

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 143

Senator Seitz

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A B I L L

To amend sections 109.57, 307.932, 2151.311, 1
2151.356, 2152.26, 2907.27, 2929.26, 2953.36, 2
2953.61, 4510.111, 4510.16, and 5120.651 and to 3
enact section 122.681 of the Revised Code to 4
permit the Attorney General to authorize the 5
release of information relating to certain arrests 6
and delinquent child adjudications pursuant to a 7
request for a criminal records check; to regulate 8
the confidentiality of personal information 9
related to community service block grants; to 10
clarify the authority of boards of county 11
commissioners to establish a community alternative 12
sentencing center; to modify the procedure for 13
sentencing and admitting an eligible offender to a 14
community alternative sentencing center; to 15
clarify that an eligible offender must 16
successfully complete any term in a center as a 17
condition of a community residential sanction; to 18
include the best interests of the person as a 19
reason for which an alleged or adjudicated 20
delinquent child who is at least 18 but younger 21
than 21 may be held in an adult detention 22
facility; to eliminate the six-month waiting 23
period for making a motion or application for the 24

sealing of a juvenile court record; to specify 25
that the fact of admission and confinement in an 26
adult detention facility of a person under 21 27
generally is confidential; to authorize a court to 28
order restitution if a person convicted of driving 29
under suspension or driving under 30
financial-responsibility-law suspension or 31
cancellation fails to provide proof of financial 32
responsibility; to authorize a person charged with 33
multiple offenses in connection with the same act 34
to apply for the sealing of records pertaining to 35
an acquitted charge; to modify the requirements 36
regarding testing for HIV of persons charged with 37
specified sex offense; to increase the sentence of 38
imprisonment that disqualifies an inmate from 39
participating in the prison nursery program; and 40
to amend the version of section 109.57 of the 41
Revised Code that is scheduled to take effect 42
January 1, 2014, to continue the provisions of 43
this act on and after that effective date. 44

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

Section 1. That sections 109.57, 307.932, 2151.311, 2151.356, 45
2152.26, 2907.27, 2929.26, 2953.36, 2953.61, 4510.111, 4510.16, 46
and 5120.651 be amended and section 122.681 of the Revised Code be 47
enacted to read as follows: 48

Sec. 109.57. (A)(1) The superintendent of the bureau of 49
criminal identification and investigation shall procure from 50
wherever procurable and file for record photographs, pictures, 51
descriptions, fingerprints, measurements, and other information 52
that may be pertinent of all persons who have been convicted of 53

committing within this state a felony, any crime constituting a 54
misdemeanor on the first offense and a felony on subsequent 55
offenses, or any misdemeanor described in division (A)(1)(a), 56
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 57
all children under eighteen years of age who have been adjudicated 58
delinquent children for committing within this state an act that 59
would be a felony or an offense of violence if committed by an 60
adult or who have been convicted of or pleaded guilty to 61
committing within this state a felony or an offense of violence, 62
and of all well-known and habitual criminals. The person in charge 63
of any county, multicounty, municipal, municipal-county, or 64
multicounty-municipal jail or workhouse, community-based 65
correctional facility, halfway house, alternative residential 66
facility, or state correctional institution and the person in 67
charge of any state institution having custody of a person 68
suspected of having committed a felony, any crime constituting a 69
misdemeanor on the first offense and a felony on subsequent 70
offenses, or any misdemeanor described in division (A)(1)(a), 71
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 72
having custody of a child under eighteen years of age with respect 73
to whom there is probable cause to believe that the child may have 74
committed an act that would be a felony or an offense of violence 75
if committed by an adult shall furnish such material to the 76
superintendent of the bureau. Fingerprints, photographs, or other 77
descriptive information of a child who is under eighteen years of 78
age, has not been arrested or otherwise taken into custody for 79
committing an act that would be a felony or an offense of violence 80
who is not in any other category of child specified in this 81
division, if committed by an adult, has not been adjudicated a 82
delinquent child for committing an act that would be a felony or 83
an offense of violence if committed by an adult, has not been 84
convicted of or pleaded guilty to committing a felony or an 85
offense of violence, and is not a child with respect to whom there 86

is probable cause to believe that the child may have committed an 87
act that would be a felony or an offense of violence if committed 88
by an adult shall not be procured by the superintendent or 89
furnished by any person in charge of any county, multicounty, 90
municipal, municipal-county, or multicounty-municipal jail or 91
workhouse, community-based correctional facility, halfway house, 92
alternative residential facility, or state correctional 93
institution, except as authorized in section 2151.313 of the 94
Revised Code. 95

(2) Every clerk of a court of record in this state, other 96
than the supreme court or a court of appeals, shall send to the 97
superintendent of the bureau a weekly report containing a summary 98
of each case involving a felony, involving any crime constituting 99
a misdemeanor on the first offense and a felony on subsequent 100
offenses, involving a misdemeanor described in division (A)(1)(a), 101
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 102
involving an adjudication in a case in which a child under 103
eighteen years of age was alleged to be a delinquent child for 104
committing an act that would be a felony or an offense of violence 105
if committed by an adult. The clerk of the court of common pleas 106
shall include in the report and summary the clerk sends under this 107
division all information described in divisions (A)(2)(a) to (f) 108
of this section regarding a case before the court of appeals that 109
is served by that clerk. The summary shall be written on the 110
standard forms furnished by the superintendent pursuant to 111
division (B) of this section and shall include the following 112
information: 113

(a) The incident tracking number contained on the standard 114
forms furnished by the superintendent pursuant to division (B) of 115
this section; 116

(b) The style and number of the case; 117

(c) The date of arrest, offense, summons, or arraignment; 118

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

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

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

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age

arrested or otherwise taken into custody for committing an act 151
that would be a felony or an offense of violence if committed by 152
an adult. The superintendent also shall file for record the 153
fingerprint impressions of all persons confined in a county, 154
multicounty, municipal, municipal-county, or multicounty-municipal 155
jail or workhouse, community-based correctional facility, halfway 156
house, alternative residential facility, or state correctional 157
institution for the violation of state laws and of all children 158
under eighteen years of age who are confined in a county, 159
multicounty, municipal, municipal-county, or multicounty-municipal 160
jail or workhouse, community-based correctional facility, halfway 161
house, alternative residential facility, or state correctional 162
institution or in any facility for delinquent children for 163
committing an act that would be a felony or an offense of violence 164
if committed by an adult, and any other information that the 165
superintendent may receive from law enforcement officials of the 166
state and its political subdivisions. 167

(4) The superintendent shall carry out Chapter 2950. of the 168
Revised Code with respect to the registration of persons who are 169
convicted of or plead guilty to a sexually oriented offense or a 170
child-victim oriented offense and with respect to all other duties 171
imposed on the bureau under that chapter. 172

(5) The bureau shall perform centralized recordkeeping 173
functions for criminal history records and services in this state 174
for purposes of the national crime prevention and privacy compact 175
set forth in section 109.571 of the Revised Code and is the 176
criminal history record repository as defined in that section for 177
purposes of that compact. The superintendent or the 178
superintendent's designee is the compact officer for purposes of 179
that compact and shall carry out the responsibilities of the 180
compact officer specified in that compact. 181

(B) The superintendent shall prepare and furnish to every 182

county, multicounty, municipal, municipal-county, or 183
multicounty-municipal jail or workhouse, community-based 184
correctional facility, halfway house, alternative residential 185
facility, or state correctional institution and to every clerk of 186
a court in this state specified in division (A)(2) of this section 187
standard forms for reporting the information required under 188
division (A) of this section. The standard forms that the 189
superintendent prepares pursuant to this division may be in a 190
tangible format, in an electronic format, or in both tangible 191
formats and electronic formats. 192

(C)(1) The superintendent may operate a center for 193
electronic, automated, or other data processing for the storage 194
and retrieval of information, data, and statistics pertaining to 195
criminals and to children under eighteen years of age who are 196
adjudicated delinquent children for committing an act that would 197
be a felony or an offense of violence if committed by an adult, 198
criminal activity, crime prevention, law enforcement, and criminal 199
justice, and may establish and operate a statewide communications 200
network to be known as the Ohio law enforcement gateway to gather 201
and disseminate information, data, and statistics for the use of 202
law enforcement agencies and for other uses specified in this 203
division. The superintendent may gather, store, retrieve, and 204
disseminate information, data, and statistics that pertain to 205
children who are under eighteen years of age and that are gathered 206
pursuant to sections 109.57 to 109.61 of the Revised Code together 207
with information, data, and statistics that pertain to adults and 208
that are gathered pursuant to those sections. 209

(2) The superintendent or the superintendent's designee shall 210
gather information of the nature described in division (C)(1) of 211
this section that pertains to the offense and delinquency history 212
of a person who has been convicted of, pleaded guilty to, or been 213
adjudicated a delinquent child for committing a sexually oriented 214

offense or a child-victim oriented offense for inclusion in the 215
state registry of sex offenders and child-victim offenders 216
maintained pursuant to division (A)(1) of section 2950.13 of the 217
Revised Code and in the internet database operated pursuant to 218
division (A)(13) of that section and for possible inclusion in the 219
internet database operated pursuant to division (A)(11) of that 220
section. 221

(3) In addition to any other authorized use of information, 222
data, and statistics of the nature described in division (C)(1) of 223
this section, the superintendent or the superintendent's designee 224
may provide and exchange the information, data, and statistics 225
pursuant to the national crime prevention and privacy compact as 226
described in division (A)(5) of this section. 227

(4) The attorney general may adopt rules under Chapter 119. 228
of the Revised Code establishing guidelines for the operation of 229
and participation in the Ohio law enforcement gateway. The rules 230
may include criteria for granting and restricting access to 231
information gathered and disseminated through the Ohio law 232
enforcement gateway. The attorney general shall permit the state 233
medical board and board of nursing to access and view, but not 234
alter, information gathered and disseminated through the Ohio law 235
enforcement gateway. 236

The attorney general may appoint a steering committee to 237
advise the attorney general in the operation of the Ohio law 238
enforcement gateway that is comprised of persons who are 239
representatives of the criminal justice agencies in this state 240
that use the Ohio law enforcement gateway and is chaired by the 241
superintendent or the superintendent's designee. 242

(D)(1) The following are not public records under section 243
149.43 of the Revised Code: 244

(a) Information and materials furnished to the superintendent 245

pursuant to division (A) of this section; 246

(b) Information, data, and statistics gathered or 247
disseminated through the Ohio law enforcement gateway pursuant to 248
division (C)(1) of this section; 249

(c) Information and materials furnished to any board or 250
person under division (F) or (G) of this section. 251

(2) The superintendent or the superintendent's designee shall 252
gather and retain information so furnished under division (A) of 253
this section that pertains to the offense and delinquency history 254
of a person who has been convicted of, pleaded guilty to, or been 255
adjudicated a delinquent child for committing a sexually oriented 256
offense or a child-victim oriented offense for the purposes 257
described in division (C)(2) of this section. 258

(E)(1) The attorney general shall adopt rules, in accordance 259
with Chapter 119. of the Revised Code and subject to division 260
(E)(2) of this section, setting forth the procedure by which a 261
person may receive or release information gathered by the 262
superintendent pursuant to division (A) of this section. A 263
reasonable fee may be charged for this service. If a temporary 264
employment service submits a request for a determination of 265
whether a person the service plans to refer to an employment 266
position has been convicted of or pleaded guilty to an offense 267
listed or described in division (A)(1), (2), or (3) of section 268
109.572 of the Revised Code, the request shall be treated as a 269
single request and only one fee shall be charged. 270

(2) Except as otherwise provided in this division or division 271
(E)(3) or (4) of this section, a rule adopted under division 272
(E)(1) of this section may provide only for the release of 273
information gathered pursuant to division (A) of this section that 274
relates to the conviction of a person, or a person's plea of 275
guilty to, a criminal offense or to the arrest of a person as 276

provided in division (E)(3) of this section. The superintendent 277
shall not release, and the attorney general shall not adopt any 278
rule under division (E)(1) of this section that permits the 279
release of, any information gathered pursuant to division (A) of 280
this section that relates to an adjudication of a child as a 281
delinquent child, or that relates to a criminal conviction of a 282
person under eighteen years of age if the person's case was 283
transferred back to a juvenile court under division (B)(2) or (3) 284
of section 2152.121 of the Revised Code and the juvenile court 285
imposed a disposition or serious youthful offender disposition 286
upon the person under either division, unless either of the 287
following applies with respect to the adjudication or conviction: 288

(a) The adjudication or conviction was for a violation of 289
section 2903.01 or 2903.02 of the Revised Code. 290

