

**As Introduced**

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

**S. B. No. 292**

**Senator Bacon**

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**A B I L L**

To amend sections 9.02, 109.08, 109.081, 109.521, 1  
109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 2  
1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 3  
1345.031, 1345.05, 1345.06, 1345.07, 1345.21, 4  
1345.22, 1345.23, 1345.24, 1345.43, 1345.44, 5  
2151.419, 2743.191, 2743.56, 2743.71, 2746.02, 6  
2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 7  
2981.13, and 5302.221; to enact sections 9.28, 8  
1331.17, and 2945.63; and to repeal section 9  
1331.05 of the Revised Code to make various 10  
changes to the laws governing the duties and 11  
function of the Attorney General. 12

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

**Section 1.** That sections 9.02, 109.08, 109.081, 109.521, 13  
109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 1331.01, 14  
1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.05, 1345.06, 15  
1345.07, 1345.21, 1345.22, 1345.23, 1345.24, 1345.43, 1345.44, 16  
2151.419, 2743.191, 2743.56, 2743.71, 2746.02, 2901.01, 2923.02, 17  
2923.31, 2923.32, 2953.32, 2981.13, and 5302.221 be amended and 18  
sections 9.28, 1331.17, and 2945.63 of the Revised Code be enacted 19  
to read as follows: 20

Sec. 9.02. (A) As used in this section: 21

(1) "Customer" means any person or authorized representative 22  
of that person who has maintained or is maintaining an account or 23  
deposit of any type, or has utilized or is utilizing any service 24  
of a financial institution, or for whom a financial institution 25  
has acted or is acting as a fiduciary in relation to an account or 26  
deposit maintained in the person's name. 27

(2) "Governmental authority" includes the state, any 28  
political subdivision, district, or court, and any agency, 29  
department, officer, or authorized employee of any of those 30  
entities. 31

(3) "Financial institution" means any bank, building and loan 32  
association, trust company, credit union, licensee as defined in 33  
section 1321.01, or registrant as defined in section 1321.51 of 34  
the Revised Code. 35

(4) "Financial record" means any record, including statements 36  
or receipts, and checks, drafts, or similar instruments, or 37  
information derived from such record, that is maintained by a 38  
financial institution and that pertains to a deposit or account of 39  
a customer, a service of the financial institution utilized by a 40  
customer, or any other relationship between a customer and the 41  
financial institution. 42

(5) "Supervisory review" means any examination of or other 43  
supervisory action with respect to a financial institution, where 44  
such examination or action is conducted or taken pursuant to 45  
authority granted under the Revised Code, or rules promulgated 46  
pursuant thereto by the agency having regulatory jurisdiction over 47  
such institution. 48

(B) Any party, including a governmental authority, that 49  
requires or requests a financial institution to assemble or 50

provide a customer's financial records in connection with any 51  
investigation, action, or proceeding shall pay the financial 52  
institution for all actual and necessary costs directly incurred 53  
in searching for, reproducing, or transporting these records, if 54  
the financial institution is not a party to the investigation, 55  
action, or proceeding, is not a subject of supervisory review in 56  
the investigation, action, or proceeding, or is a party to the 57  
investigation, action, or proceeding solely by reason of its 58  
holding of assets of another party defendant, with no cause of 59  
action alleged against the financial institution. This payment 60  
shall be made to the financial institution promptly, whether or 61  
not the financial records are entered into evidence. If the 62  
records are produced pursuant to a court order or subpoena duces 63  
tecum, the party requesting the order or subpoena is responsible 64  
for making the payment. With respect to any judicial or 65  
administrative proceeding for which the records are requested, 66  
payment of these costs shall be in addition to any witness fees. 67

(C) The rates and conditions for making payments required by 68  
division (B) of this section shall be established by rule by the 69  
superintendent of financial institutions. To the extent that they 70  
are applicable, such respective rules shall be substantially like 71  
those adopted by the board of governors of the federal reserve 72  
system to regulate similar fees required by the "Right to 73  
Financial Privacy Act of 1978," 92 Stat. 3708, 12 U.S.C.A. 3415. 74

(D)(1) This section is not intended to expand, limit, or 75  
otherwise affect any authority granted under federal law or the 76  
law of this state to any party, including a governmental 77  
authority, to procure, request, or require a customer's financial 78  
records. This section does not apply to investigations or 79  
examinations conducted under authority granted by Chapter 169., 80  
1707., 3737., or 4735. of the Revised Code. 81

(2) Division (B) of this section does not apply to financial 82

records required to be assembled or provided pursuant to a 83  
subpoena, demand for production, request for records, or demand 84  
for inspection issued by or on motion of the attorney general or 85  
the organized crime investigations commission, to a subpoena 86  
issued by or on motion of a prosecuting attorney who has probable 87  
cause to believe that a crime has been committed, or to a subpoena 88  
issued by a grand jury, if all of the following apply: 89

(a) The financial records or copies of the financial records 90  
are subpoenaed for purposes of a criminal investigation or 91  
prosecution; 92

(b) The subpoena is delivered to the financial institution at 93  
least ten days before the records are to be provided; 94

(c) The subpoena identifies individual items to be provided 95  
or is for statements of the customer's account for a specified 96  
period of time but only as is relevant to the possible crime being 97  
investigated. 98

If any financial record assembled or provided by a financial 99  
institution pursuant to such a subpoena or any information derived 100  
from the financial record is introduced as evidence in any 101  
criminal trial and if any nonindigent defendant is convicted of an 102  
offense at that trial, the trial court shall charge against the 103  
defendant, as a cost of prosecution, all actual and necessary 104  
costs directly incurred by the financial institution in searching 105  
for, reproducing, or transporting the financial records provided 106  
the financial institution is not a defendant at the trial. A 107  
defendant against whom costs are charged pursuant to this division 108  
shall pay the costs to the court which shall forward the payment 109  
to the financial institution. For purposes of this division, the 110  
trial court shall determine whether a defendant is indigent. The 111  
rates of payment established by rule pursuant to division (C) of 112  
this section shall be used by the trial court in charging costs 113  
under this division. 114

(E) Notwithstanding division (D) of this section, in any proceeding, action, or investigation that involves an alleged violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of the Revised Code, that either involves a property interest of the state or occurred within the scope of state employment or during the performance of a state public official's or state public servant's duties, and in which a financial institution is required or requested to assemble or provide financial records, the financial institution has a right of reimbursement from the state treasury for all actual and necessary costs incurred in searching for, reproducing, or transporting the financial records, at the rates established by rule under division (C) of this section. The reimbursement shall be made only if the financial institution is not a party to, or subject of the investigation, action, or proceeding, or is a party to the investigation, action, or proceeding solely by reason of its holding assets of another party defendant, with no cause of action alleged against the financial institution, and only if the financial institution has not acted negligently in the management of the deposit, account, service, or other relationship to which those financial records pertain. The reimbursement shall be made promptly, whether or not the financial records are entered into evidence. As used in this division, "state" means only the state of Ohio and does not include any political subdivision.

**Sec. 9.28. (A) As used in this section:**

"Competitive solicitation" means a request for proposal or any other solicitation or announcement by a public office requiring bids or proposals for the provision of goods or services to that office.

"Public office" includes any state agency, public institution, political subdivision, or other organized body,

office, agency, institution, or entity established by the laws of 146  
this state for the exercise of any function of government. "Public 147  
office" does not include the nonprofit corporation formed under 148  
section 187.01 of the Revised Code. 149

"State agency" includes every department, bureau, board, 150  
commission, office, or other organized body established by the 151  
constitution and laws of this state for the exercise of any 152  
function of state government, including any state-supported 153  
institution of higher education, the general assembly, any 154  
legislative agency, any court or judicial agency, or any political 155  
subdivision or agency of a political subdivision. "State agency" 156  
does not include the nonprofit corporation formed under section 157  
187.01 of the Revised Code. 158

(B) Except as provided in division (C) of this section, 159  
materials submitted to a public office in response to a 160  
competitive solicitation shall be considered public records for 161  
purposes of section 149.43 of the Revised Code at the earlier of 162  
the following dates: 163

(1) The date the public office announces the award of a 164  
contract based on the competitive solicitation; 165

(2) One hundred eighty days after either of the following 166  
dates, whichever is applicable: 167

(a) The date the public office opened the bids; 168

(b) The end date of the request for proposal period. 169

(C) If a public office rejects all bids or proposals received 170  
in response to a competitive solicitation and, concurrently with 171  
the announcement of the rejection gives notice of its intent to 172  
reissue the solicitation, the materials submitted in response to 173  
the original competitive solicitation and the materials submitted 174  
in response to the reissued competitive solicitation shall be 175  
considered public records at the earlier of the following dates: 176

(1) The date the public office announces the award of a contract based on the reissued competitive solicitation; 177  
178

(2) The date that is twelve months after either of the following dates, whichever is applicable: 179  
180

(a) The date the public office opened the original bids; 181

(b) The end date of the original request for proposal period. 182

**Sec. 109.08.** The attorney general may appoint special counsel 183  
to represent the state in connection with all claims of whatsoever 184  
nature which are certified to the attorney general for collection 185  
under any law or which the attorney general is authorized to 186  
collect. 187

Such special counsel shall be paid for their services from 188  
funds collected by them in an amount approved by the attorney 189  
general. The amounts paid may be assessed as collection costs 190  
consistent with section 131.02 of the Revised Code and shall be 191  
fully recoverable from the debtor. 192

The attorney general ~~shall~~ is authorized to provide to the 193  
special counsel appointed to represent the state in connection 194  
with claims arising out of Chapters 5733., 5739., 5741., and 5747. 195  
of the Revised Code, and amounts certified to the attorney general 196  
for collection under section 131.02 of the Revised Code, the 197  
official letterhead stationery of the attorney general. The 198  
attorney general may authorize the special counsel ~~shall~~ appointed 199  
to represent the state to use the letterhead stationery, but only 200  
in connection with the collection of ~~such the~~ claims arising out 201  
~~of those taxes~~ of the state, including its agencies, boards, 202  
commissions, and political subdivisions with respect to debt 203  
certified to the attorney general under any provision of the 204  
Revised Code. 205

**Sec. 109.081.** ~~Up~~ The attorney general may retain up to eleven 206

per cent of all amounts collected by the attorney general, ~~whether~~ 207  
~~by~~ employees or agents of the attorney general, or by special 208  
counsel pursuant to section 109.08 of the Revised Code, on claims 209  
due the state, or may assess a collection cost of up to eleven per 210  
cent of claims certified to the attorney general for collection. 211  
The attorney general, after consultation with the director of 212  
budget and management, shall determine the exact percentage that 213  
may be retained under this section. A collection cost under this 214  
section shall be assessed as a collection cost consistent with 215  
section 131.02 of the Revised Code, shall be collected in an 216  
amount and manner determined by the attorney general, and is fully 217  
recoverable from the debtor. All amounts retained or collected 218  
under this section shall be paid into the state treasury to the 219  
credit of the attorney general claims fund, which is hereby 220  
created. ~~The attorney general, after consultation with the~~ 221  
~~director of budget and management, shall determine the exact~~ 222  
~~percentage of those collected amounts that shall be paid into the~~ 223  
~~state treasury to the credit of the fund.~~ The fund shall be used 224  
for the payment of expenses incurred by the office of the attorney 225  
general. 226

