The records of the board shall be open to public 1608
inspection and may be made available in printed or electronic 1609
format, except for the following, which shall be excluded, except 1610
with the written authorization of the individual concerned: 1611

(a) The individual's statement of previous service and other 1612
information as provided for in section 3309.28 of the Revised 1613
Code; 1614

(b) Any information identifying by name and address the 1615
amount of a monthly allowance or benefit paid to the individual; 1616

(c) The individual's personal history record. 1617

(B) All medical reports and recommendations required by the system are privileged except as follows:

(1) Copies of medical reports or recommendations shall be made available to the following:

(a) The individual concerned, on written request;

(b) The personal physician, attorney, or authorized agent of the individual concerned on written release received from the individual or the individual's agent;

(c) The board assigned physician.

(2) Documentation required by section 2901.434 or 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one such request of a person in any one year.

(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:

(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the

Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 1648
1649

(3) At the written request of any person, the board shall 1650
provide to the person a list of the names and addresses of 1651
members, former members, retirants, contributors, former 1652
contributors, or beneficiaries. The costs of compiling, copying, 1653
and mailing the list shall be paid by such person. 1654

(4) Within fourteen days after receiving from the director of 1655
job and family services a list of the names and social security 1656
numbers of recipients of public assistance pursuant to section 1657
5101.181 of the Revised Code, the board shall inform the auditor 1658
of state of the name, current or most recent employer address, and 1659
social security number of each contributor whose name and social 1660
security number are the same as that of a person whose name or 1661
social security number was submitted by the director. The board 1662
and its employees shall, except for purposes of furnishing the 1663
auditor of state with information required by this section, 1664
preserve the confidentiality of recipients of public assistance in 1665
compliance with section 5101.181 of the Revised Code. 1666

(5) The system shall comply with orders issued under section 1667
3105.87 of the Revised Code. 1668

On the written request of an alternate payee, as defined in 1669
section 3105.80 of the Revised Code, the system shall furnish to 1670
the alternate payee information on the amount and status of any 1671
amounts payable to the alternate payee under an order issued under 1672
section 3105.171 or 3105.65 of the Revised Code. 1673

(6) At the request of any person, the board shall make 1674
available to the person copies of all documents, including 1675
resumes, in the board's possession regarding filling a vacancy of 1676
an employee member or retirant member of the board. The person who 1677
made the request shall pay the cost of compiling, copying, and 1678

mailing the documents. The information described in this division 1679
is a public record. 1680

(7) The system shall provide the notice required by section 1681
3309.673 of the Revised Code to the prosecutor assigned to the 1682
case. 1683

(E) A statement that contains information obtained from the 1684
system's records that is signed by an officer of the retirement 1685
system and to which the system's official seal is affixed, or 1686
copies of the system's records to which the signature and seal are 1687
attached, shall be received as true copies of the system's records 1688
in any court or before any officer of this state. 1689

Sec. 3309.672. (A) Notwithstanding any other provision of 1690
this chapter, any payment of accumulated contributions standing to 1691
a person's credit under this chapter and any other amount or 1692
amounts to be paid to a person who is a member or contributor 1693
under this chapter upon the person's withdrawal of contributions 1694
pursuant to this chapter shall be subject to any forfeiture 1695
ordered under ~~division (A) or (B)~~ of section 2901.433 or 2929.192 1696
of the Revised Code, and the school employees retirement system 1697
shall comply with that order in making the payment. Upon payment 1698
of the person's accumulated contributions and cancellation of the 1699
corresponding service credit, a person who is subject to the 1700
forfeiture described in this division may not restore the canceled 1701
service credit under this chapter or under Chapter 145., 742., 1702
3305., 3307., or 5505. of the Revised Code. 1703

(B) Notwithstanding any other provision of this chapter, if 1704
the system receives notice pursuant to section 2901.43 or division 1705
(C) of section 2901.432 of the Revised Code that a person who has 1706
accumulated contributions standing to the person's credit pursuant 1707
to this chapter is charged with any offense or violation ~~listed or~~ 1708
described in ~~divisions~~ division (B)(1) of section 2901.432 or 1709