(b) The adjudication or conviction was for a sexually 291
oriented offense, the juvenile court was required to classify the 292
child a juvenile offender registrant for that offense under 293
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 294
classification has not been removed. 295

(3) A rule adopted under division (E)(1) of this section may 296
provide for the release of information gathered pursuant to 297
division (A) of this section that relates to the arrest of a 298
person when the person has not been convicted as a result of that 299
arrest if any of the following applies: 300

(a) The arrest was made outside of this state. 301

(b) A criminal action resulting from the arrest is pending, 302
and the superintendent confirms that the criminal action has not 303
been resolved at the time the criminal records check is performed. 304

(c) The bureau cannot reasonably determine whether a criminal 305
action resulting from the arrest is pending, and not more than one 306
year has elapsed since the date of the arrest. 307

(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, and the request for information is made under division (F) of this section or under section 109.572 or 109.578 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care

home licensed or certified under Chapter 5104. of the Revised 340
Code; the administrator of any type C family day-care home 341
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 342
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 343
general assembly; the chief administrator of any head start 344
agency; the executive director of a public children services 345
agency; a private company described in section 3314.41, 3319.392, 346
3326.25, or 3328.20 of the Revised Code; or an employer described 347
in division (J)(2) of section 3327.10 of the Revised Code may 348
request that the superintendent of the bureau investigate and 349
determine, with respect to any individual who has applied for 350
employment in any position after October 2, 1989, or any 351
individual wishing to apply for employment with a board of 352
education may request, with regard to the individual, whether the 353
bureau has any information gathered under division (A) of this 354
section that pertains to that individual. On receipt of the 355
request, subject to division (E)(2) of this section, the 356
superintendent shall determine whether that information exists 357
and, upon request of the person, board, or entity requesting 358
information, also shall request from the federal bureau of 359
investigation any criminal records it has pertaining to that 360
individual. The superintendent or the superintendent's designee 361
also may request criminal history records from other states or the 362
federal government pursuant to the national crime prevention and 363
privacy compact set forth in section 109.571 of the Revised Code. 364
Within thirty days of the date that the superintendent receives a 365
request, subject to division (E)(2) of this section, the 366
superintendent shall send to the board, entity, or person a report 367
of any information that the superintendent determines exists, 368
including information contained in records that have been sealed 369
under section 2953.32 of the Revised Code, and, within thirty days 370
of its receipt, subject to division (E)(2) of this section, shall 371
send the board, entity, or person a report of any information 372

received from the federal bureau of investigation, other than 373
information the dissemination of which is prohibited by federal 374
law. 375

(b) When a board of education or a registered private 376
provider is required to receive information under this section as 377
a prerequisite to employment of an individual pursuant to division 378
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 379
may accept a certified copy of records that were issued by the 380
bureau of criminal identification and investigation and that are 381
presented by an individual applying for employment with the 382
district in lieu of requesting that information itself. In such a 383
case, the board shall accept the certified copy issued by the 384
bureau in order to make a photocopy of it for that individual's 385
employment application documents and shall return the certified 386
copy to the individual. In a case of that nature, a district or 387
provider only shall accept a certified copy of records of that 388
nature within one year after the date of their issuance by the 389
bureau. 390

(c) Notwithstanding division (F)(2)(a) of this section, in 391
the case of a request under section 3319.39, 3319.391, or 3327.10 392
of the Revised Code only for criminal records maintained by the 393
federal bureau of investigation, the superintendent shall not 394
determine whether any information gathered under division (A) of 395
this section exists on the person for whom the request is made. 396

(3) The state board of education may request, with respect to 397
any individual who has applied for employment after October 2, 398
1989, in any position with the state board or the department of 399
education, any information that a school district board of 400
education is authorized to request under division (F)(2) of this 401
section, and the superintendent of the bureau shall proceed as if 402
the request has been received from a school district board of 403
education under division (F)(2) of this section. 404

(4) When the superintendent of the bureau receives a request 405
for information under section 3319.291 of the Revised Code, the 406
superintendent shall proceed as if the request has been received 407
from a school district board of education and shall comply with 408
divisions (F)(2)(a) and (c) of this section. 409

(5) When a recipient of a classroom reading improvement grant 410
paid under section 3301.86 of the Revised Code requests, with 411
respect to any individual who applies to participate in providing 412
any program or service funded in whole or in part by the grant, 413
the information that a school district board of education is 414
authorized to request under division (F)(2)(a) of this section, 415
the superintendent of the bureau shall proceed as if the request 416
has been received from a school district board of education under 417
division (F)(2)(a) of this section. 418

(G) In addition to or in conjunction with any request that is 419
required to be made under section 3701.881, 3712.09, or 3721.121 420
of the Revised Code with respect to an individual who has applied 421
for employment in a position that involves providing direct care 422
to an older adult or adult resident, the chief administrator of a 423
home health agency, hospice care program, home licensed under 424
Chapter 3721. of the Revised Code, or adult day-care program 425
operated pursuant to rules adopted under section 3721.04 of the 426
Revised Code may request that the superintendent of the bureau 427
investigate and determine, with respect to any individual who has 428
applied after January 27, 1997, for employment in a position that 429
does not involve providing direct care to an older adult or adult 430
resident, whether the bureau has any information gathered under 431
division (A) of this section that pertains to that individual. 432

In addition to or in conjunction with any request that is 433
required to be made under section 173.27 of the Revised Code with 434
respect to an individual who has applied for employment in a 435
position that involves providing ~~ombudsman~~ ombudsman services 436

to residents of long-term care facilities or recipients of 437
community-based long-term care services, the state long-term care 438
~~ombudsman~~ ombudsman, ~~ombudsman's designee~~, or the director 439
of ~~health aging~~, a regional long-term care ombudsman, or the 440
designee of the ombudsman, director, or program may request that 441
the superintendent investigate and determine, with respect to any 442
individual who has applied for employment in a position that does 443
not involve providing such ~~ombudsman~~ ombudsman services, 444
whether the bureau has any information gathered under division (A) 445
of this section that pertains to that applicant. 446

In addition to or in conjunction with any request that is 447
required to be made under section 173.394 of the Revised Code with 448
respect to an individual who has applied for employment in a 449
direct-care position ~~that involves providing direct care to an~~ 450
~~individual~~, the chief administrator of a community-based long-term 451
care agency, as defined in section 173.39 of the Revised Code, may 452
request that the superintendent investigate and determine, with 453
respect to any individual who has applied for employment in a 454
position that ~~does is~~ not involve providing direct care a 455
direct-care position, whether the bureau has any information 456
gathered under division (A) of this section that pertains to that 457
applicant. 458

In addition to or in conjunction with any request that is 459
required to be made under section 3712.09 of the Revised Code with 460
respect to an individual who has applied for employment in a 461
position that involves providing direct care to a pediatric 462
respite care patient, the chief administrator of a pediatric 463
respite care program may request that the superintendent of the 464
bureau investigate and determine, with respect to any individual 465
who has applied for employment in a position that does not involve 466
providing direct care to a pediatric respite care patient, whether 467
the bureau has any information gathered under division (A) of this 468

section that pertains to that individual. 469

On receipt of a request under this division, the 470
superintendent shall determine whether that information exists 471
and, on request of the individual requesting information, shall 472
also request from the federal bureau of investigation any criminal 473
records it has pertaining to the applicant. The superintendent or 474
the superintendent's designee also may request criminal history 475
records from other states or the federal government pursuant to 476
the national crime prevention and privacy compact set forth in 477
section 109.571 of the Revised Code. Within thirty days of the 478
date a request is received, subject to division (E)(2) of this 479
section, the superintendent shall send to the requester a report 480
of any information determined to exist, including information 481
contained in records that have been sealed under section 2953.32 482
of the Revised Code, and, within thirty days of its receipt, shall 483
send the requester a report of any information received from the 484
federal bureau of investigation, other than information the 485
dissemination of which is prohibited by federal law. 486

(H) Information obtained by a government entity or person 487
under this section is confidential and shall not be released or 488
disseminated. 489

(I) The superintendent may charge a reasonable fee for 490
providing information or criminal records under division (F)(2) or 491
(G) of this section. 492

(J) As used in this section: 493

(1) "Pediatric respite care program" and "pediatric respite 494
care patient" have the same meanings as in section 3712.01 of the 495
Revised Code. 496

(2) "Sexually oriented offense" and "child-victim oriented 497
offense" have the same meanings as in section 2950.01 of the 498
Revised Code. 499

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

Sec. 122.681. (A) Except as permitted by this section, or
when required by federal law, no person or government entity shall
solicit, release, disclose, receive, use, or knowingly permit or
participate in the use of any information regarding an individual
receiving assistance pursuant to a community services division
program under sections 122.66 to 122.702 of the Revised Code for
any purpose not directly related to the administration of a
division assistance program.

(B) To the extent permitted by federal law, the division, and
any entity that receives division funds to administer a division
program to assist individuals, shall release information regarding
an individual assistance recipient to the following:

(1) A government entity responsible for administering the
assistance program for purposes directly related to the
administration of the program;

(2) A law enforcement agency for the purpose of any
investigation, prosecution, or criminal or civil proceeding
relating to the administration of the assistance program;

(3) A government entity responsible for administering a
children's protective services program, for the purpose of
protecting children;

(4) Any appropriate person in compliance with a search
warrant, subpoena, or other court order.

(C) To the extent permitted by federal law and section

1347.08 of the Revised Code, the division, and any entity 530
administering a division program, shall provide access to 531
information regarding an individual assistance recipient to all of 532
the following: 533

(1) The individual assistance recipient; 534

(2) The authorized representative of the individual 535
assistance recipient; 536

(3) The legal guardian of the individual assistance 537
recipient; 538

(4) The attorney of the individual assistance recipient. 539

(D) To the extent permitted by federal law, the division, and 540
any entity administering a division program, may do either of the 541
following: 542

(1) Release information about an individual assistance 543
recipient if the recipient gives voluntary, written authorization; 544

(2) Release information regarding an individual assistance 545
recipient to a state, federal, or federally assisted program that 546
provides cash or in-kind assistance or services directly to 547
individuals based on need. 548

(E) The community services division, or an entity 549
administering a division program, shall provide, at no cost, a 550
copy of each written authorization to the individual who signed 551
it. 552

(F) The development services agency may adopt rules defining 553
who may serve as an individual assistance recipient's authorized 554
representative for purposes of division (C)(2) of this section. 555

Sec. 307.932. (A) As used in this section: 556

(1) "Division of parole and community services" means the 557
division of parole and community services of the department of 558

rehabilitation and correction. 559

(2) "Eligible offender" means, in relation to a particular 560
community alternative sentencing center or district community 561
alternative sentencing center established and operated under 562
~~division (E)~~ of this section, an offender who has been convicted 563
of or pleaded guilty to a qualifying misdemeanor offense, for whom 564
no provision of the Revised Code or ordinance of a municipal 565
corporation other than section 4511.19 of the Revised Code, both 566
~~section~~ sections 4510.14 and 4511.19 of the Revised Code, or an 567
ordinance or ordinances of a municipal corporation that provide 568
the penalties for a municipal OVI offense or for both a municipal 569
OVI ordinance and a municipal DUS ordinance of the municipal 570
corporation requires the imposition of a mandatory jail term for 571
that qualifying misdemeanor offense, and who is eligible to be 572
sentenced directly to that center and admitted to it under rules 573
adopted under division (G) of this section by the board of county 574
commissioners or affiliated group of boards of county 575
commissioners that established and operates that center. 576

(3) "Municipal OVI offense" has the same meaning as in 577
section 4511.181 of the Revised Code. 578

(4) "OVI term of confinement" means a term of confinement 579
imposed for a violation of section 4511.19 of the Revised Code or 580
for a municipal OVI offense, including any mandatory jail term or 581
mandatory term of local incarceration imposed for that violation 582
or offense. 583

(5) "Community residential sanction" means a community 584
residential sanction imposed under section 2929.26 of the Revised 585
Code for a misdemeanor violation of a section of the Revised Code 586
or a term of confinement imposed for a misdemeanor violation of a 587
municipal ordinance that is not a jail term. 588

(6) "Qualifying misdemeanor offense" means a violation of any 589

section of the Revised Code that is a misdemeanor or a violation 590
of any ordinance of a municipal corporation located in the county 591
that is a misdemeanor. 592

(7) "Municipal DUS offense" means a violation of a municipal 593
ordinance that is substantially equivalent to section 4510.14 of 594
the Revised Code. 595