**Sec. 109.521.** There is hereby created in the state treasury 227  
the bureau of criminal identification and investigation asset 228  
forfeiture and cost reimbursement fund. All amounts awarded to the 229  
bureau of criminal identification and investigation as a result of 230  
shared federal and state asset forfeiture and state and local 231  
moneys designated as restitution for reimbursement of the costs of 232  
investigations and all amounts received by the bureau under 233  
section 2981.13 of the Revised Code shall be deposited into this 234  
fund. The moneys in this fund shall be used in accordance with 235  
federal and state asset forfeiture rules, regulations, and laws. 236  
Interest earned on the money in this fund shall be credited to the 237  
fund. 238



**Sec. 109.57.** (A)(1) The superintendent of the bureau of 239  
criminal identification and investigation shall procure from 240  
wherever procurable and file for record photographs, pictures, 241  
descriptions, fingerprints, measurements, and other information 242  
that may be pertinent of all persons who have been convicted of 243  
committing within this state a felony, any crime constituting a 244  
misdemeanor on the first offense and a felony on subsequent 245  
offenses, or any misdemeanor described in division (A)(1)(a), 246  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 247  
all children under eighteen years of age who have been adjudicated 248  
delinquent children for committing within this state an act that 249  
would be a felony or an offense of violence if committed by an 250  
adult or who have been convicted of or pleaded guilty to 251  
committing within this state a felony or an offense of violence, 252  
and of all well-known and habitual criminals. The person in charge 253  
of any county, multicounty, municipal, municipal-county, or 254  
multicounty-municipal jail or workhouse, community-based 255  
correctional facility, halfway house, alternative residential 256  
facility, or state correctional institution and the person in 257  
charge of any state institution having custody of a person 258  
suspected of having committed a felony, any crime constituting a 259  
misdemeanor on the first offense and a felony on subsequent 260  
offenses, or any misdemeanor described in division (A)(1)(a), 261  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 262  
having custody of a child under eighteen years of age with respect 263  
to whom there is probable cause to believe that the child may have 264  
committed an act that would be a felony or an offense of violence 265  
if committed by an adult shall furnish such material to the 266  
superintendent of the bureau. Fingerprints, photographs, or other 267  
descriptive information of a child who is under eighteen years of 268  
age, has not been arrested or otherwise taken into custody for 269  
committing an act that would be a felony or an offense of violence 270

who is not in any other category of child specified in this 271  
division, if committed by an adult, has not been adjudicated a 272  
delinquent child for committing an act that would be a felony or 273  
an offense of violence if committed by an adult, has not been 274  
convicted of or pleaded guilty to committing a felony or an 275  
offense of violence, and is not a child with respect to whom there 276  
is probable cause to believe that the child may have committed an 277  
act that would be a felony or an offense of violence if committed 278  
by an adult shall not be procured by the superintendent or 279  
furnished by any person in charge of any county, multicounty, 280  
municipal, municipal-county, or multicounty-municipal jail or 281  
workhouse, community-based correctional facility, halfway house, 282  
alternative residential facility, or state correctional 283  
institution, except as authorized in section 2151.313 of the 284  
Revised Code. 285

(2) Every clerk of a court of record in this state, other 286  
than the supreme court or a court of appeals, shall send to the 287  
superintendent of the bureau a weekly report containing a summary 288  
of each case involving a felony, involving any crime constituting 289  
a misdemeanor on the first offense and a felony on subsequent 290  
offenses, involving a misdemeanor described in division (A)(1)(a), 291  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 292  
involving an adjudication in a case in which a child under 293  
eighteen years of age was alleged to be a delinquent child for 294  
committing an act that would be a felony or an offense of violence 295  
if committed by an adult. The clerk of the court of common pleas 296  
shall include in the report and summary the clerk sends under this 297  
division all information described in divisions (A)(2)(a) to (f) 298  
of this section regarding a case before the court of appeals that 299  
is served by that clerk. The summary shall be written on the 300  
standard forms furnished by the superintendent pursuant to 301  
division (B) of this section and shall include the following 302

|  |  |
|--|--|
| information:   | 303  |
| (a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;   | 304<br>305<br>306  |
| (b) The style and number of the case;  | 307  |
| (c) The date of arrest, offense, summons, or arraignment;  | 308  |
| (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; | 309<br>310<br>311<br>312<br>313<br>314<br>315<br>316<br>317<br>318<br>319<br>320 |
| (e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;   | 321<br>322   |
| (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.  | 323<br>324<br>325<br>326   |
| 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.   | 327<br>328<br>329<br>330<br>331  |
| (3) The superintendent shall cooperate with and assist   | 332  |

sheriffs, chiefs of police, and other law enforcement officers in 333  
the establishment of a complete system of criminal identification 334  
and in obtaining fingerprints and other means of identification of 335  
all persons arrested on a charge of a felony, any crime 336  
constituting a misdemeanor on the first offense and a felony on 337  
subsequent offenses, or a misdemeanor described in division 338  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 339  
Revised Code and of all children under eighteen years of age 340  
arrested or otherwise taken into custody for committing an act 341  
that would be a felony or an offense of violence if committed by 342  
an adult. The superintendent also shall file for record the 343  
fingerprint impressions of all persons confined in a county, 344  
multicounty, municipal, municipal-county, or multicounty-municipal 345  
jail or workhouse, community-based correctional facility, halfway 346  
house, alternative residential facility, or state correctional 347  
institution for the violation of state laws and of all children 348  
under eighteen years of age who are confined in a county, 349  
multicounty, municipal, municipal-county, or multicounty-municipal 350  
jail or workhouse, community-based correctional facility, halfway 351  
house, alternative residential facility, or state correctional 352  
institution or in any facility for delinquent children for 353  
committing an act that would be a felony or an offense of violence 354  
if committed by an adult, and any other information that the 355  
superintendent may receive from law enforcement officials of the 356  
state and its political subdivisions. 357

(4) The superintendent shall carry out Chapter 2950. of the 358  
Revised Code with respect to the registration of persons who are 359  
convicted of or plead guilty to a sexually oriented offense or a 360  
child-victim oriented offense and with respect to all other duties 361  
imposed on the bureau under that chapter. 362

(5) The bureau shall perform centralized recordkeeping 363  
functions for criminal history records and services in this state 364

for purposes of the national crime prevention and privacy compact 365  
set forth in section 109.571 of the Revised Code and is the 366  
criminal history record repository as defined in that section for 367  
purposes of that compact. The superintendent or the 368  
superintendent's designee is the compact officer for purposes of 369  
that compact and shall carry out the responsibilities of the 370  
compact officer specified in that compact. 371

(6) The superintendent shall, upon request, assist a county 372  
coroner in the identification of a deceased person through the use 373  
of fingerprint impressions obtained pursuant to division (A)(1) of 374  
this section or collected pursuant to section 109.572 or 311.41 of 375  
the Revised Code. 376

(B) The superintendent shall prepare and furnish to every 377  
county, multicounty, municipal, municipal-county, or 378  
multicounty-municipal jail or workhouse, community-based 379  
correctional facility, halfway house, alternative residential 380  
facility, or state correctional institution and to every clerk of 381  
a court in this state specified in division (A)(2) of this section 382  
standard forms for reporting the information required under 383  
division (A) of this section. The standard forms that the 384  
superintendent prepares pursuant to this division may be in a 385  
tangible format, in an electronic format, or in both tangible 386  
formats and electronic formats. 387

(C)(1) The superintendent may operate a center for 388  
electronic, automated, or other data processing for the storage 389  
and retrieval of information, data, and statistics pertaining to 390  
criminals and to children under eighteen years of age who are 391  
adjudicated delinquent children for committing an act that would 392  
be a felony or an offense of violence if committed by an adult, 393  
criminal activity, crime prevention, law enforcement, and criminal 394  
justice, and may establish and operate a statewide communications 395  
network to be known as the Ohio law enforcement gateway to gather 396

and disseminate information, data, and statistics for the use of 397  
law enforcement agencies and for other uses specified in this 398  
division. The superintendent may gather, store, retrieve, and 399  
disseminate information, data, and statistics that pertain to 400  
children who are under eighteen years of age and that are gathered 401  
pursuant to sections 109.57 to 109.61 of the Revised Code together 402  
with information, data, and statistics that pertain to adults and 403  
that are gathered pursuant to those sections. 404

(2) The superintendent or the superintendent's designee shall 405  
gather information of the nature described in division (C)(1) of 406  
this section that pertains to the offense and delinquency history 407  
of a person who has been convicted of, pleaded guilty to, or been 408  
adjudicated a delinquent child for committing a sexually oriented 409  
offense or a child-victim oriented offense for inclusion in the 410  
state registry of sex offenders and child-victim offenders 411  
maintained pursuant to division (A)(1) of section 2950.13 of the 412  
Revised Code and in the internet database operated pursuant to 413  
division (A)(13) of that section and for possible inclusion in the 414  
internet database operated pursuant to division (A)(11) of that 415  
section. 416

(3) In addition to any other authorized use of information, 417  
data, and statistics of the nature described in division (C)(1) of 418  
this section, the superintendent or the superintendent's designee 419  
may provide and exchange the information, data, and statistics 420  
pursuant to the national crime prevention and privacy compact as 421  
described in division (A)(5) of this section. 422

(4) The attorney general may adopt rules under Chapter 119. 423  
of the Revised Code establishing guidelines for the operation of 424  
and participation in the Ohio law enforcement gateway. The rules 425  
may include criteria for granting and restricting access to 426  
information gathered and disseminated through the Ohio law 427  
enforcement gateway. The attorney general shall permit the state 428

medical board and board of nursing to access and view, but not 429  
alter, information gathered and disseminated through the Ohio law 430  
enforcement gateway. 431

The attorney general may appoint a steering committee to 432  
advise the attorney general in the operation of the Ohio law 433  
enforcement gateway that is comprised of persons who are 434  
representatives of the criminal justice agencies in this state 435  
that use the Ohio law enforcement gateway and is chaired by the 436  
superintendent or the superintendent's designee. 437

(D)(1) The following are not public records under section 438  
149.43 of the Revised Code: 439

(a) Information and materials furnished to the superintendent 440  
pursuant to division (A) of this section; 441

(b) Information, data, and statistics gathered or 442  
disseminated through the Ohio law enforcement gateway pursuant to 443  
division (C)(1) of this section; 444

(c) Information and materials furnished to any board or 445  
person under division (F) or (G) of this section. 446

(2) The superintendent or the superintendent's designee shall 447  
gather and retain information so furnished under division (A) of 448  
this section that pertains to the offense and delinquency history 449  
of a person who has been convicted of, pleaded guilty to, or been 450  
adjudicated a delinquent child for committing a sexually oriented 451  
offense or a child-victim oriented offense for the purposes 452  
described in division (C)(2) of this section. 453