~~division (D)(1) to (3)~~ of section 2929.192 of the Revised Code 1710
~~that is a felony in~~ under the circumstances specified in ~~the~~ 1711
~~particular division~~ those sections, all of the following apply: 1712

(1) No payment of those accumulated contributions or of any 1713
other amount or amounts to be paid to a person who is a member or 1714
contributor under this chapter upon the person's withdrawal of 1715
contributions pursuant to this chapter shall be made prior to 1716
whichever of the following is applicable: 1717

(a) If the person is convicted of or pleads guilty to the 1718
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1719
~~section~~ either of the following: 1720

(i) Section 2929.192 of the Revised Code, the day on which 1721
the system receives from the court a copy of the journal entry of 1722
the offender's sentence under that section; 1723

(ii) Section 2901.433 of the Revised Code, the day on which 1724
the system receives from the court a copy of the journal entry 1725
imposing the forfeiture order under that section. 1726

(b) If the charge against the person is dismissed, the person 1727
is found not guilty of the charge, or the person is found not 1728
guilty by reason of insanity of the charge, the day on which the 1729
system receives notice of the final disposition of the charge. 1730

(2) The system shall not process any application for payment 1731
under this chapter from the person prior to the final disposition 1732
of the charge. 1733

Sec. 3309.673. Notwithstanding any other provision of this 1734
chapter, a disability benefit granted under this chapter is 1735
subject to an order issued under section 2901.434 or 2929.193 of 1736
the Revised Code. The school employees retirement board shall 1737
comply with the order. 1738

On receipt of notice under section 2901.43 of the Revised 1739

Code that a school employees retirement system member is charged 1740
with an offense listed in division (D) of section 2929.192 of the 1741
Revised Code under the circumstances specified in that ~~division~~ 1742
section, the system shall determine whether the member has been 1743
granted a disability benefit. If so, the system shall send written 1744
notice to the prosecutor assigned to the case that the member has 1745
been granted a disability benefit under this chapter and may be 1746
subject to section 2929.193 of the Revised Code. 1747

On receipt of notice under division (D) of section 2901.432 1748
of the Revised Code that a school employees retirement system 1749
member has been convicted of or pleaded guilty to an offense 1750
listed in division (B)(1) of that section under the circumstances 1751
specified in that section, the system shall determine whether the 1752
member has been granted a disability benefit. If so, the system 1753
shall send written notice to the attorney general that the member 1754
has been granted a disability benefit under this chapter and may 1755
be subject to section 2901.434 of the Revised Code. 1756

Sec. 3309.691. The school employees retirement board ~~shall~~ 1757
may establish a program under which members of the retirement 1758
system, employers on behalf of members, and persons receiving 1759
service, disability, or survivor benefits are permitted to 1760
participate in contracts for long-term health care insurance. 1761
Participation may include dependents and family members. If a 1762
participant in a contract for long-term care insurance leaves 1763
employment, the participant and the participant's dependents and 1764
family members may, at their election, continue to participate in 1765
a program established under this section in the same manner as if 1766
the participant had not left employment, except that no part of 1767
the cost of the insurance shall be paid by the participant's 1768
former employer. 1769

Such program may be established independently or jointly with 1770

one or more of the other retirement systems. For purposes of this 1771
section, "retirement systems" has the same meaning as in division 1772
(A) of section 145.581 of the Revised Code. 1773

The board may enter into an agreement with insurance 1774
companies, health insuring corporations, or government agencies 1775
authorized to do business in the state for issuance of a long-term 1776
care insurance policy or contract. However, prior to entering into 1777
such an agreement with an insurance company or health insuring 1778
corporation, the board shall request the superintendent of 1779
insurance to certify the financial condition of the company or 1780
corporation. The board shall not enter into the agreement if, 1781
according to that certification, the company or corporation is 1782
insolvent, is determined by the superintendent to be potentially 1783
unable to fulfill its contractual obligations, or is placed under 1784
an order of rehabilitation or conservation by a court of competent 1785
jurisdiction or under an order of supervision by the 1786
superintendent. 1787