(B)(1) The board of county commissioners of any county, in 596
consultation with the sheriff of the county, may ~~formulate a~~ 597
~~proposal for~~ establish a community alternative sentencing center 598
that, upon implementation by the county or being subcontracted to 599
or operated by a nonprofit organization, ~~would~~ shall be used for 600
the confinement of eligible offenders sentenced directly to the 601
center by a court located in ~~the~~ any county pursuant to a 602
community residential sanction of not more than ~~thirty~~ ninety days 603
or pursuant to an OVI term of confinement of not more than ~~sixty~~ 604
ninety days, and for the purpose of closely monitoring those 605
eligible offenders' adjustment to community supervision. A board 606
that ~~formulates~~ establishes a ~~proposal~~ center pursuant to this 607
division shall do so by resolution. 608

(2) The boards of county commissioners of two or more 609
adjoining or neighboring counties, in consultation with the 610
sheriffs of each of those counties, may affiliate and ~~formulate~~ 611
establish by resolution adopted by each of them a ~~proposal for~~ a 612
district community alternative sentencing center that, upon 613
implementation by the counties or being subcontracted to or 614
operated by a nonprofit organization, ~~would~~ shall be used for the 615
confinement of eligible offenders sentenced directly to the center 616
by a court located in any ~~of those counties~~ county pursuant to a 617
community residential sanction of not more than ~~thirty~~ ninety days 618
or pursuant to an OVI term of confinement of not more than ~~sixty~~ 619
ninety days, and for the purpose of closely monitoring those 620
eligible offenders' adjustment to community supervision. Each 621

board that affiliates with one or more other boards to ~~formulate~~ 622
~~establish~~ a ~~proposal~~ center pursuant to this division shall 623
~~formulate the proposal~~ do so by resolution. 624

(C) Each ~~proposal for resolution establishing~~ a community 625
alternative sentencing center or a district community alternative 626
sentencing center ~~that is formulated~~ under division (B)(1) or (2) 627
of this section shall include ~~proposals~~ provisions for operation 628
of the center and for criteria to define which offenders are 629
eligible to be sentenced directly to the center and admitted to 630
it. At a minimum, the ~~proposed~~ criteria that define which 631
offenders are eligible to be sentenced directly to the center and 632
admitted to it shall provide ~~all of the following~~: 633

(1) ~~That~~ that an offender is eligible to be sentenced 634
directly to the center and admitted to it if the offender has been 635
convicted of or pleaded guilty to a qualifying misdemeanor offense 636
and is sentenced directly to the center for the qualifying 637
misdemeanor offense pursuant to a community residential sanction 638
of not more than ~~thirty~~ ninety days or pursuant to an OVI term of 639
confinement of not more than ~~sixty~~ ninety days by a court that is 640
located in the any county ~~or one of the counties served by the~~ 641
~~board of county commissioners or by any of the affiliated group of~~ 642
~~boards of county commissioners that submits the proposal~~; 643

(2) ~~That, except as otherwise provided in this division, no~~ 644
~~offender is eligible to be sentenced directly to the center or~~ 645
~~admitted to it if, in addition to the community residential~~ 646
~~sanction or OVI term of confinement described in division (C)(1)~~ 647
~~of this section, the offender is serving or has been sentenced to~~ 648
~~serve any other jail term, prison term, or community residential~~ 649
~~sanction. A mandatory jail term or electronic monitoring imposed~~ 650
~~in lieu of a mandatory jail term for a violation of section~~ 651
~~4511.19 of the Revised Code, for a municipal OVI offense, or for~~ 652
~~either such offense and a similar offense that exceeds sixty days~~ 653

~~of confinement shall not disqualify the offender from serving~~ 654
~~sixty days of the mandatory jail term at the center.~~ 655

(D) If a ~~proposal for a~~ community alternative sentencing 656
center or a district community alternative sentencing center that 657
is ~~formulated~~ established under division (B)(1) or (2) of this 658
section contemplates the use of an existing facility, or a part of 659
an existing facility, as the center, nothing in this section 660
limits, restricts, or precludes the use of the facility, the part 661
of the facility, or any other part of the facility for any purpose 662
other than as a community alternative sentencing center or 663
district community alternative sentencing center. 664

~~(E) The establishment and operation of a community~~ 665
~~alternative sentencing center or district community alternative~~ 666
~~sentencing center may be done by subcontracting with a nonprofit~~ 667
~~organization for the operation of the center.~~ 668

If a board of county commissioners or an affiliated group of 669
boards of county commissioners establishes and operates or 670
subcontracts for the operation of a community alternative 671
sentencing center or district community alternative sentencing 672
center under this division, except as otherwise provided in this 673
division, the center is not a minimum security jail under section 674
341.14, section 753.21, or any other provision of the Revised 675
Code, is not a jail or alternative residential facility as defined 676
in section 2929.01 of the Revised Code, is not required to satisfy 677
or comply with minimum standards for minimum security jails or 678
other jails that are promulgated under division (A) of section 679
5120.10 of the Revised Code, is not a local detention facility as 680
defined in section 2929.36 of the Revised Code, and is not a 681
residential unit as defined in section 2950.01 of the Revised 682
Code. The center is a detention facility as defined in sections 683
2921.01 and 2923.124 of the Revised Code, and an eligible offender 684
confined in the center is under detention as defined in section 685

2921.01 of the Revised Code. Regarding persons sentenced directly 686
to the center under an OVI term of confinement or under both an 687
OVI term of confinement and confinement for a violation of section 688
4510.14 of the Revised Code or a municipal DUS offense, the center 689
shall be considered a "jail" or "local correctional facility" for 690
purposes of any provision in section 4510.14 or 4511.19 of the 691
Revised Code or in an ordinance of a municipal corporation that 692
requires a mandatory jail term or mandatory term of local 693
incarceration for the violation of section 4511.19 of the Revised 694
Code, the violation of both section 4510.14 and 4511.19 of the 695
Revised Code, the municipal OVI offense, or the municipal OVI 696
offense and the municipal DUS offense, and a direct sentence of a 697
person to the center under an OVI term of confinement or under 698
both an OVI term of confinement and confinement for a violation of 699
section 4510.14 of the Revised Code or a municipal DUS offense 700
shall be considered to be a sentence to a "jail" or "local 701
correctional facility" for purposes of any such provision in 702
section 4510.14 or 4511.19 of the Revised Code or in an ordinance 703
of a municipal corporation. 704

(F)(1) If the board of county commissioners of a county that 705
is being served by a community alternative sentencing center 706
established pursuant to ~~division (E)~~ of this section determines 707
that it no longer wants to be served by the center, the board may 708
dissolve the center by adopting a resolution evidencing the 709
determination to dissolve the center. 710

(2) If the boards of county commissioners of all of the 711
counties served by any district community alternative sentencing 712
center established pursuant to ~~division (E)~~ of this section 713
determine that they no longer want to be served by the center, the 714
boards may dissolve the center by adopting in each county a 715
resolution evidencing the determination to dissolve the center. 716

(3) If at least one, but not all, of the boards of county 717

commissioners of the counties being served by any district 718
community alternative sentencing center established pursuant to 719
~~division (E)~~ of this section determines that it no longer wants to 720
be served by the center, the board may terminate its involvement 721
with the center by adopting a resolution evidencing the 722
determination to terminate its involvement with the center. If at 723
least one, but not all, of the boards of county commissioners of 724
the counties being served by any community alternative sentencing 725
center terminates its involvement with the center in accordance 726
with this division, the other boards of county commissioners of 727
the counties being served by the center may continue to be served 728
by the center. 729

(G) Prior to ~~establishing or~~ operating a community 730
alternative sentencing center or a district community alternative 731
sentencing center, the board of county commissioners or the 732
affiliated group of boards of county commissioners that ~~formulated~~ 733
established the ~~proposal~~ center shall adopt rules for the 734
operation of the center. The rules shall include criteria that 735
define which offenders are eligible to be sentenced directly to 736
the center and admitted to it. 737

(H) If a board of county commissioners ~~establishes and~~ 738
operates or subcontracts for the operation of a community 739
alternative sentencing center ~~under division (E) of this section,~~ 740
or an affiliated group of boards of county commissioners 741
~~establishes and~~ operates or subcontracts for the operation of a 742
district community alternative sentencing center under ~~that~~ 743
division this section, all of the following apply: 744

(1) ~~Any~~ With the approval of the operator of the center, a 745
court located within ~~the~~ any county ~~served by the board that~~ 746
~~establishes and operates a community alternative sentencing center~~ 747
may directly sentence eligible offenders to ~~the~~ a community 748
alternative sentencing center or district community alternative 749

~~sentencing center pursuant to a community residential sanction of 750
not more than thirty ninety days or pursuant to an OVI term of 751
confinement, a combination of an OVI term of confinement and 752
confinement for a violation of section 4510.14 of the Revised 753
Code, or confinement for a municipal DUS offense of not more than 754
ninety days. ~~Any court located within a county served by any of 755
the boards that establishes and operates a district community 756
alternative sentencing center may directly sentence eligible 757
offenders to the center pursuant to a community residential 758
sanction of not more than thirty days or pursuant to an OVI term 759
of confinement, a combination of an OVI term of confinement and 760
confinement for a violation of section 4510.14 of the Revised 761
Code, or confinement for a municipal DUS offense of not more than 762
sixty days.~~ 763~~

(2) Each eligible offender who is sentenced to the center as 764
described in division (H)(1) of this section and admitted to it 765
shall be offered during the eligible offender's confinement at the 766
center educational and vocational services and reentry planning 767
and may be offered any other treatment and rehabilitative services 768
that are available and that the court that sentenced the 769
particular eligible offender to the center and the administrator 770
of the center determine are appropriate based upon the offense for 771
which the eligible offender was sentenced to the community 772
residential sanction and the length of the sanction. 773

(3) Before accepting an eligible offender sentenced to the 774
center by a court, the board or the affiliated group of boards 775
shall enter into an agreement with a political subdivision that 776
operates that court that addresses the cost and payment of medical 777
treatment or services received by eligible offenders sentenced by 778
that court while they are confined in the center. The agreement 779
may provide for the payment of the costs by the particular 780
eligible offender who receives the treatment or services, as 781

described in division (I) of this section. 782

~~(4) If a court sentences an eligible offender to a center 783
under authority of division (H)(1) of this section, immediately 784
after the sentence is imposed, the eligible offender shall be 785
taken to the probation department that serves the court. The 786
department shall handle any preliminary matters regarding the 787
admission of the eligible offender to the center, including a 788
determination as to whether the eligible offender may be admitted 789
to the center under the criteria included in the rules adopted 790
under division (G) of this section that define which offenders are 791
eligible to be sentenced and admitted to the center. If the 792
eligible offender is accepted for admission to the center, the 793
department shall schedule the eligible offender for the admission 794
and shall provide for the transportation of the offender to the 795
center. If an eligible offender who is sentenced to the center 796
under a community residential sanction is not accepted for 797
admission to the center for any reason, the nonacceptance shall be 798
considered a violation of a condition of the community residential 799
sanction, the eligible offender shall be taken before the court 800
that imposed the sentence, and the court may proceed as specified 801
in division (C)(2) of section 2929.25 of the Revised Code based on 802
the violation or as provided by ordinance of the municipal 803
corporation based on the violation, whichever is applicable. If an 804
eligible offender who is sentenced to the center under an OVI term 805
of confinement is not accepted for admission to the center for any 806
reason, the eligible offender shall be taken before the court that 807
imposed the sentence, and the court shall determine the place at 808
which the offender is to serve the term of confinement. If the an 809
eligible offender a court sentences to the center is admitted to 810
the center, all of the following apply: 811~~

~~(a) The admission shall be under the terms and conditions 812
established by the court and the administrator of the center, and 813~~

the court and the administrator of the center shall provide for 814
the confinement of the eligible offender and supervise the 815
eligible offender as provided in divisions (H)(4)(b) to (f) of 816
this section. 817

(b) The eligible offender shall be confined in the center 818
during any period of time that the eligible offender is not 819
actually working at the eligible offender's approved work release 820
described in division (H)(4)(c) of this section, engaged in 821
community service activities described in division (H)(4)(d) of 822
this section, engaged in authorized vocational training or another 823
authorized educational program, engaged in another program 824
designated by the administrator of the center, or engaged in other 825
activities approved by the court and the administrator of the 826
center. 827

(c) If the court and the administrator of the center 828
determine that work release is appropriate based upon the offense 829
for which the eligible offender was sentenced to the community 830
residential sanction or OVI term of confinement and the length of 831
the sanction or term, the eligible offender may be offered work 832
release from confinement at the center and be released from 833
confinement while engaged in the work release. 834