(E)(1) The attorney general shall adopt rules, in accordance 454  
with Chapter 119. of the Revised Code and subject to division 455  
(E)(2) of this section, setting forth the procedure by which a 456  
person may receive or release information gathered by the 457  
superintendent pursuant to division (A) of this section. A 458  
reasonable fee may be charged for this service. If a temporary 459

employment service submits a request for a determination of 460  
whether a person the service plans to refer to an employment 461  
position has been convicted of or pleaded guilty to an offense 462  
listed or described in division (A)(1), (2), or (3) of section 463  
109.572 of the Revised Code, the request shall be treated as a 464  
single request and only one fee shall be charged. 465

(2) Except as otherwise provided in this division or division 466  
(E)(3) of this section, a rule adopted under division (E)(1) of 467  
this section may provide only for the release of information 468  
gathered pursuant to division (A) of this section that relates to 469  
the conviction of a person, or a person's plea of guilty to, a 470  
criminal offense or to the arrest of a person as provided in 471  
division (E)(3) of this section. The superintendent shall not 472  
release, and the attorney general shall not adopt any rule under 473  
division (E)(1) of this section that permits the release of, any 474  
information gathered pursuant to division (A) of this section that 475  
relates to an adjudication of a child as a delinquent child, or 476  
that relates to a criminal conviction of a person under eighteen 477  
years of age if the person's case was transferred back to a 478  
juvenile court under division (B)(2) or (3) of section 2152.121 of 479  
the Revised Code and the juvenile court imposed a disposition or 480  
serious youthful offender disposition upon the person under either 481  
division, unless either of the following applies with respect to 482  
the adjudication or conviction: 483

(a) The adjudication or conviction was for a violation of 484  
section 2903.01 or 2903.02 of the Revised Code. 485

(b) The adjudication or conviction was for a sexually 486  
oriented offense, the juvenile court was required to classify the 487  
child a juvenile offender registrant for that offense under 488  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 489  
classification has not been removed. 490

(3) A rule adopted under division (E)(1) of this section may 491



provide for the release of information gathered pursuant to 492  
division (A) of this section that relates to the arrest of a 493  
person when the release is pursuant to a criminal records check 494  
requested with respect to the person for purposes of potential 495  
employment with a law enforcement agency and either of the 496  
following applies: 497

(a) A criminal action resulting from the arrest is pending. 498

(b) The bureau cannot reasonably determine whether there has 499  
been a final disposition made of a criminal action resulting from 500  
the arrest. 501

(F)(1) As used in division (F)(2) of this section, "head 502  
start agency" means an entity in this state that has been approved 503  
to be an agency for purposes of subchapter II of the "Community 504  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 505  
as amended. 506

(2)(a) In addition to or in conjunction with any request that 507  
is required to be made under section 109.572, 2151.86, 3301.32, 508  
3301.541, division (C) of section 3310.58, or section 3319.39, 509  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 510  
5153.111 of the Revised Code or that is made under section 511  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 512  
board of education of any school district; the director of 513  
developmental disabilities; any county board of developmental 514  
disabilities; any provider or subcontractor as defined in section 515  
5123.081 of the Revised Code; the chief administrator of any 516  
chartered nonpublic school; the chief administrator of a 517  
registered private provider that is not also a chartered nonpublic 518  
school; the chief administrator of any home health agency; the 519  
chief administrator of or person operating any child day-care 520  
center, type A family day-care home, or type B family day-care 521  
home licensed under Chapter 5104. of the Revised Code; the chief 522  
administrator of any head start agency; the executive director of 523

a public children services agency; a private company described in 524  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 525  
Code; or an employer described in division (J)(2) of section 526  
3327.10 of the Revised Code may request that the superintendent of 527  
the bureau investigate and determine, with respect to any 528  
individual who has applied for employment in any position after 529  
October 2, 1989, or any individual wishing to apply for employment 530  
with a board of education may request, with regard to the 531  
individual, whether the bureau has any information gathered under 532  
division (A) of this section that pertains to that individual. On 533  
receipt of the request, subject to division (E)(2) of this 534  
section, the superintendent shall determine whether that 535  
information exists and, upon request of the person, board, or 536  
entity requesting information, also shall request from the federal 537  
bureau of investigation any criminal records it has pertaining to 538  
that individual. The superintendent or the superintendent's 539  
designee also may request criminal history records from other 540  
states or the federal government pursuant to the national crime 541  
prevention and privacy compact set forth in section 109.571 of the 542  
Revised Code. Within thirty days of the date that the 543  
superintendent receives a request, subject to division (E)(2) of 544  
this section, the superintendent shall send to the board, entity, 545  
or person a report of any information that the superintendent 546  
determines exists, including information contained in records that 547  
have been sealed under section 2953.32 of the Revised Code, and, 548  
within thirty days of its receipt, subject to division (E)(2) of 549  
this section, shall send the board, entity, or person a report of 550  
any information received from the federal bureau of investigation, 551  
other than information the dissemination of which is prohibited by 552  
federal law. 553

(b) When a board of education or a registered private 554  
provider is required to receive information under this section as 555  
a prerequisite to employment of an individual pursuant to division 556

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 557  
may accept a certified copy of records that were issued by the 558  
bureau of criminal identification and investigation and that are 559  
presented by an individual applying for employment with the 560  
district in lieu of requesting that information itself. In such a 561  
case, the board shall accept the certified copy issued by the 562  
bureau in order to make a photocopy of it for that individual's 563  
employment application documents and shall return the certified 564  
copy to the individual. In a case of that nature, a district or 565  
provider only shall accept a certified copy of records of that 566  
nature within one year after the date of their issuance by the 567  
bureau. 568

(c) Notwithstanding division (F)(2)(a) of this section, in 569  
the case of a request under section 3319.39, 3319.391, or 3327.10 570  
of the Revised Code only for criminal records maintained by the 571  
federal bureau of investigation, the superintendent shall not 572  
determine whether any information gathered under division (A) of 573  
this section exists on the person for whom the request is made. 574

(3) The state board of education may request, with respect to 575  
any individual who has applied for employment after October 2, 576  
1989, in any position with the state board or the department of 577  
education, any information that a school district board of 578  
education is authorized to request under division (F)(2) of this 579  
section, and the superintendent of the bureau shall proceed as if 580  
the request has been received from a school district board of 581  
education under division (F)(2) of this section. 582

(4) When the superintendent of the bureau receives a request 583  
for information under section 3319.291 of the Revised Code, the 584  
superintendent shall proceed as if the request has been received 585  
from a school district board of education and shall comply with 586  
divisions (F)(2)(a) and (c) of this section. 587

(5) When a recipient of a classroom reading improvement grant 588

paid under section 3301.86 of the Revised Code requests, with 589  
respect to any individual who applies to participate in providing 590  
any program or service funded in whole or in part by the grant, 591  
the information that a school district board of education is 592  
authorized to request under division (F)(2)(a) of this section, 593  
the superintendent of the bureau shall proceed as if the request 594  
has been received from a school district board of education under 595  
division (F)(2)(a) of this section. 596

(G) In addition to or in conjunction with any request that is 597  
required to be made under section 3701.881, 3712.09, or 3721.121 598  
of the Revised Code with respect to an individual who has applied 599  
for employment in a position that involves providing direct care 600  
to an older adult or adult resident, the chief administrator of a 601  
home health agency, hospice care program, home licensed under 602  
Chapter 3721. of the Revised Code, or adult day-care program 603  
operated pursuant to rules adopted under section 3721.04 of the 604  
Revised Code may request that the superintendent of the bureau 605  
investigate and determine, with respect to any individual who has 606  
applied after January 27, 1997, for employment in a position that 607  
does not involve providing direct care to an older adult or adult 608  
resident, whether the bureau has any information gathered under 609  
division (A) of this section that pertains to that individual. 610

In addition to or in conjunction with any request that is 611  
required to be made under section 173.27 of the Revised Code with 612  
respect to an individual who has applied for employment in a 613  
position that involves providing ombudsman services to residents 614  
of long-term care facilities or recipients of community-based 615  
long-term care services, the state long-term care ombudsman, the 616  
director of aging, a regional long-term care ombudsman program, or 617  
the designee of the ombudsman, director, or program may request 618  
that the superintendent investigate and determine, with respect to 619  
any individual who has applied for employment in a position that 620

does not involve providing such ombudsman services, whether the 621  
bureau has any information gathered under division (A) of this 622  
section that pertains to that applicant. 623

In addition to or in conjunction with any request that is 624  
required to be made under section 173.38 of the Revised Code with 625  
respect to an individual who has applied for employment in a 626  
direct-care position, the chief administrator of a provider, as 627  
defined in section 173.39 of the Revised Code, may request that 628  
the superintendent investigate and determine, with respect to any 629  
individual who has applied for employment in a position that is 630  
not a direct-care position, whether the bureau has any information 631  
gathered under division (A) of this section that pertains to that 632  
applicant. 633

In addition to or in conjunction with any request that is 634  
required to be made under section 3712.09 of the Revised Code with 635  
respect to an individual who has applied for employment in a 636  
position that involves providing direct care to a pediatric 637  
respite care patient, the chief administrator of a pediatric 638  
respite care program may request that the superintendent of the 639  
bureau investigate and determine, with respect to any individual 640  
who has applied for employment in a position that does not involve 641  
providing direct care to a pediatric respite care patient, whether 642  
the bureau has any information gathered under division (A) of this 643  
section that pertains to that individual. 644

On receipt of a request under this division, the 645  
superintendent shall determine whether that information exists 646  
and, on request of the individual requesting information, shall 647  
also request from the federal bureau of investigation any criminal 648  
records it has pertaining to the applicant. The superintendent or 649  
the superintendent's designee also may request criminal history 650  
records from other states or the federal government pursuant to 651  
the national crime prevention and privacy compact set forth in 652

section 109.571 of the Revised Code. Within thirty days of the date a request is received, subject to division (E)(2) of this section, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

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

(J) As used in this section:

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

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

(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. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code,

a completed form prescribed pursuant to division (C)(1) of this 683  
section, and a set of fingerprint impressions obtained in the 684  
manner described in division (C)(2) of this section, the 685  
superintendent of the bureau of criminal identification and 686  
investigation shall conduct a criminal records check in the manner 687  
described in division (B) of this section to determine whether any 688  
information exists that indicates that the person who is the 689  
subject of the request previously has been convicted of or pleaded 690  
guilty to any of the following: 691

(a) A violation of section 2903.01, 2903.02, 2903.03, 692  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 693  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 694  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 695  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 696  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 697  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 698  
2925.06, or 3716.11 of the Revised Code, felonious sexual 699  
penetration in violation of former section 2907.12 of the Revised 700  
Code, a violation of section 2905.04 of the Revised Code as it 701  
existed prior to July 1, 1996, a violation of section 2919.23 of 702  
the Revised Code that would have been a violation of section 703  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 704  
had the violation been committed prior to that date, or a 705  
violation of section 2925.11 of the Revised Code that is not a 706  
minor drug possession offense; 707

(b) A violation of an existing or former law of this state, 708  
any other state, or the United States that is substantially 709  
equivalent to any of the offenses listed in division (A)(1)(a) of 710  
this section; 711