The board ~~shall~~ may adopt rules in accordance with section 1788
111.15 of the Revised Code governing the program. ~~The~~ Any rules 1789
adopted by the board shall establish methods of payment for 1790
participation under this section, which may include establishment 1791
of a payroll deduction plan under section 3309.27 of the Revised 1792
Code, deduction of the full premium charged from a person's 1793
service, disability, or survivor benefit, or any other method of 1794
payment considered appropriate by the board. If the program is 1795
established jointly with one or more of the other retirement 1796
systems, the rules also shall establish the terms and conditions 1797
of such joint participation. 1798

Sec. 5505.04. (A)(1) The general administration and 1799
management of the state highway patrol retirement system and the 1800
making effective of this chapter are hereby vested in the state 1801

highway patrol retirement board. The board may sue and be sued, 1802
plead and be impleaded, contract and be contracted with, and do 1803
all things necessary to carry out this chapter. 1804

The board shall consist of the following members: 1805

(a) The superintendent of the state highway patrol; 1806

(b) Two retirant members who reside in this state; 1807

(c) Five employee-members; 1808

(d) One member, known as the treasurer of state's investment 1809
designee, who shall be appointed by the treasurer of state for a 1810
term of four years and who shall have the following 1811
qualifications: 1812

(i) The member is a resident of this state. 1813

(ii) Within the three years immediately preceding the 1814
appointment, the member has not been employed by the public 1815
employees retirement system, police and fire pension fund, state 1816
teachers retirement system, school employees retirement system, or 1817
state highway patrol retirement system or by any person, 1818
partnership, or corporation that has provided to one of those 1819
retirement systems services of a financial or investment nature, 1820
including the management, analysis, supervision, or investment of 1821
assets. 1822

(iii) The member has direct experience in the management, 1823
analysis, supervision, or investment of assets. 1824

(iv) The member is not currently employed by the state or a 1825
political subdivision of the state. 1826

(e) Two investment expert members, who shall be appointed to 1827
four-year terms. One investment expert member shall be appointed 1828
by the governor, and one investment expert member shall be jointly 1829
appointed by the speaker of the house of representatives and the 1830
president of the senate. Each investment expert member shall have 1831

the following qualifications: 1832

(i) Each investment expert member shall be a resident of this 1833
state. 1834

(ii) Within the three years immediately preceding the 1835
appointment, each investment expert member shall not have been 1836
employed by the public employees retirement system, police and 1837
fire pension fund, state teachers retirement system, school 1838
employees retirement system, or state highway patrol retirement 1839
system or by any person, partnership, or corporation that has 1840
provided to one of those retirement systems services of a 1841
financial or investment nature, including the management, 1842
analysis, supervision, or investment of assets. 1843

(iii) Each investment expert member shall have direct 1844
experience in the management, analysis, supervision, or investment 1845
of assets. 1846

(2) The board shall annually elect a chairperson and 1847
vice-chairperson from among its members. The vice-chairperson 1848
shall act as chairperson in the absence of the chairperson. A 1849
majority of the members of the board shall constitute a quorum and 1850
any action taken shall be approved by a majority of the members of 1851
the board. The board shall meet not less than once each year, upon 1852
sufficient notice to the members. All meetings of the board shall 1853
be open to the public except executive sessions as set forth in 1854
division (G) of section 121.22 of the Revised Code, and any 1855
portions of any sessions discussing medical records or the degree 1856
of disability of a member excluded from public inspection by this 1857
section. 1858

(3) Any investment expert member appointed to fill a vacancy 1859
occurring prior to the expiration of the term for which the 1860
member's predecessor was appointed holds office until the end of 1861
such term. The member continues in office subsequent to the 1862

expiration date of the member's term until the member's successor 1863
takes office, or until a period of sixty days has elapsed, 1864
whichever occurs first. 1865