(d) An eligible offender may not participate in community 835
service without the court's approval. If the administrator of the 836
center determines that community service is appropriate and if the 837
eligible offender will be confined for more than ten days at the 838
center, the eligible offender may be required to participate in 839
community service activities approved by the court and by the 840
political subdivision served by the court. Community service 841
activities that may be required under this division may take place 842
in facilities of the political subdivision that operates the 843
court, in the community, or in both such locales. The eligible 844
offender shall be released from confinement while engaged in the 845

community service activities. Community service activities 846
required under this division shall be supervised by the court or 847
an official designated by the board of county commissioners or 848
affiliated group of boards of county commissioners that 849
established and is operating the center. Community service 850
activities required under this division shall not exceed in 851
duration the period for which the eligible offender will be 852
confined at the center under the community residential sanction or 853
the OVI term of confinement. 854

(e) The confinement of the eligible offender in the center 855
shall be considered for purposes of this division and division 856
(H)(4)(f) of this section as including any period of time 857
described in division (H)(4)(b) of this section when the eligible 858
offender may be outside of the center and shall continue until the 859
expiration of the community residential sanction, the OVI term of 860
confinement, or the combination of the OVI term of confinement and 861
the confinement for the violation of section 4510.14 of the 862
Revised Code or the municipal DUS ordinance that the eligible 863
offender is serving upon admission to the center. 864

(f) After the admission and until the expiration of the 865
community residential sanction or OVI term of confinement that the 866
eligible offender is serving upon admission to the center, the 867
eligible offender shall be considered for purposes of any 868
provision in Title XXIX of the Revised Code to be serving the 869
community residential sanction or OVI term of confinement. 870

(5) The administrator of the center, or the administrator's 871
designee, shall post a sign as described in division (A)(4) of 872
section 2923.1212 of the Revised Code in a conspicuous location at 873
the center. 874

(I) The board of county commissioners that establishes ~~and~~ 875
~~operates~~ a community alternative sentencing center under ~~division~~ 876
~~(E)~~ of this section, or the affiliated group of boards of county 877

commissioners that establishes ~~and operates~~ a district community 878
alternative sentencing center under ~~that division~~ this section, 879
may require an eligible offender who is sentenced directly to the 880
center and admitted to it to pay to the county served by the board 881
or the counties served by the affiliated group of boards or the 882
entity operating the center the reasonable expenses incurred by 883
the county or counties, whichever is applicable, in supervising or 884
confining the eligible offender after being sentenced to the 885
center and admitted. Inability to pay those reasonable expenses 886
shall not be grounds for refusing to admit an otherwise eligible 887
offender to the center. 888

(J)(1) If an eligible offender who is directly sentenced to a 889
community alternative sentencing center or district community 890
alternative sentencing center and admitted to the center 891
successfully completes the service of the community residential 892
sanction in the center, the administrator of the center shall 893
notify the court that imposed the sentence, and the court shall 894
enter into the journal that the eligible offender successfully 895
completed the service of the sanction. 896

(2) If an eligible offender who is directly sentenced to a 897
community alternative sentencing center or district community 898
alternative sentencing center and admitted to the center violates 899
any rule established under this section by the board of county 900
commissioners or the affiliated group of boards of county 901
commissioners that establishes ~~and operates~~ the center, violates 902
any condition of the community residential sanction, the OVI term 903
of confinement, or the combination of the OVI term of confinement 904
and the confinement for the violation of section 4510.14 of the 905
Revised Code or the municipal OVI ordinance imposed by the 906
sentencing court, or otherwise does not successfully complete the 907
service of the community residential sanction or OVI term of 908
confinement in the center, the administrator of the center shall 909

report the violation or failure to successfully complete the 910
sanction or term directly to the court or to the probation 911
department or probation officer with general control and 912
supervision over the eligible offender. A failure to successfully 913
complete the service of the community residential sanction, the 914
OVI term of confinement, or the combination of the OVI term of 915
confinement and the confinement for the violation of section 916
4510.14 of the Revised Code or the municipal OVI ordinance in the 917
center shall be considered a violation of a condition of the 918
community residential sanction or the OVI term of confinement. If 919
the administrator reports the violation to the probation 920
department or probation officer, the department or officer shall 921
report the violation to the court. Upon its receipt under this 922
division of a report of a violation or failure to complete the 923
sanction by a person sentenced to the center under a community 924
residential sanction, the court may proceed as specified in 925
division (C)(2) of section 2929.25 of the Revised Code based on 926
the violation or as provided by ordinance of the municipal 927
corporation based on the violation, whichever is applicable. Upon 928
its receipt under this division of a report of a violation or 929
failure to complete the term by a person sentenced to the center 930
under an OVI term of confinement, the court shall determine the 931
place at which the offender is to serve the remainder of the term 932
of confinement. The eligible offender shall receive credit towards 933
completing the eligible offender's sentence for the time spent in 934
the center after admission to it. 935

Sec. 2151.311. (A) A person taking a child into custody 936
shall, with all reasonable speed and in accordance with division 937
(C) of this section, either: 938

(1) Release the child to the child's parents, guardian, or 939
other custodian, unless the child's detention or shelter care 940
appears to be warranted or required as provided in section 2151.31 941

of the Revised Code; 942

(2) Bring the child to the court or deliver the child to a 943
place of detention or shelter care designated by the court and 944
promptly give notice thereof, together with a statement of the 945
reason for taking the child into custody, to a parent, guardian, 946
or other custodian and to the court. 947

(B) If a parent, guardian, or other custodian fails, when 948
requested by the court, to bring the child before the court as 949
provided by this section, the court may issue its warrant 950
directing that the child be taken into custody and brought before 951
the court. 952

(C)(1) Before taking any action required by division (A) of 953
this section, a person taking a child into custody may hold the 954
child for processing purposes in a county, multicounty, or 955
municipal jail or workhouse, or other place where an adult 956
convicted of crime, under arrest, or charged with crime is held 957
for either of the following periods of time: 958

(a) For a period not to exceed six hours, if all of the 959
following apply: 960

(i) The child is alleged to be a delinquent child for the 961
commission of an act that would be a felony if committed by an 962
adult; 963

(ii) The child remains beyond the range of touch of all adult 964
detainees; 965

(iii) The child is visually supervised by jail or workhouse 966
personnel at all times during the detention; 967

(iv) The child is not handcuffed or otherwise physically 968
secured to a stationary object during the detention. 969

(b) For a period not to exceed three hours, if all of the 970
following apply: 971

(i) The child is alleged to be a delinquent child for the 972
commission of an act that would be a misdemeanor if committed by 973
an adult, is alleged to be a delinquent child for being a chronic 974
truant or an habitual truant who previously has been adjudicated 975
an unruly child for being an habitual truant, or is alleged to be 976
an unruly child or a juvenile traffic offender; 977

(ii) The child remains beyond the range of touch of all adult 978
detainees; 979

(iii) The child is visually supervised by jail or workhouse 980
personnel at all times during the detention; 981

(iv) The child is not handcuffed or otherwise physically 982
secured to a stationary object during the detention. 983

(2) If a child has been transferred to an adult court for 984
prosecution for the alleged commission of a criminal offense, 985
subsequent to the transfer, the child may be held as described in 986
division (F) of section 2152.26 or division (B) of section 5120.16 987
of the Revised Code. 988

(D) If a person who is alleged to be or has been adjudicated 989
a delinquent child or who is in any other category of persons 990
identified in this section is confined under authority of this 991
section in a place specified in division (C) of this section, the 992
fact of the person's admission to and confinement in that place is 993
restricted as described in division (G) of section 2152.26 of the 994
Revised Code. 995

(E) As used in division (C)(1) of this section, "processing 996
purposes" means all of the following: 997

(1) Fingerprinting, photographing, or fingerprinting and 998
photographing the child in a secure area of the facility; 999

(2) Interrogating the child, contacting the child's parent or 1000
guardian, arranging for placement of the child, or arranging for 1001

transfer or transferring the child, while holding the child in a 1002
nonsecure area of the facility. 1003

Sec. 2151.356. (A) The records of a case in which a person 1004
was adjudicated a delinquent child for committing a violation of 1005
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall not 1006
be sealed under this section. 1007

(B)(1) The juvenile court shall promptly order the immediate 1008
sealing of records pertaining to a juvenile in any of the 1009
following circumstances: 1010

(a) If the court receives a record from a public office or 1011
agency under division (B)(2) of this section; 1012

(b) If a person was brought before or referred to the court 1013
for allegedly committing a delinquent or unruly act and the case 1014
was resolved without the filing of a complaint against the person 1015
with respect to that act pursuant to section 2151.27 of the 1016
Revised Code; 1017

(c) If a person was charged with violating division (E)(1) of 1018
section 4301.69 of the Revised Code and the person has 1019
successfully completed a diversion program under division 1020
(E)(2)(a) of section 4301.69 of the Revised Code with respect to 1021
that charge; 1022

(d) If a complaint was filed against a person alleging that 1023
the person was a delinquent child, an unruly child, or a juvenile 1024
traffic offender and the court dismisses the complaint after a 1025
trial on the merits of the case or finds the person not to be a 1026
delinquent child, an unruly child, or a juvenile traffic offender; 1027

(e) Notwithstanding division (C) of this section and subject 1028
to section 2151.358 of the Revised Code, if a person has been 1029
adjudicated an unruly child, that person has attained eighteen 1030
years of age, and the person is not under the jurisdiction of the 1031

court in relation to a complaint alleging the person to be a delinquent child. 1032
1033

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A)(3) of section 2151.357 of the Revised Code. 1034
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(C)(1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The court shall not require a fee for the filing of the application. The motion or application may be made at any time ~~after six months~~ after any of the following events occur: 1045
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(a) The termination of any order made by the court in relation to the adjudication; 1057
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(b) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication; 1059
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(c) The court enters an order under section 2152.84 or 1064
2152.85 of the Revised Code that contains a determination that the 1065
child is no longer a juvenile offender registrant. 1066

(2) In making the determination whether to seal records 1067
pursuant to division (C)(1) of this section, all of the following 1068
apply: 1069

(a) The court may require a person filing an application 1070
under division (C)(1) of this section to submit any relevant 1071
documentation to support the application. 1072

(b) The court may cause an investigation to be made to 1073
determine if the person who is the subject of the proceedings has 1074
been rehabilitated to a satisfactory degree. 1075

(c) The court shall promptly notify the prosecuting attorney 1076
of any proceedings to seal records initiated pursuant to division 1077
(C)(1) of this section. 1078

(d)(i) The prosecuting attorney may file a response with the 1079
court within thirty days of receiving notice of the sealing 1080
proceedings. 1081

(ii) If the prosecuting attorney does not file a response 1082
with the court or if the prosecuting attorney files a response but 1083
indicates that the prosecuting attorney does not object to the 1084
sealing of the records, the court may order the records of the 1085
person that are under consideration to be sealed without 1086
conducting a hearing on the motion or application. If the court 1087
decides in its discretion to conduct a hearing on the motion or 1088
application, the court shall conduct the hearing within thirty 1089
days after making that decision and shall give notice, by regular 1090
mail, of the date, time, and location of the hearing to the 1091
prosecuting attorney and to the person who is the subject of the 1092
records under consideration. 1093

(iii) If the prosecuting attorney files a response with the 1094

court that indicates that the prosecuting attorney objects to the sealing of the records, the court shall conduct a hearing on the motion or application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.

(e) After conducting a hearing in accordance with division (C)(2)(d) of this section or after due consideration when a hearing is not conducted, except as provided in division (B)(1)(c) of this section, the court may order the records of the person that are the subject of the motion or application to be sealed if it finds that the person has been rehabilitated to a satisfactory degree. In determining whether the person has been rehabilitated to a satisfactory degree, the court may consider all of the following:

(i) The age of the person;

(ii) The nature of the case;

(iii) The cessation or continuation of delinquent, unruly, or criminal behavior;

(iv) The education and employment history of the person;

(v) The granting of a new tier classification or declassification from the juvenile offender registry pursuant to section 2152.85 of the Revised Code, except for public registry-qualified juvenile offender registrants;

(vi) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.