(c) If the request is made pursuant to section 3319.39 of the 712  
Revised Code for an applicant who is a teacher, any offense 713  
specified in section 3319.31 of the Revised Code. 714

(2) On receipt of a request pursuant to section 3712.09 or 715  
3721.121 of the Revised Code, a completed form prescribed pursuant 716  
to division (C)(1) of this section, and a set of fingerprint 717  
impressions obtained in the manner described in division (C)(2) of 718  
this section, the superintendent of the bureau of criminal 719  
identification and investigation shall conduct a criminal records 720  
check with respect to any person who has applied for employment in 721  
a position for which a criminal records check is required by those 722  
sections. The superintendent shall conduct the criminal records 723  
check in the manner described in division (B) of this section to 724  
determine whether any information exists that indicates that the 725  
person who is the subject of the request previously has been 726  
convicted of or pleaded guilty to any of the following: 727

(a) A violation of section 2903.01, 2903.02, 2903.03, 728  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 729  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 730  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 731  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 732  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 733  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 734  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 735  
2925.22, 2925.23, or 3716.11 of the Revised Code; 736

(b) An existing or former law of this state, any other state, 737  
or the United States that is substantially equivalent to any of 738  
the offenses listed in division (A)(2)(a) of this section. 739

(3) On receipt of a request pursuant to section 173.27, 740  
173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 741  
5123.169 of the Revised Code, a completed form prescribed pursuant 742  
to division (C)(1) of this section, and a set of fingerprint 743  
impressions obtained in the manner described in division (C)(2) of 744  
this section, the superintendent of the bureau of criminal 745  
identification and investigation shall conduct a criminal records 746



check of the person for whom the request is made. The 747  
superintendent shall conduct the criminal records check in the 748  
manner described in division (B) of this section to determine 749  
whether any information exists that indicates that the person who 750  
is the subject of the request previously has been convicted of, 751  
has pleaded guilty to, or (except in the case of a request 752  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 753  
Code) has been found eligible for intervention in lieu of 754  
conviction for any of the following, regardless of the date of the 755  
conviction, the date of entry of the guilty plea, or (except in 756  
the case of a request pursuant to section 5164.34, 5164.341, or 757  
5164.342 of the Revised Code) the date the person was found 758  
eligible for intervention in lieu of conviction: 759

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 760  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 761  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 762  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 763  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 764  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 765  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 766  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 767  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 768  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 769  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 770  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 771  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 772  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 773  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 774  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 775  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 776  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 777  
2927.12, or 3716.11 of the Revised Code; 778

(b) Felonious sexual penetration in violation of former 779  
section 2907.12 of the Revised Code; 780

(c) A violation of section 2905.04 of the Revised Code as it 781  
existed prior to July 1, 1996; 782

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 783  
the Revised Code when the underlying offense that is the object of 784  
the conspiracy, attempt, or complicity is one of the offenses 785  
listed in divisions (A)(3)(a) to (c) of this section; 786

(e) A violation of an existing or former municipal ordinance 787  
or law of this state, any other state, or the United States that 788  
is substantially equivalent to any of the offenses listed in 789  
divisions (A)(3)(a) to (d) of this section. 790

(4) On receipt of a request pursuant to section 2151.86 of 791  
the Revised Code, a completed form prescribed pursuant to division 792  
(C)(1) of this section, and a set of fingerprint impressions 793  
obtained in the manner described in division (C)(2) of this 794  
section, the superintendent of the bureau of criminal 795  
identification and investigation shall conduct a criminal records 796  
check in the manner described in division (B) of this section to 797  
determine whether any information exists that indicates that the 798  
person who is the subject of the request previously has been 799  
convicted of or pleaded guilty to any of the following: 800

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 801  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 802  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 803  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 804  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 805  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 806  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 807  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 808  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 809

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,

2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 842  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 843  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 844  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 845  
3716.11 of the Revised Code, felonious sexual penetration in 846  
violation of former section 2907.12 of the Revised Code, a 847  
violation of section 2905.04 of the Revised Code as it existed 848  
prior to July 1, 1996, a violation of section 2919.23 of the 849  
Revised Code that would have been a violation of section 2905.04 850  
of the Revised Code as it existed prior to July 1, 1996, had the 851  
violation been committed prior to that date, a violation of 852  
section 2925.11 of the Revised Code that is not a minor drug 853  
possession offense, a violation of section 2923.02 or 2923.03 of 854  
the Revised Code that relates to a crime specified in this 855  
division, or a second violation of section 4511.19 of the Revised 856  
Code within five years of the date of application for licensure or 857  
certification. 858

(b) A violation of an existing or former law of this state, 859  
any other state, or the United States that is substantially 860  
equivalent to any of the offenses or violations described in 861  
division (A)(5)(a) of this section. 862

(6) Upon receipt of a request pursuant to section 5153.111 of 863  
the Revised Code, a completed form prescribed pursuant to division 864  
(C)(1) of this section, and a set of fingerprint impressions 865  
obtained in the manner described in division (C)(2) of this 866  
section, the superintendent of the bureau of criminal 867  
identification and investigation shall conduct a criminal records 868  
check in the manner described in division (B) of this section to 869  
determine whether any information exists that indicates that the 870  
person who is the subject of the request previously has been 871  
convicted of or pleaded guilty to any of the following: 872

(a) A violation of section 2903.01, 2903.02, 2903.03, 873

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 874  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 875  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 876  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 877  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 878  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 879  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 880  
felonious sexual penetration in violation of former section 881  
2907.12 of the Revised Code, a violation of section 2905.04 of the 882  
Revised Code as it existed prior to July 1, 1996, a violation of 883  
section 2919.23 of the Revised Code that would have been a 884  
violation of section 2905.04 of the Revised Code as it existed 885  
prior to July 1, 1996, had the violation been committed prior to 886  
that date, or a violation of section 2925.11 of the Revised Code 887  
that is not a minor drug possession offense; 888

(b) A violation of an existing or former law of this state, 889  
any other state, or the United States that is substantially 890  
equivalent to any of the offenses listed in division (A)(6)(a) of 891  
this section. 892

(7) On receipt of a request for a criminal records check from 893  
an individual pursuant to section 4749.03 or 4749.06 of the 894  
Revised Code, accompanied by a completed copy of the form 895  
prescribed in division (C)(1) of this section and a set of 896  
fingerprint impressions obtained in a manner described in division 897  
(C)(2) of this section, the superintendent of the bureau of 898  
criminal identification and investigation shall conduct a criminal 899  
records check in the manner described in division (B) of this 900  
section to determine whether any information exists indicating 901  
that the person who is the subject of the request has been 902  
convicted of or pleaded guilty to a felony in this state or in any 903  
other state. If the individual indicates that a firearm will be 904  
carried in the course of business, the superintendent shall 905

require information from the federal bureau of investigation as 906  
described in division (B)(2) of this section. Subject to division 907  
(F) of this section, the superintendent shall report the findings 908  
of the criminal records check and any information the federal 909  
bureau of investigation provides to the director of public safety. 910

(8) On receipt of a request pursuant to section 1321.37, 911  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 912  
Code, a completed form prescribed pursuant to division (C)(1) of 913  
this section, and a set of fingerprint impressions obtained in the 914  
manner described in division (C)(2) of this section, the 915  
superintendent of the bureau of criminal identification and 916  
investigation shall conduct a criminal records check with respect 917  
to any person who has applied for a license, permit, or 918  
certification from the department of commerce or a division in the 919  
department. The superintendent shall conduct the criminal records 920  
check in the manner described in division (B) of this section to 921  
determine whether any information exists that indicates that the 922  
person who is the subject of the request previously has been 923  
convicted of or pleaded guilty to any of the following: a 924  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 925  
2925.03 of the Revised Code; any other criminal offense involving 926  
theft, receiving stolen property, embezzlement, forgery, fraud, 927  
passing bad checks, money laundering, or drug trafficking, or any 928  
criminal offense involving money or securities, as set forth in 929  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 930  
the Revised Code; or any existing or former law of this state, any 931  
other state, or the United States that is substantially equivalent 932  
to those offenses. 933

(9) On receipt of a request for a criminal records check from 934  
the treasurer of state under section 113.041 of the Revised Code 935  
or from an individual under section 4701.08, 4715.101, 4717.061, 936  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 937

4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 938  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 939  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 940  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 941  
accompanied by a completed form prescribed under division (C)(1) 942  
of this section and a set of fingerprint impressions obtained in 943  
the manner described in division (C)(2) of this section, the 944  
superintendent of the bureau of criminal identification and 945  
investigation shall conduct a criminal records check in the manner 946  
described in division (B) of this section to determine whether any 947  
information exists that indicates that the person who is the 948  
subject of the request has been convicted of or pleaded guilty to 949  
any criminal offense in this state or any other state. Subject to 950  
division (F) of this section, the superintendent shall send the 951  
results of a check requested under section 113.041 of the Revised 952  
Code to the treasurer of state and shall send the results of a 953  
check requested under any of the other listed sections to the 954  
licensing board specified by the individual in the request. 955

(10) On receipt of a request pursuant to section 1121.23, 956  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 957  
Code, a completed form prescribed pursuant to division (C)(1) of 958  
this section, and a set of fingerprint impressions obtained in the 959  
manner described in division (C)(2) of this section, the 960  
superintendent of the bureau of criminal identification and 961  
investigation shall conduct a criminal records check in the manner 962  
described in division (B) of this section to determine whether any 963  
information exists that indicates that the person who is the 964  
subject of the request previously has been convicted of or pleaded 965  
guilty to any criminal offense under any existing or former law of 966  
this state, any other state, or the United States. 967

(11) On receipt of a request for a criminal records check 968  
from an appointing or licensing authority under section 3772.07 of 969

the Revised Code, a completed form prescribed under division 970  
(C)(1) of this section, and a set of fingerprint impressions 971  
obtained in the manner prescribed in division (C)(2) of this 972  
section, the superintendent of the bureau of criminal 973  
identification and investigation shall conduct a criminal records 974  
check in the manner described in division (B) of this section to 975  
determine whether any information exists that indicates that the 976  
person who is the subject of the request previously has been 977  
convicted of or pleaded guilty or no contest to any offense under 978  
any existing or former law of this state, any other state, or the 979  
United States that is a disqualifying offense as defined in 980  
section 3772.07 of the Revised Code or substantially equivalent to 981  
such an offense. 982

(12) On receipt of a request pursuant to section 2151.33 or 983  
2151.412 of the Revised Code, a completed form prescribed pursuant 984  
to division (C)(1) of this section, and a set of fingerprint 985  
impressions obtained in the manner described in division (C)(2) of 986  
this section, the superintendent of the bureau of criminal 987  
identification and investigation shall conduct a criminal records 988  
check with respect to any person for whom a criminal records check 989  
is required by that section. The superintendent shall conduct the 990  
criminal records check in the manner described in division (B) of 991  
this section to determine whether any information exists that 992  
indicates that the person who is the subject of the request 993  
previously has been convicted of or pleaded guilty to any of the 994  
following: 995

(a) A violation of section 2903.01, 2903.02, 2903.03, 996  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 997  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 998  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 999  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1000  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1001



2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1002  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1003  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1004