(B) The attorney general shall prescribe procedures for the 1866
adoption of rules authorized under this chapter, consistent with 1867
the provision of section 111.15 of the Revised Code under which 1868
all rules shall be filed in order to be effective. Such procedures 1869
shall establish methods by which notice of proposed rules are 1870
given to interested parties and rules adopted by the board 1871
published and otherwise made available. When it files a rule with 1872
the joint committee on agency rule review pursuant to section 1873
111.15 of the Revised Code, the board shall submit to the Ohio 1874
retirement study council a copy of the full text of the rule, and 1875
if applicable, a copy of the rule summary and fiscal analysis 1876
required by division (B) of section 127.18 of the Revised Code. 1877

(C)(1) As used in this division, "personal history record" 1878
means information maintained by the board on an individual who is 1879
a member, former member, retirant, or beneficiary that includes 1880
the address, telephone number, social security number, record of 1881
contributions, correspondence with the system, and other 1882
information the board determines to be confidential. 1883

(2) The records of the board shall be open to public 1884
inspection, except for the following which shall be excluded: the 1885
member's, former member's, retirant's, or beneficiary's personal 1886
history record and the amount of a monthly allowance or benefit 1887
paid to a retirant, beneficiary, or survivor, except with the 1888
written authorization of the individual concerned. 1889

(D) All medical reports and recommendations are privileged 1890
except as follows: 1891

(1) Copies of such medical reports or recommendations shall 1892
be made available to the individual's personal physician, 1893

attorney, or authorized agent upon written release received from 1894
such individual or such individual's agent, or when necessary for 1895
the proper administration of the fund to the board-assigned 1896
physician. 1897

(2) Documentation required by section 2901.434 or 2929.193 of 1898
the Revised Code shall be provided to a court holding a hearing 1899
under that section. 1900

(E) Notwithstanding the exceptions to public inspection in 1901
division (C)(2) of this section, the board may furnish the 1902
following information: 1903

(1) If a member, former member, or retirant is subject to an 1904
order issued under section 2907.15 of the Revised Code or an order 1905
issued under division (A) or (B) of section 2929.192 of the 1906
Revised Code or is convicted of or pleads guilty to a violation of 1907
section 2921.41 of the Revised Code, on written request of a 1908
prosecutor as defined in section 2935.01 of the Revised Code, the 1909
board shall furnish to the prosecutor the information requested 1910
from the individual's personal history record. 1911

(2) Pursuant to a court order issued under Chapters 3119., 1912
3121., and 3123. of the Revised Code, the board shall furnish to a 1913
court or child support enforcement agency the information required 1914
under those chapters. 1915

(3) At the written request of any nonprofit organization or 1916
association providing services to retirement system members, 1917
retirants, or beneficiaries, the board shall provide to the 1918
organization or association a list of the names and addresses of 1919
members, former members, retirants, or beneficiaries if the 1920
organization or association agrees to use such information solely 1921
in accordance with its stated purpose of providing services to 1922
such individuals and not for the benefit of other persons, 1923
organizations, or associations. The costs of compiling, copying, 1924

and mailing the list shall be paid by such entity. 1925

(4) Within fourteen days after receiving from the director of 1926
job and family services a list of the names and social security 1927
numbers of recipients of public assistance pursuant to section 1928
5101.181 of the Revised Code, the board shall inform the auditor 1929
of state of the name, current or most recent employer address, and 1930
social security number of each member whose name and social 1931
security number are the same as those of a person whose name or 1932
social security number was submitted by the director. The board 1933
and its employees, except for purposes of furnishing the auditor 1934
of state with information required by this section, shall preserve 1935
the confidentiality of recipients of public assistance in 1936
compliance with section 5101.181 of the Revised Code. 1937

(5) The system shall comply with orders issued under section 1938
3105.87 of the Revised Code. 1939