(D)(1)(a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this

section, if that person is present in the court at the time the 1125
court issues a sealing order, that explains what sealing a record 1126
means, states that the person may apply to have those records 1127
expunged under section 2151.358 of the Revised Code, and explains 1128
what expunging a record means. 1129

(b) The juvenile court shall provide written notice to a 1130
person whose records are sealed under division (B) of this section 1131
by regular mail to the person's last known address, if that person 1132
is not present in the court at the time the court issues a sealing 1133
order and if the court does not seal the person's record upon the 1134
court's own motion, that explains what sealing a record means, 1135
states that the person may apply to have those records expunged 1136
under section 2151.358 of the Revised Code, and explains what 1137
expunging a record means. 1138

(2) Upon final disposition of a case in which a person has 1139
been adjudicated a delinquent child for committing an act other 1140
than a violation of section 2903.01, 2903.02, or 2907.02 of the 1141
Revised Code, an unruly child, or a juvenile traffic offender, the 1142
juvenile court shall provide written notice to the person that 1143
does all of the following: 1144

(a) States that the person may apply to the court for an 1145
order to seal the record; 1146

(b) Explains what sealing a record means; 1147

(c) States that the person may apply to the court for an 1148
order to expunge the record under section 2151.358 of the Revised 1149
Code; 1150

(d) Explains what expunging a record means. 1151

(3) The department of youth services and any other 1152
institution or facility that unconditionally discharges a person 1153
who has been adjudicated a delinquent child, an unruly child, or a 1154
juvenile traffic offender shall immediately give notice of the 1155

discharge to the court that committed the person. The court shall 1156
note the date of discharge on a separate record of discharges of 1157
those natures. 1158

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) 1159
of this section, a child alleged to be or adjudicated a delinquent 1160
child or a juvenile traffic offender may be held only in the 1161
following places: 1162

(1) A certified foster home or a home approved by the court; 1163

(2) A facility operated by a certified child welfare agency; 1164

(3) Any other suitable place designated by the court. 1165

(B) In addition to the places listed in division (A) of this 1166
section, a child alleged to be or adjudicated a delinquent child 1167
or a person described in division (C)(7) of section 2152.02 of the 1168
Revised Code may be held in a detention facility for delinquent 1169
children that is under the direction or supervision of the court 1170
or other public authority or of a private agency and approved by 1171
the court, and a child adjudicated a delinquent child may be held 1172
in accordance with division (F)(2) of this section in a facility 1173
of a type specified in that division. ~~Division (B) of this section~~ 1174
This division does not apply to a child alleged to be or 1175
adjudicated a delinquent child for chronic truancy, unless the 1176
child violated a lawful court order made pursuant to division 1177
(A)(6) of section 2152.19 of the Revised Code. ~~Division (B) of~~ 1178
~~this section~~ This division also does not apply to a child alleged 1179
to be or adjudicated a delinquent child for being an habitual 1180
truant who previously has been adjudicated an unruly child for 1181
being an habitual truant, unless the child violated a lawful court 1182
order made pursuant to division (C)(1)(e) of section 2151.354 of 1183
the Revised Code. 1184

(C)(1) Except as provided under division (C)(1) of section 1185

2151.311 of the Revised Code or division (A)(5) of section 2152.21 1186
of the Revised Code, a child alleged to be or adjudicated a 1187
juvenile traffic offender may not be held in any of the following 1188
facilities: 1189

(a) A state correctional institution, county, multicounty, or 1190
municipal jail or workhouse, or other place in which an adult 1191
convicted of crime, under arrest, or charged with a crime is held. 1192

(b) A secure correctional facility. 1193

(2) Except as provided under this section, sections 2151.56 1194
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 1195
Revised Code, a child alleged to be or adjudicated a juvenile 1196
traffic offender may not be held for more than twenty-four hours 1197
in a detention facility. 1198

(D) Except as provided in division (F) of this section or in 1199
division (C) of section 2151.311, in division (C)(2) of section 1200
5139.06 and section 5120.162, or in division (B) of section 1201
5120.16 of the Revised Code, a child who is alleged to be or is 1202
adjudicated a delinquent child or a person described in division 1203
(C)(7) of section 2152.02 of the Revised Code may not be held in a 1204
state correctional institution, county, multicounty, or municipal 1205
jail or workhouse, or other place where an adult convicted of 1206
crime, under arrest, or charged with crime is held. 1207

(E) Unless the detention is pursuant to division (F) of this 1208
section or division (C) of section 2151.311, division (C)(2) of 1209
section 5139.06 and section 5120.162, or division (B) of section 1210
5120.16 of the Revised Code, the official in charge of the 1211
institution, jail, workhouse, or other facility shall inform the 1212
court immediately when a person who is or appears to be under the 1213
age of eighteen years, or a person who is charged with a violation 1214
of an order of a juvenile court or a violation of probation or 1215
parole conditions imposed by a juvenile court and who is or 1216

appears to be between the ages of eighteen and twenty-one years, 1217
is received at the facility and shall deliver the person to the 1218
court upon request or transfer the person to a detention facility 1219
designated by the court. 1220

(F)(1) If a case is transferred to another court for criminal 1221
prosecution pursuant to section 2152.12 of the Revised Code and 1222
the alleged offender is a person described in division (C)(7) of 1223
section 2152.02 of the Revised Code, the person may not be 1224
transferred for detention pending the criminal prosecution in a 1225
jail or other facility except under the circumstances described in 1226
division (F)(4) of this section. Any child held in accordance with 1227
division (F)(3) of this section shall be confined in a manner that 1228
keeps the child beyond the sight and sound of all adult detainees. 1229
The child shall be supervised at all times during the detention. 1230

(2) If a person is adjudicated a delinquent child or juvenile 1231
traffic offender or is a person described in division (C)(7) of 1232
section 2152.02 of the Revised Code and the court makes a 1233
disposition of the person under this chapter, at any time after 1234
the person attains twenty-one years of age, the person may be held 1235
under that disposition or under the circumstances described in 1236
division (F)(4) of this section in places other than those 1237
specified in division (A) of this section, including, but not 1238
limited to, a county, multicounty, or municipal jail or workhouse, 1239
or other place where an adult convicted of crime, under arrest, or 1240
charged with crime is held. 1241

(3)(a) A person alleged to be a delinquent child may be held 1242
in places other than those specified in division (A) of this 1243
section, including, but not limited to, a county, multicounty, or 1244
municipal jail, if the delinquent act that the child allegedly 1245
committed would be a felony if committed by an adult, and if 1246
either of the following applies: 1247

(i) The person attains twenty-one years of age before the 1248

person is arrested or apprehended for that act. 1249

(ii) The person is arrested or apprehended for that act 1250
before the person attains twenty-one years of age, but the person 1251
attains twenty-one years of age before the court orders a 1252
disposition in the case. 1253

(b) If, pursuant to division (F)(3)(a) of this section, a 1254
person is held in a place other than a place specified in division 1255
(A) of this section, the person has the same rights to bail as an 1256
adult charged with the same offense who is confined in a jail 1257
pending trial. 1258

(4)(a) Any person whose case is transferred for criminal 1259
prosecution pursuant to section ~~2151.10~~ 2152.10 or 2152.12 of the 1260
Revised Code or any person who has attained the age of eighteen 1261
years but has not attained the age of twenty-one years and who is 1262
being held in a place specified in division (B) of this section 1263
may be held under that disposition or charge in places other than 1264
those specified in division (B) of this section, including a 1265
county, multicounty, or municipal jail or workhouse, or other 1266
place where an adult under arrest or charged with crime is held if 1267
the juvenile court, upon its own motion or upon motion by the 1268
prosecutor and after notice and hearing, establishes by a 1269
preponderance of the evidence and makes written findings of either 1270
of the following: 1271

(i) With respect to a person whose case is transferred for 1272
criminal prosecution pursuant to either specified section or who 1273
has attained the age of eighteen years but who has not attained 1274
the age of twenty-one years and is being so held, that the youth 1275
is a threat to the safety and security of the facility. ~~Evidence~~ 1276
~~that the;~~ 1277

(ii) With respect to a person who has attained the age of 1278
eighteen years but who has not attained the age of twenty-one 1279

years and is being so held, that the best interests of the youth 1280
require that the youth be held in a place other than a place 1281
specified in division (B) of this section, including a county, 1282
multicounty, or municipal jail or workhouse, or other place where 1283
an adult under arrest or charged with crime is held. 1284

(b) In determining for purposes of division (F)(4)(a)(i) of 1285
this section whether a youth is a threat to the safety and 1286
security of the facility, evidence that the youth is a threat to 1287
the safety and security of the facility may include, but is not 1288
limited to, whether the youth has done any of the following: 1289

(i) Injured or created an imminent danger to the life or 1290
health of another youth or staff member in the facility or program 1291
by violent behavior; 1292

(ii) Escaped from the facility or program in which the youth 1293
is being held on more than one occasion; 1294

(iii) Established a pattern of disruptive behavior as 1295
verified by a written record that the youth's behavior is not 1296
conducive to the established policies and procedures of the 1297
facility or program in which the youth is being held. 1298

~~(b)~~(c) If ~~the~~ a prosecutor submits a motion requesting that 1299
~~the~~ a person be held in a place other than those specified in 1300
division (B) of this section or if the court submits its own 1301
motion, the juvenile court shall hold a hearing within five days 1302
of the filing of the motion, and, in determining whether a place 1303
other than those specified in division (B) of this section is the 1304
appropriate place of confinement for the person, the court shall 1305
consider the following factors: 1306

(i) The age of the person; 1307

(ii) Whether the person would be deprived of contact with 1308
other people for a significant portion of the day or would not 1309
have access to recreational facilities or age-appropriate 1310

educational opportunities in order to provide physical separation 1311
from adults; 1312

(iii) The person's current emotional state, intelligence, and 1313
developmental maturity, including any emotional and psychological 1314
trauma, and the risk to the person in an adult facility, which may 1315
be evidenced by mental health or psychological assessments or 1316
screenings made available to the prosecuting attorney and the 1317
defense counsel; 1318

(iv) Whether detention in a juvenile facility would 1319
adequately serve the need for community protection pending the 1320
outcome of the criminal proceeding; 1321

(v) The relative ability of the available adult and juvenile 1322
detention facilities to meet the needs of the person, including 1323
the person's need for age-appropriate mental health and 1324
educational services delivered by individuals specifically trained 1325
to deal with youth; 1326

(vi) Whether the person presents an imminent risk of 1327
self-inflicted harm or an imminent risk of harm to others within a 1328
juvenile facility; 1329

(vii) Any other factors the juvenile court considers to be 1330
relevant. 1331

~~(e)~~(d) If the juvenile court determines that a place other 1332
than those specified in division (B) of this section is the 1333
appropriate place for confinement of a person pursuant to division 1334
(F)(4)(a) of this section, the person may petition the juvenile 1335
court for a review hearing thirty days after the initial 1336
confinement decision, thirty days after any subsequent review 1337
hearing, or at any time after the initial confinement decision 1338
upon an emergency petition by the youth due to the youth facing an 1339
imminent danger from others or the youth's self. Upon receipt of 1340
the petition, the juvenile court has discretion over whether to 1341

conduct the review hearing and may set the matter for a review 1342
hearing if the youth has alleged facts or circumstances that, if 1343
true, would warrant reconsideration of the youth's placement in a 1344
place other than those specified in division (B) of this section 1345
based on the factors listed in division (F)(4)~~(b)~~(c) of this 1346
section. 1347

~~(d)~~(e) Upon the admission of a person described in division 1348
(F)(4)(a) of this section to a place other than those specified in 1349
division (B) of this section, the facility shall advise the person 1350
of the person's right to request a review hearing as described in 1351
division (F)(4)(d) of this section. 1352

~~(e)~~(f) Any person transferred under division (F)(4)(a) of 1353
this section to a place other than those specified in division (B) 1354
of this section shall be confined in a manner that keeps the 1355
person beyond sight and sound of all adult detainees. The person 1356
shall be supervised at all times during the detention. 1357

(G)(1) If a person who is alleged to be or has been 1358
adjudicated a delinquent child or who is in any other category of 1359
persons identified in this section or section 2151.311 of the 1360
Revised Code is confined under authority of any Revised Code 1361
section in a place other than a place specified in division (B) of 1362
this section, including a county, multicounty, or municipal jail 1363
or workhouse, or other place where an adult under arrest or 1364
charged with crime is held, subject to division (G)(2) of this 1365
section, the fact of the person's admission to and confinement in 1366
that place is not a public record open for inspection or copying 1367
under section 149.43 of the Revised Code and is confidential and 1368
shall not be released to any person other than to a court, to a 1369
law enforcement agency for law enforcement purposes, or to a 1370
person specified by court order. 1371

(2) Division (G)(1) of this section does not apply with 1372
respect to a person whose case is transferred for criminal 1373

prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code, who is convicted of or pleads guilty to an offense in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B)(4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B)(3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B)(3)(b) of section 2152.121 of the Revised Code.