(b) An existing or former law of this state, any other state, 1005  
or the United States that is substantially equivalent to any of 1006  
the offenses listed in division (A)(12)(a) of this section. 1007

(B) Subject to division (F) of this section, the 1008  
superintendent shall conduct any criminal records check to be 1009  
conducted under this section as follows: 1010

(1) The superintendent shall review or cause to be reviewed 1011  
any relevant information gathered and compiled by the bureau under 1012  
division (A) of section 109.57 of the Revised Code that relates to 1013  
the person who is the subject of the criminal records check, 1014  
including, if the criminal records check was requested under 1015  
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 1016  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1017  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1018  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 1019  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 1020  
5153.111 of the Revised Code, any relevant information contained 1021  
in records that have been sealed under section 2953.32 of the 1022  
Revised Code; 1023

(2) If the request received by the superintendent asks for 1024  
information from the federal bureau of investigation, the 1025  
superintendent shall request from the federal bureau of 1026  
investigation any information it has with respect to the person 1027  
who is the subject of the criminal records check, including 1028  
fingerprint-based checks of national crime information databases 1029  
as described in 42 U.S.C. 671 if the request is made pursuant to 1030  
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 1031  
any other Revised Code section requires fingerprint-based checks 1032  
of that nature, and shall review or cause to be reviewed any 1033

information the superintendent receives from that bureau. If a 1034  
request under section 3319.39 of the Revised Code asks only for 1035  
information from the federal bureau of investigation, the 1036  
superintendent shall not conduct the review prescribed by division 1037  
(B)(1) of this section. 1038

(3) The superintendent or the superintendent's designee may 1039  
request criminal history records from other states or the federal 1040  
government pursuant to the national crime prevention and privacy 1041  
compact set forth in section 109.571 of the Revised Code. 1042

(4) The superintendent shall include in the results of the 1043  
criminal records check a list or description of the offenses 1044  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1045  
(7), (8), (9), (10), (11), or (12) of this section, whichever 1046  
division requires the superintendent to conduct the criminal 1047  
records check. The superintendent shall exclude from the results 1048  
any information the dissemination of which is prohibited by 1049  
federal law. 1050

(5) The superintendent shall send the results of the criminal 1051  
records check to the person to whom it is to be sent not later 1052  
than the following number of days after the date the 1053  
superintendent receives the request for the criminal records 1054  
check, the completed form prescribed under division (C)(1) of this 1055  
section, and the set of fingerprint impressions obtained in the 1056  
manner described in division (C)(2) of this section: 1057

(a) If the superintendent is required by division (A) of this 1058  
section (other than division (A)(3) of this section) to conduct 1059  
the criminal records check, thirty; 1060

(b) If the superintendent is required by division (A)(3) of 1061  
this section to conduct the criminal records check, sixty. 1062

(C)(1) The superintendent shall prescribe a form to obtain 1063  
the information necessary to conduct a criminal records check from 1064

any person for whom a criminal records check is to be conducted 1065  
under this section. The form that the superintendent prescribes 1066  
pursuant to this division may be in a tangible format, in an 1067  
electronic format, or in both tangible and electronic formats. 1068

(2) The superintendent shall prescribe standard impression 1069  
sheets to obtain the fingerprint impressions of any person for 1070  
whom a criminal records check is to be conducted under this 1071  
section. Any person for whom a records check is to be conducted 1072  
under this section shall obtain the fingerprint impressions at a 1073  
county sheriff's office, municipal police department, or any other 1074  
entity with the ability to make fingerprint impressions on the 1075  
standard impression sheets prescribed by the superintendent. The 1076  
office, department, or entity may charge the person a reasonable 1077  
fee for making the impressions. The standard impression sheets the 1078  
superintendent prescribes pursuant to this division may be in a 1079  
tangible format, in an electronic format, or in both tangible and 1080  
electronic formats. 1081

(3) Subject to division (D) of this section, the 1082  
superintendent shall prescribe and charge a reasonable fee for 1083  
providing a criminal records check under this section. The person 1084  
requesting the criminal records check shall pay the fee prescribed 1085  
pursuant to this division. In the case of a request under section 1086  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1087  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1088  
the manner specified in that section. 1089

(4) The superintendent of the bureau of criminal 1090  
identification and investigation may prescribe methods of 1091  
forwarding fingerprint impressions and information necessary to 1092  
conduct a criminal records check, which methods shall include, but 1093  
not be limited to, an electronic method. 1094

(D) The results of a criminal records check conducted under 1095  
this section, other than a criminal records check specified in 1096

division (A)(7) of this section, are valid for the person who is 1097  
the subject of the criminal records check for a period of one year 1098  
from the date upon which the superintendent completes the criminal 1099  
records check. If during that period the superintendent receives 1100  
another request for a criminal records check to be conducted under 1101  
this section for that person, the superintendent shall provide the 1102  
results from the previous criminal records check of the person at 1103  
a lower fee than the fee prescribed for the initial criminal 1104  
records check. 1105

(E) When the superintendent receives a request for 1106  
information from a registered private provider, the superintendent 1107  
shall proceed as if the request was received from a school 1108  
district board of education under section 3319.39 of the Revised 1109  
Code. The superintendent shall apply division (A)(1)(c) of this 1110  
section to any such request for an applicant who is a teacher. 1111

(F)(1) ~~All~~ Subject to division (F)(2) of this section, all 1112  
information regarding the results of a criminal records check 1113  
conducted under this section that the superintendent reports or 1114  
sends under division (A)(7) or (9) of this section to the director 1115  
of public safety, the treasurer of state, or the person, board, or 1116  
entity that made the request for the criminal records check shall 1117  
relate to the conviction of the subject person, or the subject 1118  
person's plea of guilty to, a criminal offense. 1119

(2) Division (F)(1) of this section does not limit, restrict, 1120  
or preclude the superintendent's release of ~~information~~ any of the 1121  
following: 1122

(a) Information that relates to the arrest of a person and 1123  
that is authorized to be released under division (E)(3) of section 1124  
109.57 of the Revised Code; 1125

(b) Information that relates to an adjudication of a child as 1126  
a delinquent child, or that relates to a criminal conviction of a 1127

person under eighteen years of age if the person's case was 1128  
transferred back to a juvenile court under division (B)(2) or (3) 1129  
of section 2152.121 of the Revised Code and the juvenile court 1130  
imposed a disposition or serious youthful offender disposition 1131  
upon the person under either division, if either of the following 1132  
applies with respect to the adjudication or conviction: 1133

~~(a)(i)~~ The adjudication or conviction was for a violation of 1134  
section 2903.01 or 2903.02 of the Revised Code. 1135

~~(b)(ii)~~ The adjudication or conviction was for a sexually 1136  
oriented offense, as defined in section 2950.01 of the Revised 1137  
Code, the juvenile court was required to classify the child a 1138  
juvenile offender registrant for that offense under section 1139  
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1140  
classification has not been removed. 1141

(G) As used in this section: 1142

(1) "Criminal records check" means any criminal records check 1143  
conducted by the superintendent of the bureau of criminal 1144  
identification and investigation in accordance with division (B) 1145  
of this section. 1146

(2) "Minor drug possession offense" has the same meaning as 1147  
in section 2925.01 of the Revised Code. 1148

(3) "OVI or OVUAC violation" means a violation of section 1149  
4511.19 of the Revised Code or a violation of an existing or 1150  
former law of this state, any other state, or the United States 1151  
that is substantially equivalent to section 4511.19 of the Revised 1152  
Code. 1153

(4) "Registered private provider" means a nonpublic school or 1154  
entity registered with the superintendent of public instruction 1155  
under section 3310.41 of the Revised Code to participate in the 1156  
autism scholarship program or section 3310.58 of the Revised Code 1157  
to participate in the Jon Peterson special needs scholarship 1158

program. 1159

**Sec. 109.578.** (A) On receipt of a request pursuant to section 1160  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 1161  
completed form prescribed pursuant to division (C)(1) of this 1162  
section, and a set of fingerprint impressions obtained in the 1163  
manner described in division (C)(2) of this section, the 1164  
superintendent of the bureau of criminal identification and 1165  
investigation shall conduct a criminal records check in the manner 1166  
described in division (B) of this section to determine whether any 1167  
information exists that indicates that the person who is the 1168  
subject of the request previously has been convicted of or pleaded 1169  
guilty to any of the following: 1170

(1) A felony; 1171

(2) A violation of section 2909.03 of the Revised Code; 1172

(3) A violation of an existing or former law of this state, 1173  
any other state, or the United States that is substantially 1174  
equivalent to any of the offenses listed in division (A)(1) or (2) 1175  
of this section. 1176

(B) Subject to division (E) of this section, the 1177  
superintendent shall conduct any criminal records check pursuant 1178  
to division (A) of this section as follows: 1179

(1) The superintendent shall review or cause to be reviewed 1180  
any relevant information gathered and compiled by the bureau under 1181  
division (A) of section 109.57 of the Revised Code that relates to 1182  
the person who is the subject of the request, including any 1183  
relevant information contained in records that have been sealed 1184  
under section 2953.32 of the Revised Code. 1185

(2) If the request received by the superintendent asks for 1186  
information from the federal bureau of investigation, the 1187  
superintendent shall request from the federal bureau of 1188

investigation any information it has with respect to the person 1189  
who is the subject of the request and shall review or cause to be 1190  
reviewed any information the superintendent receives from that 1191  
bureau. 1192

(C)(1) The superintendent shall prescribe a form to obtain 1193  
the information necessary to conduct a criminal records check from 1194  
any person for whom a criminal records check is requested pursuant 1195  
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1196  
Code. The form that the superintendent prescribes pursuant to this 1197  
division may be in a tangible format, in an electronic format, or 1198  
in both tangible and electronic formats. 1199

(2) The superintendent shall prescribe standard impression 1200  
sheets to obtain the fingerprint impressions of any person for 1201  
whom a criminal records check is requested pursuant to section 1202  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1203  
person for whom a records check is requested pursuant to any of 1204  
those sections shall obtain the fingerprint impressions at a 1205  
county sheriff's office, a municipal police department, or any 1206  
other entity with the ability to make fingerprint impressions on 1207  
the standard impression sheets prescribed by the superintendent. 1208  
The office, department, or entity may charge the person a 1209  
reasonable fee for making the impressions. The standard impression 1210  
sheets the superintendent prescribes pursuant to this division may 1211  
be in a tangible format, in an electronic format, or in both 1212  
tangible and electronic formats. 1213

(3) Subject to division (D) of this section, the 1214  
superintendent shall prescribe and charge a reasonable fee for 1215  
providing a criminal records check requested under section 1216  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1217  
person making the criminal records request shall pay the fee 1218  
prescribed pursuant to this division. 1219

(4) The superintendent may prescribe methods of forwarding 1220

fingerprint impressions and information necessary to conduct a 1221  
criminal records check. The methods shall include, but are not 1222  
limited to, an electronic method. 1223