On the written request of an alternate payee, as defined in 1940
section 3105.80 of the Revised Code, the system shall furnish to 1941
the alternate payee information on the amount and status of any 1942
amounts payable to the alternate payee under an order issued under 1943
section 3105.171 or 3105.65 of the Revised Code. 1944

(6) At the request of any person, the board shall make 1945
available to the person copies of all documents, including 1946
resumes, in the board's possession regarding filling a vacancy of 1947
an employee member or retirant member of the board. The person who 1948
made the request shall pay the cost of compiling, copying, and 1949
mailing the documents. The information described in this division 1950
is a public record. 1951

(7) The system shall provide the notice required by section 1952
5505.263 of the Revised Code to the prosecutor assigned to the 1953
case. 1954

(F) A statement that contains information obtained from the 1955

system's records that is certified and signed by an officer of the 1956
retirement system and to which the system's official seal is 1957
affixed, or copies of the system's records to which the signature 1958
and seal are attached, shall be received as true copies of the 1959
system's records in any court or before any officer of this state. 1960

Sec. 5505.262. (A) Notwithstanding any other provision of 1961
this chapter, any payment of accumulated contributions standing to 1962
a person's credit under this chapter and any other amount or 1963
amounts to be paid to a person who is a member or contributor 1964
under this chapter upon the person's withdrawal of contributions 1965
pursuant to this chapter shall be subject to any forfeiture 1966
ordered under ~~division (A) or (B)~~ of section 2901.433 or 2929.192 1967
of the Revised Code, and the state highway patrol retirement 1968
system shall comply with that order in making the payment. Upon 1969
payment of the person's accumulated contributions and cancellation 1970
of the corresponding service credit, a person who is subject to 1971
the forfeiture described in this division may not restore the 1972
canceled service credit under this chapter or under Chapter 145., 1973
742., 3305., 3307., or 3309. of the Revised Code. 1974

(B) Notwithstanding any other provision of this chapter, if 1975
the system receives notice pursuant to section 2901.43 or division 1976
(C) of section 2901.432 of the Revised Code that a person who has 1977
accumulated contributions standing to the person's credit pursuant 1978
to this chapter is charged with any offense or violation ~~listed or~~ 1979
described in ~~divisions~~ division (B)(1) of section 2901.432 or 1980
division (D)(1) to (3) of section 2929.192 of the Revised Code 1981
~~that is a felony in~~ under the circumstances specified in ~~the~~ 1982
~~particular division~~ those sections, all of the following apply: 1983

(1) No payment of those accumulated contributions or of any 1984
other amount or amounts to be paid to a person who is a member or 1985
contributor under this chapter upon the person's withdrawal of 1986

contributions pursuant to this chapter shall be made prior to 1987
whichever of the following is applicable: 1988

(a) If the person is convicted of or pleads guilty to the 1989
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1990
section either of the following: 1991

(i) Section 2929.192 of the Revised Code, the day on which 1992
the system receives from the court a copy of the journal entry of 1993
the offender's sentence under that section; 1994

(ii) Section 2901.433 of the Revised Code, the day on which 1995
the system receives from the court a copy of the journal entry 1996
imposing the forfeiture order under that section. 1997

(b) If the charge against the person is dismissed, the person 1998
is found not guilty of the charge, or the person is found not 1999
guilty by reason of insanity of the charge, the day on which the 2000
system receives notice of the final disposition of the charge. 2001

(2) The system shall not process any application for payment 2002
under this chapter from the person prior to the final disposition 2003
of the charge. 2004

Sec. 5505.263. Notwithstanding any other provision of this 2005
chapter, a disability benefit granted under this chapter is 2006
subject to an order issued under section 2901.434 or 2929.193 of 2007
the Revised Code. The state highway patrol retirement board shall 2008
comply with the order. 2009