Sec. 2907.27. (A)(1) If a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to any of those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim, shall cause the accused to submit to one or more appropriate tests to determine if the accused is suffering from a venereal disease. ~~The court, upon the request of the prosecutor in the case or upon the request of the victim shall cause the accused to submit to one or more appropriate tests to determine if the accused is suffering~~

~~from the human immunodeficiency virus (HIV) within forty eight 1405
hours after the date on which the complaint, information, or 1406
indictment is filed or within forty eight hours after the date on 1407
which the complaint, information, or indictment is served on the 1408
accused, whichever date is later. Nothing in this section shall be 1409
construed to prevent the court from ordering at any time during 1410
which the complaint, information, or indictment is pending, that 1411
the accused submit to one or more appropriate tests to determine 1412
if the accused is suffering from a venereal disease or from the 1413
human immunodeficiency virus (HIV).~~ 1414

(2) If the accused is found to be suffering from a venereal 1415
disease in an infectious stage, the accused shall be required to 1416
submit to medical treatment for that disease. The cost of the 1417
medical treatment shall be charged to and paid by the accused who 1418
undergoes the treatment. If the accused is indigent, the court 1419
shall order the accused to report to a facility operated by a city 1420
health district or a general health district for treatment. If the 1421
accused is convicted of or pleads guilty to the offense with which 1422
the accused is charged and is placed under a community control 1423
sanction, a condition of community control shall be that the 1424
offender submit to and faithfully follow a course of medical 1425
treatment for the venereal disease. If the offender does not seek 1426
the required medical treatment, the court may revoke the 1427
offender's community control and order the offender to undergo 1428
medical treatment during the period of the offender's 1429
incarceration and to pay the cost of that treatment. 1430

(B)(1)(a) If a person is charged with a violation of division 1431
(B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 1432
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 1433
Code ~~or~~, with a violation of a municipal ordinance that is 1434
substantially equivalent to that division or any of those 1435
sections, or with a violation of a statute or municipal ordinance 1436

in which by force or threat of force the accused compelled the 1437
victim to engage in sexual activity, the court, upon the request 1438
of the prosecutor in the case, upon the request of the victim, or 1439
upon the request of any other person whom the court reasonably 1440
believes had contact with the accused in circumstances related to 1441
the violation that could have resulted in the transmission to that 1442
person of the human immunodeficiency virus, shall cause the 1443
accused to submit to one or more tests designated by the director 1444
of health under section 3701.241 of the Revised Code to determine 1445
if the accused is infected with HIV. The court shall cause the 1446
accused to submit to the test or tests within forty-eight hours 1447
after the indictment, information, or complaint is presented. The 1448
court shall order follow-up tests for HIV as may be medically 1449
appropriate. 1450

(b) The court, upon the request of the prosecutor in the 1451
case, upon the request of the victim with the agreement of the 1452
prosecutor, or upon the request of any other person with the 1453
agreement of the prosecutor, may cause an accused who is charged 1454
with a violation of any ~~other~~ division or section of the Revised 1455
Code or ~~with a violation of any other~~ municipal ordinance not 1456
described in division (B)(1)(a) of this section to submit to one 1457
or more tests so designated by the director of health if the 1458
circumstances of the violation indicate probable cause to believe 1459
that the accused, if the accused is infected with HIV, might have 1460
transmitted HIV to any of the following persons in committing the 1461
violation: 1462

(i) In relation to a request made by the prosecuting 1463
attorney, to the victim or to any other person; 1464

(ii) In relation to a request made by the victim, to the 1465
victim making the request; 1466

(iii) In relation to a request made by any other person, to 1467
the person making the request. 1468

~~(b)(c)~~ The results of a test conducted under division 1469
(B)(1)(a) of this section shall be provided as soon as practicable 1470
to the victim, or the parent or guardian of the victim, and the 1471
accused. The results of any follow-up test conducted under that 1472
division also shall be provided as soon as practicable to the 1473
victim, or the parent or guardian of the victim, and the accused. 1474
The results of a test performed under division (B)(1)~~(a)~~(b) of 1475
this section shall be communicated in confidence to the court, ~~and~~ 1476
the court shall inform the accused of the result. ~~The, and the~~ 1477
court shall inform the victim that the test was performed and that 1478
the victim has a right to receive the results on request. ~~If~~ 1479
Additionally, for a test under either division (B)(1)(a) or (b) of 1480
this section, all of the following apply: 1481

(i) If the test was performed upon the request of a person 1482
other than the prosecutor in the case and other than the victim, 1483
the court shall inform the person who made the request that the 1484
test was performed and that the person has a right to receive the 1485
results upon request. ~~Additionally, regardless~~ 1486

(ii) Regardless of who made the request that was the basis of 1487
the test being performed, if the court reasonably believes that, 1488
in circumstances related to the violation, a person other than the 1489
victim had contact with the accused that could have resulted in 1490
the transmission of HIV to that person, the court may inform that 1491
person that the test was performed and that the person has a right 1492
to receive the results of the test on request. ~~If~~ 1493

(iii) If the accused tests positive for HIV, the test results 1494
shall be reported to the department of health in accordance with 1495
section 3701.24 of the Revised Code and to the sheriff, head of 1496
the state correctional institution, or other person in charge of 1497
any jail or prison in which the accused is incarcerated. ~~If~~ 1498

(iv) If the accused tests positive for HIV and the accused 1499
was charged with, and was convicted of or pleaded guilty to, a 1500

violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to any of those sections, the test results also shall be reported to the law enforcement agency that arrested the accused, and the law enforcement agency may use the test results as the basis for any future charge of a violation of division (B) of any of those sections or a violation of a municipal ordinance that is substantially equivalent to division (B) of any of those sections. ~~No other~~

(v) Except as otherwise provided in the first paragraph in division (B)(1)(c) of this section or in division (B)(1)(c)(i), (ii), (iii), or (iv) of this section, no disclosure of the test results or the fact that a test was performed shall be made, other than as evidence in a grand jury proceeding or as evidence in a judicial proceeding in accordance with the Rules of Evidence. ~~¶~~

(vi) If the test result is negative, and the charge has not been dismissed or if the accused has been convicted of the charge or a different offense arising out of the same circumstances as the offense charged, the court shall order that the test be repeated not earlier than three months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court may order that the accused's bond be revoked and that the accused be incarcerated until the test is performed. If an accused who is incarcerated refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court shall order the person in charge of the jail or prison in which the accused is incarcerated to take any action necessary to facilitate the performance of the test, including the forcible restraint of the accused for the purpose of drawing blood to be used in the test.

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) Nothing in this section shall be construed to prevent a court in which a person is charged with any offense specified in division (A)(1) or (B)(1)(a) of this section from ordering at any time during which the complaint, information, or indictment is pending, that the accused submit to one or more appropriate tests to determine if the accused is suffering from a venereal disease or from HIV.

(D) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "HIV" means the human immunodeficiency virus.

Sec. 2929.26. (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this section. Community residential sanctions include, but are not limited to, the following:

(1) A term of up to one hundred eighty days in a halfway house or community-based correctional facility or a term in a halfway house or community-based correctional facility not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have

responsibility for paying the costs of confining the offender in a 1563
jail has entered into a contract with the halfway house or 1564
community-based correctional facility for use of the facility for 1565
misdemeanor offenders; 1566

(2) If the offender is an eligible offender, as defined in 1567
section 307.932 of the Revised Code, a term ~~of up to sixty days~~ in 1568
a community alternative sentencing center or district community 1569
alternative sentencing center established and operated in 1570
accordance with that section, in the circumstances specified in 1571
that section, with one of the conditions of the sanction being 1572
that the offender successfully complete the portion of the 1573
sentence to be served in the center ~~the entire term imposed~~. 1574

(B) A sentence to a community residential sanction under 1575
division (A)~~(3)~~(2) of this section shall be in accordance with 1576
section 307.932 of the Revised Code. In all other cases, the court 1577
that sentences an offender to a community residential sanction 1578
under this section may do either or both of the following: 1579

(1) Permit the offender to serve the offender's sentence in 1580
intermittent confinement, overnight, on weekends or at any other 1581
time or times that will allow the offender to continue at the 1582
offender's occupation or care for the offender's family; 1583

(2) Authorize the offender to be released so that the 1584
offender may seek or maintain employment, receive education or 1585
training, receive treatment, perform community service, or 1586
otherwise fulfill an obligation imposed by law or by the court. A 1587
release pursuant to this division shall be only for the duration 1588
of time that is needed to fulfill the purpose of the release and 1589
for travel that reasonably is necessary to fulfill the purposes of 1590
the release. 1591

(C) The court may order that a reasonable portion of the 1592
income earned by the offender upon a release pursuant to division 1593

(B) of this section be applied to any financial sanction imposed 1594
under section 2929.28 of the Revised Code. 1595

(D) No court shall sentence any person to a prison term for a 1596
misdemeanor or minor misdemeanor or to a jail term for a minor 1597
misdemeanor. 1598

(E) If a court sentences a person who has been convicted of 1599
or pleaded guilty to a misdemeanor to a community residential 1600
sanction as described in division (A) of this section, at the time 1601
of reception and at other times the person in charge of the 1602
operation of the halfway house, community alternative sentencing 1603
center, district community alternative sentencing center, or other 1604
place at which the offender will serve the residential sanction 1605
determines to be appropriate, the person in charge of the 1606
operation of the halfway house, community alternative sentencing 1607
center, district community alternative sentencing center, or other 1608
place may cause the convicted offender to be examined and tested 1609
for tuberculosis, HIV infection, hepatitis, including, but not 1610
limited to, hepatitis A, B, and C, and other contagious diseases. 1611
The person in charge of the operation of the halfway house, 1612
community alternative sentencing center, district community 1613
alternative sentencing center, or other place at which the 1614
offender will serve the residential sanction may cause a convicted 1615
offender in the halfway house, community alternative sentencing 1616
center, district community alternative sentencing center, or other 1617
place who refuses to be tested or treated for tuberculosis, HIV 1618
infection, hepatitis, including, but not limited to, hepatitis A, 1619
B, and C, or another contagious disease to be tested and treated 1620
involuntarily. 1621

(F) A political subdivision may enter into a contract with a 1622
halfway house for use of the halfway house to house misdemeanor 1623
offenders under a sanction imposed under division (A)(1) of this 1624
section. 1625

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code	1626
do not apply to any of the following:	1627
(A) Convictions when the offender is subject to a mandatory prison term;	1628 1629
(B) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters, <u>except as otherwise provided in section 2953.61 of the Revised Code</u> ;	1630 1631 1632 1633 1634 1635 1636
(C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01, or 2917.31 of the Revised Code that is a misdemeanor of the first degree;	1637 1638 1639 1640 1641
(D) Convictions on or after October 10, 2007, under section 2907.07 of the Revised Code or a conviction on or after October 10, 2007, for a violation of a municipal ordinance that is substantially similar to that section;	1642 1643 1644 1645
(E) Convictions on or after October 10, 2007, under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age;	1646 1647 1648 1649
(F) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony, except for convictions under section 2919.21 of the Revised Code;	1650 1651 1652 1653
(G) Convictions of a felony of the first or second degree;	1654
(H) Bail forfeitures in a traffic case as defined in Traffic	1655

Rule 2. 1656

Sec. 2953.61. ~~When~~ (A) Except as provided in division (B) of 1657
this section, when a person is charged with two or more offenses 1658
as a result of or in connection with the same act and at least one 1659
of the charges has a final disposition that is different than the 1660
final disposition of the other charges, the person may not apply 1661
to the court for the sealing of ~~his~~ the person's record in any of 1662
the cases until such time as ~~he~~ the person would be able to apply 1663
to the court and have all of the records in all of the cases 1664
pertaining to those charges sealed pursuant to divisions (A)(1) 1665
and (2) of section 2953.32 and divisions (A)(1) and (2) of section 1666
2953.52 of the Revised Code. 1667

(B) When a person is charged with two or more offenses as a 1668
result of or in connection with the same act, a record pertaining 1669
to any charge that is otherwise eligible for sealing may be sealed 1670
pursuant to section 2953.32 or 2953.52 of the Revised Code, 1671
notwithstanding the fact that one or more other charges are for 1672
offenses the records of which may not be sealed under section 1673
2953.36 of the Revised Code. 1674

Sec. 4510.111. (A) No person shall operate any motor vehicle 1675
upon a highway or any public or private property used by the 1676
public for purposes of vehicular travel or parking in this state 1677
whose driver's or commercial driver's license has been suspended 1678
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 1679
4510.032, 4510.22, or 4510.33 of the Revised Code. 1680

(B) Upon the request or motion of the prosecuting authority, 1681
a noncertified copy of the law enforcement automated data system 1682
report or a noncertified copy of a record of the registrar of 1683
motor vehicles that shows the name, date of birth, and social 1684
security number of a person charged with a violation of division 1685