(D) A determination whether any information exists that 1224  
indicates that a person previously has been convicted of or 1225  
pleaded guilty to any offense listed or described in division (A) 1226  
of this section and that the superintendent made with respect to 1227  
information considered in a criminal records check in accordance 1228  
with this section is valid for the person who is the subject of 1229  
the criminal records check for a period of one year from the date 1230  
upon which the superintendent makes the determination. During the 1231  
period in which the determination in regard to a person is valid, 1232  
if another request under this section is made for a criminal 1233  
records check for that person, the superintendent shall provide 1234  
the information that is the basis for the superintendent's initial 1235  
determination at a lower fee than the fee prescribed for the 1236  
initial criminal records check. 1237

(E)(1) ~~All~~ Subject to division (E)(2) of this section, all 1238  
information regarding the results of a criminal records check 1239  
conducted under this section that the superintendent reports or 1240  
sends under this section to the person, board, or entity that made 1241  
the request for the criminal records check shall relate to the 1242  
conviction of the subject person, or the subject person's plea of 1243  
guilty to, a criminal offense. 1244

(2) Division (E)(1) of this section does not limit, restrict, 1245  
or preclude the superintendent's release of ~~information~~ any of the 1246  
following: 1247

(a) Information that relates to the arrest of a person and 1248  
that is authorized to be released under division (E)(3) of section 1249  
109.57 of the Revised Code; 1250

(b) Information that relates to an adjudication of a child as 1251



a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B)(2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, if either of the following applies with respect to the adjudication or conviction:

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

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

(F) As used in this section, "criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

**Sec. 109.60.** (A)(1) The sheriffs of the several counties and the chiefs of police of cities, immediately upon the arrest of any person for any felony, on suspicion of any felony, for a crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or for any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, and immediately upon the arrest or taking into custody of any child under eighteen years of age for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that would be a felony or an offense of violence if committed by an adult, shall take the person's or

child's fingerprints, or cause the same to be taken, according to 1283  
the fingerprint system of identification on the forms furnished by 1284  
the superintendent of the bureau of criminal identification and 1285  
investigation, and immediately shall forward copies of the 1286  
completed forms, any other description that may be required, and 1287  
the history of the offense committed to the bureau to be 1288  
classified and filed and to the clerk of the court having 1289  
jurisdiction over the prosecution of the offense or over the 1290  
adjudication relative to the act. 1291

(2) Except as provided in division (B) of this section, if a 1292  
person or child has not been arrested and first appears before a 1293  
court or magistrate in response to a summons, or if a sheriff or 1294  
chief of police has not taken, or caused to be taken, a person's 1295  
or child's fingerprints in accordance with division (A)(1) of this 1296  
section by the time of the arraignment or first appearance of the 1297  
person or child, the court shall order the person or child to 1298  
appear before the sheriff or chief of police within twenty-four 1299  
hours to have the person's or child's fingerprints taken. The 1300  
sheriff or chief of police shall take the person's or child's 1301  
fingerprints, or cause the fingerprints to be taken, according to 1302  
the fingerprint system of identification on the forms furnished by 1303  
the superintendent of the bureau of criminal identification and 1304  
investigation and, immediately after the person's or child's 1305  
arraignment or first appearance, forward copies of the completed 1306  
forms, any other description that may be required, and the history 1307  
of the offense committed to the bureau to be classified and filed 1308  
and to the clerk of the court. 1309

(3) Every court with jurisdiction over a case involving a 1310  
person or child with respect to whom division (A)(1) or (2) of 1311  
this section requires a sheriff or chief of police to take the 1312  
person's or child's fingerprints shall inquire at the time of the 1313  
person's or child's sentencing or adjudication whether or not the 1314

person or child has been fingerprinted pursuant to division (A)(1) 1315  
or (2) of this section for the original arrest or court appearance 1316  
upon which the sentence or adjudication is based. If the person or 1317  
child was not fingerprinted for the original arrest or court 1318  
appearance upon which the sentence or adjudication is based, the 1319  
court shall take the person's or child's fingerprints or shall 1320  
order the person or child to appear before the sheriff or chief of 1321  
police within twenty-four hours to have the person's or child's 1322  
fingerprints taken. ~~The~~ If the court orders the person or child to 1323  
appear before the sheriff or chief of police to have the person's 1324  
or child's fingerprints taken, the sheriff or chief of police 1325  
shall take the person's or child's fingerprints, or cause the 1326  
fingerprints to be taken, according to the fingerprint system of 1327  
identification on the forms furnished by the superintendent of the 1328  
bureau of criminal identification and investigation and 1329  
immediately forward copies of the completed forms, any other 1330  
description that may be required, and the history of the offense 1331  
committed to the bureau to be classified and filed and to the 1332  
clerk of the court. 1333

(4) If a person or child is in the custody of a law 1334  
enforcement agency or a detention facility, as defined in section 1335  
2921.01 of the Revised Code, and the chief law enforcement officer 1336  
or chief administrative officer of the detention facility 1337  
discovers that a warrant has been issued or a bill of information 1338  
has been filed alleging the person or child to have committed an 1339  
offense or act other than the offense or act for which the person 1340  
or child is in custody, and the other alleged offense or act is 1341  
one for which fingerprints are to be taken pursuant to division 1342  
(A)(1) of this section, the law enforcement agency or detention 1343  
facility shall take the fingerprints of the person or child, or 1344  
cause the fingerprints to be taken, according to the fingerprint 1345  
system of identification on the forms furnished by the 1346  
superintendent of the bureau of criminal identification and 1347

investigation and immediately forward copies of the completed 1348  
forms, any other description that may be required, and the history 1349  
of the offense committed to the bureau to be classified and filed 1350  
and to the clerk of the court that issued the warrant or with 1351  
which the bill of information was filed. 1352

(5) If an accused is found not guilty of the offense charged 1353  
or a nolle prosequi is entered in any case, or if any accused 1354  
child under eighteen years of age is found not to be a delinquent 1355  
child for committing an act that would be a felony or an offense 1356  
of violence if committed by an adult or not guilty of the felony 1357  
or offense of violence charged or a nolle prosequi is entered in 1358  
that case, the fingerprints and description shall be given to the 1359  
accused upon the accused's request. 1360

(6) The superintendent shall compare the description received 1361  
with those already on file in the bureau, and, if the 1362  
superintendent finds that the person arrested or taken into 1363  
custody has a criminal record or a record as a delinquent child 1364  
for having committed an act that would be a felony or an offense 1365  
of violence if committed by an adult or is a fugitive from justice 1366  
or wanted by any jurisdiction in this or another state, the United 1367  
States, or a foreign country for any offense, the superintendent 1368  
at once shall inform the arresting officer, the officer taking the 1369  
person into custody, or the chief administrative officer of the 1370  
county, multicounty, municipal, municipal-county, or 1371  
multicounty-municipal jail or workhouse, community-based 1372  
correctional facility, halfway house, alternative residential 1373  
facility, or state correctional institution in which the person or 1374  
child is in custody of that fact and give appropriate notice to 1375  
the proper authorities in the jurisdiction in which the person is 1376  
wanted, or, if that jurisdiction is a foreign country, give 1377  
appropriate notice to federal authorities for transmission to the 1378  
foreign country. The names, under which each person whose 1379

identification is filed is known, shall be alphabetically indexed 1380  
by the superintendent. 1381

(B) Division (A) of this section does not apply to a violator 1382  
of a city ordinance unless the officers have reason to believe 1383  
that the violator is a past offender or the crime is one 1384  
constituting a misdemeanor on the first offense and a felony on 1385  
subsequent offenses, or unless it is advisable for the purpose of 1386  
subsequent identification. This section does not apply to any 1387  
child under eighteen years of age who was not arrested or 1388  
otherwise taken into custody for committing an act that would be a 1389  
felony or an offense of violence if committed by an adult or upon 1390  
probable cause to believe that a child of that age may have 1391  
committed an act that would be a felony or an offense of violence 1392  
if committed by an adult, except as provided in section 2151.313 1393  
of the Revised Code. 1394

(C)(1) For purposes of division (C) of this section, a law 1395  
enforcement agency shall be considered to have arrested a person 1396  
if any law enforcement officer who is employed by, appointed by, 1397  
or serves that agency arrests the person. As used in division (C) 1398  
of this section: 1399

(a) "Illegal methamphetamine manufacturing laboratory" has 1400  
the same meaning as in section 3745.13 of the Revised Code. 1401

(b) "Methamphetamine or a methamphetamine product" means 1402  
methamphetamine, any salt, isomer, or salt of an isomer of 1403  
methamphetamine, or any compound, mixture, preparation, or 1404  
substance containing methamphetamine or any salt, isomer, or salt 1405  
of an isomer of methamphetamine. 1406

(2) Each law enforcement agency that, in any calendar year, 1407  
arrests any person for a violation of section 2925.04 of the 1408  
Revised Code that is based on the manufacture of methamphetamine 1409  
or a methamphetamine product, a violation of section 2925.041 of 1410

the Revised Code that is based on the possession of chemicals 1411  
sufficient to produce methamphetamine or a methamphetamine 1412  
product, or a violation of any other provision of Chapter 2925. or 1413  
3719. of the Revised Code that is based on the possession of 1414  
chemicals sufficient to produce methamphetamine or a 1415  
methamphetamine product shall prepare an annual report covering 1416  
the calendar year that contains the information specified in 1417  
division (C)(3) of this section relative to all arrests for 1418  
violations of those sections committed under those circumstances 1419  
during that calendar year and relative to illegal methamphetamine 1420  
manufacturing laboratories, dump sites, and chemical caches as 1421  
specified in that division and shall send the annual report, not 1422  
later than the first day of March in the calendar year following 1423  
the calendar year covered by the report, to the bureau of criminal 1424  
identification and investigation. 1425

The law enforcement agency shall write any annual report 1426  
prepared and filed under this division on the standard forms 1427  
furnished by the superintendent of the bureau of criminal 1428  
identification and investigation pursuant to division (C)(4) of 1429  
this section. The annual report shall be a statistical report, and 1430  
nothing in the report or in the information it contains shall 1431  
identify, or enable the identification of, any person who was 1432  
arrested and whose arrest is included in the information contained 1433  
in the report. The annual report in the possession of the bureau 1434  
and the information it contains are public records for the purpose 1435  
of section 149.43 of the Revised Code. 1436

(3) The annual report prepared and filed by a law enforcement 1437  
agency under division (C)(2) of this section shall contain all of 1438  
the following information for the calendar year covered by the 1439  
report: 1440

(a) The total number of arrests made by the agency in that 1441  
calendar year for a violation of section 2925.04 of the Revised 1442

Code that is based on the manufacture of methamphetamine or a 1443  
methamphetamine product, a violation of section 2925.041 of the 1444  
Revised Code that is based on the possession of chemicals 1445  
sufficient to produce methamphetamine or a methamphetamine 1446  
product, or a violation of any other provision of Chapter 2925. or 1447  
3719. of the Revised Code that is based on the possession of 1448  
chemicals sufficient to produce methamphetamine or a 1449  
methamphetamine product; 1450

(b) The total number of illegal methamphetamine manufacturing 1451  
laboratories at which one or more of the arrests reported under 1452  
division (C)(3)(a) of this section occurred, or that were 1453  
discovered in that calendar year within the territory served by 1454  
the agency but at which none of the arrests reported under 1455  
division (C)(3)(a) of this section occurred; 1456