On receipt of notice under section 2901.43 of the Revised 2010
Code that a state highway patrol retirement system member is 2011
charged with an offense listed in division (D) of section 2929.192 2012
of the Revised Code under the circumstances specified in that 2013
~~division~~ section, the system shall determine whether the member 2014
has been granted a disability benefit. If so, the system shall 2015
send written notice to the prosecutor assigned to the case that 2016

the member has been granted a disability benefit under this 2017
chapter and may be subject to section 2929.193 of the Revised 2018
Code. 2019

On receipt of notice under division (D) of section 2901.432 2020
of the Revised Code that a state highway patrol retirement system 2021
member has been convicted of or pleaded guilty to an offense 2022
listed in division (B)(1) of that section under the circumstances 2023
specified in that section, the system shall determine whether the 2024
member has been granted a disability benefit. If so, the system 2025
shall send written notice to the attorney general that the member 2026
has been granted a disability benefit under this chapter and may 2027
be subject to section 2901.434 of the Revised Code. 2028

Sec. 5505.33. (A) As used in this section: 2029

(1) "Long-term care insurance" has the same meaning as in 2030
section 3923.41 of the Revised Code. 2031

(2) "Retirement systems" has the same meaning as in division 2032
(A) of section 145.581 of the Revised Code. 2033

(B) The state highway patrol retirement board ~~shall~~ may 2034
establish a program under which members of the retirement system, 2035
employers on behalf of members, and persons receiving service or 2036
disability pensions or survivor benefits are permitted to 2037
participate in contracts for long-term care insurance. 2038
Participation may include dependents and family members. If a 2039
participant in a contract for long-term care insurance leaves 2040
employment, the person and the person's dependents and family 2041
members may, at their election, continue to participate in a 2042
program established under this section in the same manner as if 2043
the person had not left employment, except that no part of the 2044
cost of the insurance shall be paid by the person's former 2045
employer. Such program may be established independently or jointly 2046
with one or more of the retirement systems. 2047

(C) The board may enter into an agreement with insurance 2048
companies, health insuring corporations, or government agencies 2049
authorized to do business in the state for issuance of a long-term 2050
care insurance policy or contract. However, prior to entering into 2051
such an agreement with an insurance company or health insuring 2052
corporation, the board shall request the superintendent of 2053
insurance to certify the financial condition of the company or 2054
corporation. The board shall not enter into the agreement if, 2055
according to that certification, the company or corporation is 2056
insolvent, is determined by the superintendent to be potentially 2057
unable to fulfill its contractual obligations, or is placed under 2058
an order of rehabilitation or conservation by a court of competent 2059
jurisdiction or under an order of supervision by the 2060
superintendent. 2061

(D) The board ~~shall~~ may adopt rules in accordance with 2062
section 111.15 of the Revised Code governing the program. ~~The~~ Any 2063
rules adopted by the board shall establish methods of payment for 2064
participation under this section, which may include establishment 2065
of a payroll deduction plan under section 5505.203 of the Revised 2066
Code, deduction of the full premium charged from a person's 2067
service or disability pension or survivor benefit, or any other 2068
method of payment considered appropriate by the board. If the 2069
program is established jointly with one or more of the other 2070
retirement systems, the rules also shall establish the terms and 2071
conditions of such joint participation. 2072

Section 2. That existing sections 145.27, 145.572, 145.573, 2073
145.581, 742.41, 742.463, 742.464, 742.53, 2329.66, 2901.43, 2074
2929.192, 2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 2075
3307.372, 3307.373, 3309.22, 3309.672, 3309.673, 3309.691, 2076
5505.04, 5505.262, 5505.263, and 5505.33 of the Revised Code are 2077
hereby repealed. 2078

Section 3. Section 2329.66 of the Revised Code is presented 2079
in this act as a composite of the section as amended by both Sub. 2080
H.B. 479 and Sub. S.B. 343 of the 129th General Assembly. The 2081
General Assembly, applying the principle stated in division (B) of 2082
section 1.52 of the Revised Code that amendments are to be 2083
harmonized if reasonably capable of simultaneous operation, finds 2084
that the composite is the resulting version of the section in 2085
effect prior to the effective date of the section as presented in 2086
this act. 2087