(A) of this section may be admitted into evidence as prima-facie 1686
evidence that the license of the person was under suspension at 1687
the time of the alleged violation of division (A) of this section. 1688
The person charged with a violation of division (A) of this 1689
section may offer evidence to rebut this prima-facie evidence. 1690

(C) Whoever violates division (A) of this section is guilty 1691
of driving under suspension, and shall be punished as provided in 1692
division ~~(D)~~(C)(1) or (2) of this section. 1693

(1) Except as otherwise provided in division ~~(D)~~(C)(2) of 1694
this section, the offense is an unclassified misdemeanor. The 1695
offender shall be sentenced pursuant to sections 2929.21 to 1696
2929.28 of the Revised Code, except that the offender shall not be 1697
sentenced to a jail term; the offender shall not be sentenced to a 1698
community residential sanction pursuant to section 2929.26 of the 1699
Revised Code; notwithstanding division (A)(2)(a) of section 1700
2929.28 of the Revised Code, the offender may be fined up to one 1701
thousand dollars; and, notwithstanding division (A)(3) of section 1702
2929.27 of the Revised Code, the offender may be ordered pursuant 1703
to division (C) of that section to serve a term of community 1704
service of up to five hundred hours. The failure of an offender to 1705
complete a term of community service imposed by the court may be 1706
punished as indirect criminal contempt under division (A) of 1707
section 2705.02 of the Revised Code that may be filed in the 1708
underlying case. 1709

(2) If, within three years of the offense, the offender 1710
previously was convicted of or pleaded guilty to two or more 1711
violations of division (A) of this section, or any combination of 1712
two or more violations of division (A) ~~+~~ of this section or 1713
section 4510.11 or 4510.16 of the Revised Code, or a substantially 1714
equivalent municipal ordinance, the offense is a misdemeanor of 1715
the fourth degree, and the offender shall provide the court with 1716
proof of financial responsibility as defined in section 4509.01 of 1717

the Revised Code. If the offender fails to provide that proof of 1718
financial responsibility, then in addition to any other penalties 1719
provided by law, the court may order restitution pursuant to 1720
section 2929.28 of the Revised Code in an amount not exceeding 1721
five thousand dollars for any economic loss arising from an 1722
accident or collision that was the direct and proximate result of 1723
the offender's operation of the vehicle before, during, or after 1724
committing the offense for which the offender is sentenced under 1725
this section. 1726

Sec. 4510.16. (A) No person, whose driver's or commercial 1727
driver's license or temporary instruction permit or nonresident's 1728
operating privilege has been suspended or canceled pursuant to 1729
Chapter 4509. of the Revised Code, shall operate any motor vehicle 1730
within this state, or knowingly permit any motor vehicle owned by 1731
the person to be operated by another person in the state, during 1732
the period of the suspension or cancellation, except as 1733
specifically authorized by Chapter 4509. of the Revised Code. No 1734
person shall operate a motor vehicle within this state, or 1735
knowingly permit any motor vehicle owned by the person to be 1736
operated by another person in the state, during the period in 1737
which the person is required by section 4509.45 of the Revised 1738
Code to file and maintain proof of financial responsibility for a 1739
violation of section 4509.101 of the Revised Code, unless proof of 1740
financial responsibility is maintained with respect to that 1741
vehicle. 1742

(B) No person shall operate any motor vehicle upon a highway 1743
or any public or private property used by the public for purposes 1744
of vehicular travel or parking in this state if the person's 1745
driver's or commercial driver's license or temporary instruction 1746
permit or nonresident operating privilege has been suspended 1747
pursuant to section 4509.37 or 4509.40 of the Revised Code for 1748
nonpayment of a judgment. 1749

(C) Upon the request or motion of the prosecuting authority, 1750
a noncertified copy of the law enforcement automated data system 1751
report or a noncertified copy of a record of the registrar of 1752
motor vehicles that shows the name, date of birth, and social 1753
security number of a person charged with a violation of division 1754
(A) or (B) of this section may be admitted into evidence as 1755
prima-facie evidence that the license of the person was under 1756
either a financial responsibility law suspension at the time of 1757
the alleged violation of division (A) of this section or a 1758
nonpayment of judgment suspension at the time of the alleged 1759
violation of division (B) of this section. The person charged with 1760
a violation of division (A) or (B) of this section may offer 1761
evidence to rebut this prima-facie evidence. 1762

(D) Whoever violates division (A) of this section is guilty 1763
of driving under financial responsibility law suspension or 1764
cancellation and shall be punished as provided in divisions (D) to 1765
(I) of this section. Whoever violates division (B) of this section 1766
is guilty of driving under a nonpayment of judgment suspension and 1767
shall be punished as provided in divisions (D) to (I) of this 1768
section. 1769

(1) Except as otherwise provided in division (D)(2) of this 1770
section, the offense is an unclassified misdemeanor. When the 1771
offense is an unclassified misdemeanor, the offender shall be 1772
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 1773
Code, except that the offender shall not be sentenced to a jail 1774
term; the offender shall not be sentenced to a community 1775
residential sanction pursuant to section 2929.26 of the Revised 1776
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 1777
Revised Code, the offender may be fined up to one thousand 1778
dollars; and, notwithstanding division (A)(3) of section 2929.27 1779
of the Revised Code, the offender may be ordered pursuant to 1780
division (C) of that section to serve a term of community service 1781

of up to five hundred hours. The failure of an offender to 1782
complete a term of community service imposed by the court may be 1783
punished as indirect criminal contempt under division (A) of 1784
section 2705.02 of the Revised Code that may be filed in the 1785
underlying case. 1786

(2) If, within three years of the offense, the offender 1787
previously was convicted of or pleaded guilty to two or more 1788
violations of this section, or any combination of two violations 1789
of this section or section 4510.11 or 4510.111 of the Revised 1790
Code, or a substantially equivalent municipal ordinance, the 1791
offense is a misdemeanor of the fourth degree. 1792

(3) The offender shall provide the court with proof of 1793
financial responsibility as defined in section 4509.01 of the 1794
Revised Code. If the offender fails to provide that proof of 1795
financial responsibility, then in addition to any other penalties 1796
provided by law, the court may order restitution pursuant to 1797
section 2929.28 of the Revised Code in an amount not exceeding 1798
five thousand dollars for any economic loss arising from an 1799
accident or collision that was the direct and proximate result of 1800
the offender's operation of the vehicle before, during, or after 1801
committing the offense for which the offender is sentenced under 1802
this section. 1803

Sec. 5120.651. An inmate is eligible to participate in the 1804
prison nursery program if she is pregnant at the time she is 1805
delivered into the custody of the department of rehabilitation and 1806
correction, she gives birth on or after the date the program is 1807
implemented, she is subject to a sentence of imprisonment of not 1808
more than ~~eighteen months~~ three years, and she and the child meet 1809
any other criteria established by the department. 1810

Section 2. That existing sections 109.57, 307.932, 2151.311, 1811

2151.356, 2152.26, 2907.27, 2929.26, 2953.36, 2953.61, 4510.111, 1812
4510.16, and 5120.651 of the Revised Code are hereby repealed. 1813

Section 3. That the version of section 109.57 of the Revised 1814
Code that is scheduled to take effect January 1, 2014, be amended 1815
to read as follows: 1816

Sec. 109.57. (A)(1) The superintendent of the bureau of 1817
criminal identification and investigation shall procure from 1818
wherever procurable and file for record photographs, pictures, 1819
descriptions, fingerprints, measurements, and other information 1820
that may be pertinent of all persons who have been convicted of 1821
committing within this state a felony, any crime constituting a 1822
misdemeanor on the first offense and a felony on subsequent 1823
offenses, or any misdemeanor described in division (A)(1)(a), 1824
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1825
all children under eighteen years of age who have been adjudicated 1826
delinquent children for committing within this state an act that 1827
would be a felony or an offense of violence if committed by an 1828
adult or who have been convicted of or pleaded guilty to 1829
committing within this state a felony or an offense of violence, 1830
and of all well-known and habitual criminals. The person in charge 1831
of any county, multicounty, municipal, municipal-county, or 1832
multicounty-municipal jail or workhouse, community-based 1833
correctional facility, halfway house, alternative residential 1834
facility, or state correctional institution and the person in 1835
charge of any state institution having custody of a person 1836
suspected of having committed a felony, any crime constituting a 1837
misdemeanor on the first offense and a felony on subsequent 1838
offenses, or any misdemeanor described in division (A)(1)(a), 1839
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1840
having custody of a child under eighteen years of age with respect 1841

to whom there is probable cause to believe that the child may have 1842
committed an act that would be a felony or an offense of violence 1843
if committed by an adult shall furnish such material to the 1844
superintendent of the bureau. Fingerprints, photographs, or other 1845
descriptive information of a child who is under eighteen years of 1846
age, has not been arrested or otherwise taken into custody for 1847
committing an act that would be a felony or an offense of violence 1848
who is not in any other category of child specified in this 1849
division, if committed by an adult, has not been adjudicated a 1850
delinquent child for committing an act that would be a felony or 1851
an offense of violence if committed by an adult, has not been 1852
convicted of or pleaded guilty to committing a felony or an 1853
offense of violence, and is not a child with respect to whom there 1854
is probable cause to believe that the child may have committed an 1855
act that would be a felony or an offense of violence if committed 1856
by an adult shall not be procured by the superintendent or 1857
furnished by any person in charge of any county, multicounty, 1858
municipal, municipal-county, or multicounty-municipal jail or 1859
workhouse, community-based correctional facility, halfway house, 1860
alternative residential facility, or state correctional 1861
institution, except as authorized in section 2151.313 of the 1862
Revised Code. 1863

(2) Every clerk of a court of record in this state, other 1864
than the supreme court or a court of appeals, shall send to the 1865
superintendent of the bureau a weekly report containing a summary 1866
of each case involving a felony, involving any crime constituting 1867
a misdemeanor on the first offense and a felony on subsequent 1868
offenses, involving a misdemeanor described in division (A)(1)(a), 1869
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1870
involving an adjudication in a case in which a child under 1871
eighteen years of age was alleged to be a delinquent child for 1872
committing an act that would be a felony or an offense of violence 1873

if committed by an adult. The clerk of the court of common pleas 1874
shall include in the report and summary the clerk sends under this 1875
division all information described in divisions (A)(2)(a) to (f) 1876
of this section regarding a case before the court of appeals that 1877
is served by that clerk. The summary shall be written on the 1878
standard forms furnished by the superintendent pursuant to 1879
division (B) of this section and shall include the following 1880
information: 1881

(a) The incident tracking number contained on the standard 1882
forms furnished by the superintendent pursuant to division (B) of 1883
this section; 1884

(b) The style and number of the case; 1885

(c) The date of arrest, offense, summons, or arraignment; 1886

(d) The date that the person was convicted of or pleaded 1887
guilty to the offense, adjudicated a delinquent child for 1888
committing the act that would be a felony or an offense of 1889
violence if committed by an adult, found not guilty of the 1890
offense, or found not to be a delinquent child for committing an 1891
act that would be a felony or an offense of violence if committed 1892
by an adult, the date of an entry dismissing the charge, an entry 1893
declaring a mistrial of the offense in which the person is 1894
discharged, an entry finding that the person or child is not 1895
competent to stand trial, or an entry of a nolle prosequi, or the 1896
date of any other determination that constitutes final resolution 1897
of the case; 1898

(e) A statement of the original charge with the section of 1899
the Revised Code that was alleged to be violated; 1900

(f) If the person or child was convicted, pleaded guilty, or 1901
was adjudicated a delinquent child, the sentence or terms of 1902
probation imposed or any other disposition of the offender or the 1903
delinquent child. 1904

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the

Revised Code with respect to the registration of persons who are 1937
convicted of or plead guilty to a sexually oriented offense or a 1938
child-victim oriented offense and with respect to all other duties 1939
imposed on the bureau under that chapter. 1940

(5) The bureau shall perform centralized recordkeeping 1941
functions for criminal history records and services in this state 1942
for purposes of the national crime prevention and privacy compact 1943
set forth in section 109.571 of the Revised Code and is the 1944
criminal history record repository as defined in that section for 1945
purposes of that compact. The superintendent or the 1946
superintendent's designee is the compact officer for purposes of 1947
that compact and shall carry out the responsibilities of the 1948
compact officer specified in that compact. 1949

(B) The superintendent shall prepare and furnish to every 1950
county, multicounty, municipal, municipal-county, or 1951
multicounty-municipal jail or workhouse, community-based 1952
correctional facility, halfway house, alternative residential 1953
facility, or state correctional institution and to every clerk of 1954
a court in this state specified in division (A)(2) of this section 1955
standard forms for reporting the information required under 1956
division (A) of this section. The standard forms that the 1957
superintendent prepares pursuant to this division may be in a 1958
tangible format, in an electronic format, or in both tangible 1959
formats and electronic formats. 1960