(c) The total number of dump sites and chemical caches that 1457  
are, or that are reasonably believed to be, related to illegal 1458  
methamphetamine manufacturing and that were discovered in that 1459  
calendar year within the territory served by the agency. 1460

(4) The superintendent of the bureau of criminal 1461  
identification and investigation shall prepare and furnish to each 1462  
law enforcement agency in this state standard forms for making the 1463  
annual reports required by division (C)(2) of this section. The 1464  
standard forms that the superintendent prepares pursuant to this 1465  
division may be in a tangible format, in an electronic format, or 1466  
in both a tangible format and an electronic format. 1467

(5) The annual report required by division (C)(2) of this 1468  
section is separate from, and in addition to, any report, 1469  
materials, or information required under division (A) of this 1470  
section or under any other provision of sections 109.57 to 109.62 1471  
of the Revised Code. 1472

**Sec. 109.85.** (A) Upon the written request of the governor, 1473

the general assembly, the auditor of state, the medicaid director, 1474  
the director of health, or the director of budget and management, 1475  
or upon the attorney general's becoming aware of criminal or 1476  
improper activity related to Chapter 3721. of the Revised Code and 1477  
the medicaid program, the attorney general shall investigate any 1478  
criminal or civil violation of law related to Chapter 3721. of the 1479  
Revised Code or the medicaid program. Investigators appointed by 1480  
the attorney general to fulfill the purposes of this section may 1481  
go armed in the same manner as sheriffs and regularly appointed 1482  
police officers under section 2923.12 of the Revised Code. 1483

(B) When it appears to the attorney general, as a result of 1484  
an investigation under division (A) of this section, that there is 1485  
cause to prosecute for the commission of a crime or to pursue a 1486  
civil remedy, the attorney general may refer the evidence to the 1487  
prosecuting attorney having jurisdiction of the matter, or to a 1488  
regular grand jury drawn and impaneled pursuant to sections 1489  
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 1490  
drawn and impaneled pursuant to section 2939.17 of the Revised 1491  
Code, or the attorney general may initiate and prosecute any 1492  
necessary criminal or civil actions in any court or tribunal of 1493  
competent jurisdiction in this state. When proceeding under this 1494  
section, the attorney general, and any assistant or special 1495  
counsel designated by the attorney general for that purpose, have 1496  
all rights, privileges, and powers of prosecuting attorneys. The 1497  
attorney general shall have exclusive supervision and control of 1498  
all investigations and prosecutions initiated by the attorney 1499  
general under this section. The forfeiture provisions of Chapter 1500  
2981. of the Revised Code apply in relation to any such criminal 1501  
action initiated and prosecuted by the attorney general. 1502

(C) Nothing in this section shall prevent a county 1503  
prosecuting attorney from investigating and prosecuting criminal 1504  
activity related to Chapter 3721. of the Revised Code and the 1505



medicaid program. The forfeiture provisions of Chapter 2981. of 1506  
the Revised Code apply in relation to any prosecution of criminal 1507  
activity related to the medicaid program undertaken by the 1508  
prosecuting attorney. 1509

**Sec. 109.86.** (A) The attorney general shall investigate any 1510  
activity the attorney general has reasonable cause to believe is 1511  
in violation of section 2903.34 of the Revised Code. Upon written 1512  
request of the governor, the general assembly, the auditor of 1513  
state, or the director of health, job and family services, aging, 1514  
mental health and addiction services, or developmental 1515  
disabilities, the attorney general shall investigate any activity 1516  
these persons believe is in violation of section 2903.34 of the 1517  
Revised Code. Investigators appointed by the attorney general to 1518  
fulfill the purposes of this section may go armed in the same 1519  
manner as sheriffs and regularly appointed police officers under 1520  
section 2923.12 of the Revised Code. If after an investigation the 1521  
attorney general has probable cause to prosecute for the 1522  
commission of a crime, the attorney general shall refer the 1523  
evidence to the prosecuting attorney, director of law, or other 1524  
similar chief legal officer having jurisdiction over the matter. 1525  
If the prosecuting attorney decides to present the evidence to a 1526  
grand jury, the prosecuting attorney shall notify the attorney 1527  
general in writing of the decision within thirty days after 1528  
referral of the matter and shall present the evidence prior to the 1529  
discharge of the next regular grand jury. If the director of law 1530  
or other chief legal officer decides to prosecute the case, the 1531  
director or officer shall notify the attorney general in writing 1532  
of the decision within thirty days and shall initiate prosecution 1533  
within sixty days after the matter was referred to the director or 1534  
officer. 1535

(B) If the prosecuting attorney, director of law, or other 1536  
chief legal officer fails to notify the attorney general or to 1537

present evidence or initiate prosecution in accordance with 1538  
division (A) of this section, the attorney general may present the 1539  
evidence to a regular grand jury drawn and impaneled pursuant to 1540  
sections 2939.01 to 2939.24 of the Revised Code, or to a special 1541  
grand jury drawn and impaneled pursuant to section 2939.17 of the 1542  
Revised Code, or the attorney general may initiate and prosecute 1543  
any action in any court or tribunal of competent jurisdiction in 1544  
this state. The attorney general, and any assistant or special 1545  
counsel designated by the attorney general, have all the powers of 1546  
a prosecuting attorney, director of law, or other chief legal 1547  
officer when proceeding under this section. Nothing in this 1548  
section shall limit or prevent a prosecuting attorney, director of 1549  
law, or other chief legal officer from investigating and 1550  
prosecuting criminal activity committed against a resident or 1551  
patient of a care facility. 1552

**Sec. 1331.01.** As used in sections 1331.01 to 1331.14 of the 1553  
Revised Code: 1554

(A) "Person" includes corporations, partnerships, and 1555  
associations existing under or authorized by any state or 1556  
territory of the United States, and solely for the purpose of the 1557  
definition of division ~~(B)~~(C) of this section, a foreign 1558  
governmental entity. 1559

(B) "Public office" means any state agency, public 1560  
institution, political subdivision, or other organized body, 1561  
office, agency, institution, or entity established by the laws of 1562  
this state for the exercise of any function of government. "Public 1563  
office" does not include the nonprofit corporation formed under 1564  
section 187.01 of the Revised Code. 1565

(C)(1) "Trust" is a combination of capital, skill, or acts by 1566  
two or more persons for any of the following purposes: 1567

~~(1)~~(a) To create or carry out restrictions in trade or 1568

|   |  |
|---|--|
| commerce;   | 1569   |
| <del>(2)</del> (b) To limit or reduce the production, or increase or<br>reduce the price of merchandise or a commodity;   | 1570<br>1571   |
| <del>(3)</del> (c) To prevent competition in manufacturing, making,<br>transportation, sale, or purchase of merchandise, produce, or a<br>commodity;  | 1572<br>1573<br>1574   |
| <del>(4)</del> (d) To fix at a standard or figure, whereby its price to<br>the public or consumer is in any manner controlled or established,<br>an article or commodity of merchandise, produce, or commerce<br>intended for sale, barter, use, or consumption in this state;  | 1575<br>1576<br>1577<br>1578   |
| <del>(5)</del> (e) To make, enter into, execute, or carry out contracts,<br>obligations, or agreements of any kind by which they bind or have<br>bound themselves not to sell, dispose of, or transport an article<br>or commodity, or an article of trade, use, merchandise, commerce,<br>or consumption below a common standard figure or fixed value, or<br>by which they agree in any manner to keep the price of such<br>article, commodity, or transportation at a fixed or graduated<br>figure, or by which they shall in any manner establish or settle<br>the price of an article, commodity, or transportation between them<br>or themselves and others, so as directly or indirectly to preclude<br>a free and unrestricted competition among themselves, purchasers,<br>or consumers in the sale or transportation of such article or<br>commodity, or by which they agree to pool, combine, or directly or<br>indirectly unite any interests which they have connected with the<br>sale or transportation of such article or commodity, that its<br>price might in any manner be affected; | 1579<br>1580<br>1581<br>1582<br>1583<br>1584<br>1585<br>1586<br>1587<br>1588<br>1589<br>1590<br>1591<br>1592<br>1593<br>1594 |
| <del>(6)</del> (f) To refuse to buy from, sell to, or trade with any<br>person because such person appears on a blacklist issued by, or is<br>being boycotted by, any foreign corporate or governmental entity.   | 1595<br>1596<br>1597   |
| <u>(2) "Trust" also means a combination of capital, skill, or<br/>acts by two or more bidders or potential bidders, or one or more</u>  | 1598<br>1599   |

bidders or potential bidders and any person affiliated with a 1600  
public office, to restrain or prevent competition in the letting 1601  
or awarding of any public contract in derogation of any statute, 1602  
ordinance, or rule requiring the use of competitive bidding or 1603  
selection in the letting or awarding of the public contract. 1604

(3) "Trust," as defined in this section, does not include 1605  
bargaining by a labor organization in negotiating or effecting 1606  
contracts with an employer or employer group with reference to 1607  
minimum payment to any member of the labor organization for any 1608  
motor vehicles owned, driven, and used exclusively by such member 1609  
in the performance of ~~his~~ the member's duties of employment 1610  
pursuant to a collective bargaining agreement between the labor 1611  
organization and the employer or employer group. 1612

(4) A trust as defined in this division ~~(B) of this section~~ 1613  
is unlawful and void. 1614

**Sec. 1331.04.** ~~A violation of sections 1331.01 to 1331.14,~~ 1615  
~~inclusive, of the Revised Code, Every combination, contract, or~~ 1616  
~~agreement in the form of a trust is declared to be a conspiracy~~ 1617  
against trade and illegal. No person shall engage in such 1618  
conspiracy or take part therein, or aid or advise in its 1619  
commission, or, as principal, manager, director, agent, servant, 1620  
or employer, or in any other capacity, knowingly carry out any of 1621  
the stipulations, purposes, prices, or rates, or furnish any 1622  
information to assist in carrying out such purposes, or orders 1623  
thereunder, or in pursuance thereof, or in any manner violate ~~said~~ 1624  
sections 1331.01 to 1331.14 of the Revised Code. Each day's 1625  
violation of this section is a separate offense. 1626

**Sec. 1331.17.** In carrying out official duties, the attorney 1627  
general shall not disclose publicly the facts developed in an 1628  
investigation conducted pursuant to this chapter unless the matter 1629

has become a matter of public record in enforcement proceedings, 1630  
in public hearings, or other official proceedings, or unless the 1631  
person from whom the information has been obtained consents to the 1632  
public disclosure. 1633

**Sec. 1331.99.** (A)(1) Whoever violates section 1331.04 of the 1634  
Revised Code is guilty of conspiracy against trade. Except as 1635  
provided in division (A)(2) of this section, a conspiracy against 1636  
trade is a felony of the fifth degree. 1637

(2) If any of the following conditions apply, the conspiracy 1638  
against trade is a felony of the fourth degree: 1639

(a) The amount of the contract or the amount of the sale of 1640  
commodities or services involved is seven thousand five hundred 1641  
dollars or more. 1642