(C)(1) The superintendent may operate a center for 1961
electronic, automated, or other data processing for the storage 1962
and retrieval of information, data, and statistics pertaining to 1963
criminals and to children under eighteen years of age who are 1964
adjudicated delinquent children for committing an act that would 1965
be a felony or an offense of violence if committed by an adult, 1966
criminal activity, crime prevention, law enforcement, and criminal 1967
justice, and may establish and operate a statewide communications 1968

network to be known as the Ohio law enforcement gateway to gather 1969
and disseminate information, data, and statistics for the use of 1970
law enforcement agencies and for other uses specified in this 1971
division. The superintendent may gather, store, retrieve, and 1972
disseminate information, data, and statistics that pertain to 1973
children who are under eighteen years of age and that are gathered 1974
pursuant to sections 109.57 to 109.61 of the Revised Code together 1975
with information, data, and statistics that pertain to adults and 1976
that are gathered pursuant to those sections. 1977

(2) The superintendent or the superintendent's designee shall 1978
gather information of the nature described in division (C)(1) of 1979
this section that pertains to the offense and delinquency history 1980
of a person who has been convicted of, pleaded guilty to, or been 1981
adjudicated a delinquent child for committing a sexually oriented 1982
offense or a child-victim oriented offense for inclusion in the 1983
state registry of sex offenders and child-victim offenders 1984
maintained pursuant to division (A)(1) of section 2950.13 of the 1985
Revised Code and in the internet database operated pursuant to 1986
division (A)(13) of that section and for possible inclusion in the 1987
internet database operated pursuant to division (A)(11) of that 1988
section. 1989

(3) In addition to any other authorized use of information, 1990
data, and statistics of the nature described in division (C)(1) of 1991
this section, the superintendent or the superintendent's designee 1992
may provide and exchange the information, data, and statistics 1993
pursuant to the national crime prevention and privacy compact as 1994
described in division (A)(5) of this section. 1995

(4) The attorney general may adopt rules under Chapter 119. 1996
of the Revised Code establishing guidelines for the operation of 1997
and participation in the Ohio law enforcement gateway. The rules 1998
may include criteria for granting and restricting access to 1999
information gathered and disseminated through the Ohio law 2000

enforcement gateway. The attorney general shall permit the state 2001
medical board and board of nursing to access and view, but not 2002
alter, information gathered and disseminated through the Ohio law 2003
enforcement gateway. 2004

The attorney general may appoint a steering committee to 2005
advise the attorney general in the operation of the Ohio law 2006
enforcement gateway that is comprised of persons who are 2007
representatives of the criminal justice agencies in this state 2008
that use the Ohio law enforcement gateway and is chaired by the 2009
superintendent or the superintendent's designee. 2010

(D)(1) The following are not public records under section 2011
149.43 of the Revised Code: 2012

(a) Information and materials furnished to the superintendent 2013
pursuant to division (A) of this section; 2014

(b) Information, data, and statistics gathered or 2015
disseminated through the Ohio law enforcement gateway pursuant to 2016
division (C)(1) of this section; 2017

(c) Information and materials furnished to any board or 2018
person under division (F) or (G) of this section. 2019

(2) The superintendent or the superintendent's designee shall 2020
gather and retain information so furnished under division (A) of 2021
this section that pertains to the offense and delinquency history 2022
of a person who has been convicted of, pleaded guilty to, or been 2023
adjudicated a delinquent child for committing a sexually oriented 2024
offense or a child-victim oriented offense for the purposes 2025
described in division (C)(2) of this section. 2026

(E)(1) The attorney general shall adopt rules, in accordance 2027
with Chapter 119. of the Revised Code and subject to division 2028
(E)(2) of this section, setting forth the procedure by which a 2029
person may receive or release information gathered by the 2030
superintendent pursuant to division (A) of this section. A 2031

reasonable fee may be charged for this service. If a temporary 2032
employment service submits a request for a determination of 2033
whether a person the service plans to refer to an employment 2034
position has been convicted of or pleaded guilty to an offense 2035
listed or described in division (A)(1), (2), or (3) of section 2036
109.572 of the Revised Code, the request shall be treated as a 2037
single request and only one fee shall be charged. 2038

(2) Except as otherwise provided in this division or division 2039
(E)(3) or (4) of this section, a rule adopted under division 2040
(E)(1) of this section may provide only for the release of 2041
information gathered pursuant to division (A) of this section that 2042
relates to the conviction of a person, or a person's plea of 2043
guilty to, a criminal offense or to the arrest of a person as 2044
provided in division (E)(3) of this section. The superintendent 2045
shall not release, and the attorney general shall not adopt any 2046
rule under division (E)(1) of this section that permits the 2047
release of, any information gathered pursuant to division (A) of 2048
this section that relates to an adjudication of a child as a 2049
delinquent child, or that relates to a criminal conviction of a 2050
person under eighteen years of age if the person's case was 2051
transferred back to a juvenile court under division (B)(2) or (3) 2052
of section 2152.121 of the Revised Code and the juvenile court 2053
imposed a disposition or serious youthful offender disposition 2054
upon the person under either division, unless either of the 2055
following applies with respect to the adjudication or conviction: 2056

(a) The adjudication or conviction was for a violation of 2057
section 2903.01 or 2903.02 of the Revised Code. 2058

(b) The adjudication or conviction was for a sexually 2059
oriented offense, the juvenile court was required to classify the 2060
child a juvenile offender registrant for that offense under 2061
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 2062
classification has not been removed. 2063

(3) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.

(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest.

(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32,

3301.541, division (C) of section 3310.58, or section 3319.39, 2095
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 2096
5153.111 of the Revised Code or that is made under section 2097
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2098
board of education of any school district; the director of 2099
developmental disabilities; any county board of developmental 2100
disabilities; any provider or subcontractor as defined in section 2101
5123.081 of the Revised Code; the chief administrator of any 2102
chartered nonpublic school; the chief administrator of a 2103
registered private provider that is not also a chartered nonpublic 2104
school; the chief administrator of any home health agency; the 2105
chief administrator of or person operating any child day-care 2106
center, type A family day-care home, or type B family day-care 2107
home licensed under Chapter 5104. of the Revised Code; the chief 2108
administrator of any head start agency; the executive director of 2109
a public children services agency; a private company described in 2110
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2111
Code; or an employer described in division (J)(2) of section 2112
3327.10 of the Revised Code may request that the superintendent of 2113
the bureau investigate and determine, with respect to any 2114
individual who has applied for employment in any position after 2115
October 2, 1989, or any individual wishing to apply for employment 2116
with a board of education may request, with regard to the 2117
individual, whether the bureau has any information gathered under 2118
division (A) of this section that pertains to that individual. On 2119
receipt of the request, subject to division (E)(2) of this 2120
section, the superintendent shall determine whether that 2121
information exists and, upon request of the person, board, or 2122
entity requesting information, also shall request from the federal 2123
bureau of investigation any criminal records it has pertaining to 2124
that individual. The superintendent or the superintendent's 2125
designee also may request criminal history records from other 2126
states or the federal government pursuant to the national crime 2127

prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of

this section exists on the person for whom the request is made. 2160

(3) The state board of education may request, with respect to 2161
any individual who has applied for employment after October 2, 2162
1989, in any position with the state board or the department of 2163
education, any information that a school district board of 2164
education is authorized to request under division (F)(2) of this 2165
section, and the superintendent of the bureau shall proceed as if 2166
the request has been received from a school district board of 2167
education under division (F)(2) of this section. 2168

(4) When the superintendent of the bureau receives a request 2169
for information under section 3319.291 of the Revised Code, the 2170
superintendent shall proceed as if the request has been received 2171
from a school district board of education and shall comply with 2172
divisions (F)(2)(a) and (c) of this section. 2173

(5) When a recipient of a classroom reading improvement grant 2174
paid under section 3301.86 of the Revised Code requests, with 2175
respect to any individual who applies to participate in providing 2176
any program or service funded in whole or in part by the grant, 2177
the information that a school district board of education is 2178
authorized to request under division (F)(2)(a) of this section, 2179
the superintendent of the bureau shall proceed as if the request 2180
has been received from a school district board of education under 2181
division (F)(2)(a) of this section. 2182

(G) In addition to or in conjunction with any request that is 2183
required to be made under section 3701.881, 3712.09, or 3721.121 2184
of the Revised Code with respect to an individual who has applied 2185
for employment in a position that involves providing direct care 2186
to an older adult or adult resident, the chief administrator of a 2187
home health agency, hospice care program, home licensed under 2188
Chapter 3721. of the Revised Code, or adult day-care program 2189
operated pursuant to rules adopted under section 3721.04 of the 2190
Revised Code may request that the superintendent of the bureau 2191

investigate and determine, with respect to any individual who has 2192
applied after January 27, 1997, for employment in a position that 2193
does not involve providing direct care to an older adult or adult 2194
resident, whether the bureau has any information gathered under 2195
division (A) of this section that pertains to that individual. 2196

In addition to or in conjunction with any request that is 2197
required to be made under section 173.27 of the Revised Code with 2198
respect to an individual who has applied for employment in a 2199
position that involves providing ~~ombudsperson~~ ombudsman services 2200
to residents of long-term care facilities or recipients of 2201
community-based long-term care services, the state long-term care 2202
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 2203
of ~~health aging, a regional long-term care ombudsman program, or~~ 2204
the designee of the ombudsman, director, or program may request 2205
that the superintendent investigate and determine, with respect to 2206
any individual who has applied for employment in a position that 2207
does not involve providing such ~~ombudsperson~~ ombudsman services, 2208
whether the bureau has any information gathered under division (A) 2209
of this section that pertains to that applicant. 2210

In addition to or in conjunction with any request that is 2211
required to be made under section ~~173.394~~ 173.38 of the Revised 2212
Code with respect to an individual who has applied for employment 2213
in a direct-care position ~~that involves providing direct care to~~ 2214
~~an individual~~, the chief administrator of a ~~community based~~ 2215
long-term care agency provider, as defined in section 173.39 of 2216
the Revised Code, may request that the superintendent investigate 2217
and determine, with respect to any individual who has applied for 2218
employment in a position that ~~does is not involve providing direct~~ 2219
~~care~~ a direct-care position, whether the bureau has any 2220
information gathered under division (A) of this section that 2221
pertains to that applicant. 2222

In addition to or in conjunction with any request that is 2223

required to be made under section 3712.09 of the Revised Code with 2224
respect to an individual who has applied for employment in a 2225
position that involves providing direct care to a pediatric 2226
respite care patient, the chief administrator of a pediatric 2227
respite care program may request that the superintendent of the 2228
bureau investigate and determine, with respect to any individual 2229
who has applied for employment in a position that does not involve 2230
providing direct care to a pediatric respite care patient, whether 2231
the bureau has any information gathered under division (A) of this 2232
section that pertains to that individual. 2233

On receipt of a request under this division, the 2234
superintendent shall determine whether that information exists 2235
and, on request of the individual requesting information, shall 2236
also request from the federal bureau of investigation any criminal 2237
records it has pertaining to the applicant. The superintendent or 2238
the superintendent's designee also may request criminal history 2239
records from other states or the federal government pursuant to 2240
the national crime prevention and privacy compact set forth in 2241
section 109.571 of the Revised Code. Within thirty days of the 2242
date a request is received, subject to division (E)(2) of this 2243
section, the superintendent shall send to the requester a report 2244
of any information determined to exist, including information 2245
contained in records that have been sealed under section 2953.32 2246
of the Revised Code, and, within thirty days of its receipt, shall 2247
send the requester a report of any information received from the 2248
federal bureau of investigation, other than information the 2249
dissemination of which is prohibited by federal law. 2250

(H) Information obtained by a government entity or person 2251
under this section is confidential and shall not be released or 2252
disseminated. 2253

(I) The superintendent may charge a reasonable fee for 2254
providing information or criminal records under division (F)(2) or 2255

(G) of this section.	2256
(J) As used in this section:	2257
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.	2258 2259 2260
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	2261 2262 2263
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	2264 2265 2266 2267 2268 2269
Section 4. That the existing version of section 109.57 of the Revised Code that is scheduled to take effect January 1, 2014, is hereby repealed.	2270 2271 2272
Section 5. Sections 307.932 and 2929.26 of the Revised Code are presented in this act as composites of the sections as amended by both Am. Sub. H.B. 509 and Am. Sub. S.B. 337 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composites are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act.	2273 2274 2275 2276 2277 2278 2279 2280 2281