(b) The conspiracy against trade relates to a contract with 1643  
or the sale of commodities or services to or from a local, state, 1644  
or federal governmental entity. 1645

(c) The contract or sale of commodities or services involves, 1646  
in whole or in part, funding to or from a local, state, or federal 1647  
governmental entity. 1648

(B) Whoever violates section 1331.02 ~~or 1331.05~~ of the 1649  
Revised Code is guilty of a felony of the fifth degree. 1650

~~(B)~~(C) Whoever violates ~~section 1331.04 or~~ division (L) of 1651  
section 1331.16 of the Revised Code is guilty of a misdemeanor of 1652  
the first degree. 1653

~~(C)~~(D) Whoever violates section 1331.15 of the Revised Code 1654  
is guilty of a misdemeanor of the second degree. 1655

**Sec. 1345.02.** (A) No supplier shall commit an unfair or 1656  
deceptive act or practice in connection with a consumer 1657

transaction. Such an unfair or deceptive act or practice by a 1658  
supplier violates this section whether it occurs before, during, 1659  
or after the transaction. 1660

(B) Without limiting the scope of division (A) of this 1661  
section, the act or practice of a supplier in representing any of 1662  
the following is deceptive: 1663

(1) That the subject of a consumer transaction has 1664  
sponsorship, approval, performance characteristics, accessories, 1665  
uses, or benefits that it does not have; 1666

(2) That the subject of a consumer transaction is of a 1667  
particular standard, quality, grade, style, prescription, or 1668  
model, if it is not; 1669

(3) That the subject of a consumer transaction is new, or 1670  
unused, if it is not; 1671

(4) That the subject of a consumer transaction is available 1672  
to the consumer for a reason that does not exist; 1673

(5) That the subject of a consumer transaction has been 1674  
supplied in accordance with a previous representation, if it has 1675  
not, except that the act of a supplier in furnishing similar 1676  
merchandise of equal or greater value as a good faith substitute 1677  
does not violate this section; 1678

(6) That the subject of a consumer transaction will be 1679  
supplied in greater quantity than the supplier intends; 1680

(7) That replacement or repair is needed, if it is not; 1681

(8) That a specific price advantage exists, if it does not; 1682

(9) That the supplier has a sponsorship, approval, or 1683  
affiliation that the supplier does not have; 1684

(10) That a consumer transaction involves or does not involve 1685  
a warranty, a disclaimer of warranties or other rights, remedies, 1686  
or obligations if the representation is false. 1687

(C) In construing division (A) of this section, the court shall give due consideration and great weight to federal trade commission orders, trade regulation rules and guides, and the federal courts' interpretations of subsection 45 (a)(1) of the "Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 41, as amended.

(D) No supplier shall offer to a consumer or represent that a consumer will receive a rebate, discount, or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers, or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit is contingent upon an event occurring after the consumer enters into the transaction.

(E)(1) No supplier, in connection with a consumer transaction involving natural gas service or public telecommunications service to a consumer in this state, shall request or submit, or cause to be requested or submitted, a change in the consumer's provider of natural gas service or public telecommunications service, without first obtaining, or causing to be obtained, the verified consent of the consumer. For the purpose of this division and with respect to public telecommunications service only, the procedures necessary for verifying the consent of a consumer shall be those prescribed by rule by the public utilities commission for public telecommunications service under division (D) of section 4905.72 of the Revised Code. Also, for the purpose of this division, the act, omission, or failure of any officer, agent, or other individual, acting for or employed by another person, while acting within the scope of that authority or employment, is the act or failure of that other person.

(2) Consistent with the exclusion, under 47 C.F.R. 64.1100(a)(3), of commercial mobile radio service providers from the verification requirements adopted in 47 C.F.R. 64.1100,

64.1150, 64.1160, 64.1170, 64.1180, and 64.1190 by the federal 1720  
communications commission, division (E)(1) of this section does 1721  
not apply to a provider of commercial mobile radio service insofar 1722  
as such provider is engaged in the provision of commercial mobile 1723  
radio service. However, when that exclusion no longer is in 1724  
effect, division (E)(1) of this section shall apply to such a 1725  
provider. 1726

(3) The attorney general may initiate criminal proceedings 1727  
for a prosecution under division (C) of section 1345.99 of the 1728  
Revised Code by presenting evidence of criminal violations to the 1729  
prosecuting attorney of any county in which the offense may be 1730  
prosecuted. If the prosecuting attorney does not prosecute the 1731  
violations, or at the request of the prosecuting attorney, the 1732  
attorney general may proceed in the prosecution with all the 1733  
rights, privileges, and powers conferred by law on prosecuting 1734  
attorneys, including the power to appear before grand juries and 1735  
to interrogate witnesses before grand juries. 1736

(F) Concerning a consumer transaction in connection with a 1737  
residential mortgage, and without limiting the scope of division 1738  
(A) or (B) of this section, the act of a supplier in doing either 1739  
of the following is deceptive: 1740

(1) Knowingly failing to provide disclosures required under 1741  
state and federal law; 1742

(2) Knowingly providing a disclosure that includes a material 1743  
misrepresentation. 1744

(G) Without limiting the scope of division (A) of this 1745  
section, the failure of a supplier to obtain or maintain any 1746  
registration, license, bond, or insurance required by state law or 1747  
local ordinance for the supplier to engage in the supplier's trade 1748  
or profession is an unfair or deceptive act or practice. 1749



Sec. 1345.03. (A) No supplier shall commit an unconscionable 1750  
act or practice in connection with a consumer transaction. Such an 1751  
unconscionable act or practice by a supplier violates this section 1752  
whether it occurs before, during, or after the transaction. 1753

(B) In determining whether an act or practice is 1754  
unconscionable, the following circumstances shall be taken into 1755  
consideration: 1756

(1) Whether the supplier has knowingly taken advantage of the 1757  
inability of the consumer reasonably to protect the consumer's 1758  
interests because of the consumer's physical or mental 1759  
infirmities, ignorance, illiteracy, or inability to understand the 1760  
language of an agreement; 1761

(2) Whether the supplier knew at the time the consumer 1762  
transaction was entered into that the price was substantially in 1763  
excess of the price at which similar property or services were 1764  
readily obtainable in similar consumer transactions by like 1765  
consumers; 1766

(3) Whether the supplier knew at the time the consumer 1767  
transaction was entered into of the inability of the consumer to 1768  
receive a substantial benefit from the subject of the consumer 1769  
transaction; 1770

(4) Whether the supplier knew at the time the consumer 1771  
transaction was entered into that there was no reasonable 1772  
probability of payment of the obligation in full by the consumer; 1773

(5) Whether the supplier required the consumer to enter into 1774  
a consumer transaction on terms the supplier knew were 1775  
substantially one-sided in favor of the supplier; 1776

(6) Whether the supplier knowingly made a misleading 1777  
statement of opinion on which the consumer was likely to rely to 1778  
the consumer's detriment; 1779

(7) Whether the supplier has, without justification, refused 1780  
to make a refund in cash or by check for a returned item that was 1781  
purchased with cash or by check, unless the supplier had 1782  
conspicuously posted in the establishment at the time of the sale 1783  
a sign stating the supplier's refund policy. 1784

(C) This section does not apply to a consumer transaction in 1785  
connection with the origination of a residential mortgage. 1786

**Sec. 1345.031.** (A) No supplier shall commit an unconscionable 1787  
act or practice concerning a consumer transaction in connection 1788  
with the origination of a residential mortgage. Such an 1789  
unconscionable act or practice by a supplier violates this section 1790  
whether it occurs before, during, or after the transaction. 1791  
1792

(B) For purposes of division (A) of this section, the 1793  
following acts or practices of a supplier in connection with such 1794  
a transaction are unconscionable: 1795

(1) Arranging for or making a mortgage loan that provides for 1796  
an interest rate applicable after default that is higher than the 1797  
interest rate that applies before default, excluding rates of 1798  
interest for judgments applicable to the mortgage loan under 1799  
section 1343.02 or 1343.03 of the Revised Code and also excluding 1800  
interest rate changes in a variable rate loan transaction 1801  
otherwise consistent with the provisions of the loan documents; 1802

(2) Engaging in a pattern or practice of providing consumer 1803  
transactions to consumers based predominantly on the supplier's 1804  
realization of the foreclosure or liquidation value of the 1805  
consumer's collateral without regard to the consumer's ability to 1806  
repay the loan in accordance with its terms, provided that the 1807  
supplier may use any reasonable method to determine a borrower's 1808  
ability to repay; 1809

(3) Making a consumer transaction that permits the creditor 1810  
to demand repayment of the outstanding balance of a mortgage loan, 1811  
in advance of the original maturity date unless the creditor does 1812  
so in good faith due to the consumer's failure to abide by the 1813  
material terms of the loan. 1814

(4) Knowingly replacing, refinancing, or consolidating a zero 1815  
interest rate or other low-rate mortgage loan made by a 1816  
governmental or nonprofit lender with another loan unless the 1817  
current holder of the loan consents in writing to the refinancing 1818  
and the consumer presents written certification from a ~~third-~~ 1819  
~~party~~ third-party nonprofit organization counselor approved by the 1820  
United States department of housing and urban development or the 1821  
superintendent of financial institutions that the consumer 1822  
received counseling on the advisability of the loan transaction. 1823  
For purposes of division (B)(4) of this section, a "low-rate 1824  
mortgage loan" means a mortgage loan that carries a current 1825  
interest rate two percentage points or more below the current 1826  
yield on United States treasury securities with a comparable 1827  
maturity. If the loan's current interest rate is either a 1828  
discounted introductory rate or a rate that automatically steps up 1829  
over time, the fully indexed rate or the fully stepped-up rate, as 1830  
applicable, shall be used, in lieu of the current rate, to 1831  
determine whether a loan is a low-rate mortgage loan. 1832

(5) Instructing the consumer to ignore the supplier's written 1833  
information regarding the interest rate and dollar value of points 1834  
because they would be lower for the consumer's consumer 1835  
transaction; 1836

(6) Recommending or encouraging a consumer to default on a 1837  
mortgage or any consumer transaction or revolving credit loan 1838  
agreement~~+~~. This practice also shall constitute an unconscionable 1839  
act or practice in connection with a consumer transaction under 1840  
section 1345.03 of the Revised Code. 1841

(7) Charging a late fee more than once with respect to a 1842  
single late payment. If a late payment fee is deducted from a 1843  
payment made on the loan and such deduction causes a subsequent 1844  
default on a subsequent payment, no late payment fee may be 1845  
imposed for such default. If a late payment fee has been imposed 1846  
once with respect to a particular late payment, no such fee may be 1847  
imposed with respect to any future payment that would have been 1848  
timely and sufficient but for the previous default. This practice 1849  
also shall constitute an unconscionable act or practice in 1850  
connection with a consumer transaction under section 1345.03 of 1851  
the Revised Code. 1852

(8) Failing to disclose to the consumer at the closing of the 1853  
consumer transaction that a consumer is not required to complete a 1854  
consumer transaction merely because the consumer has received 1855  
prior estimates of closing costs or has signed an application and 1856  
should not close a loan transaction that contains different terms 1857  
and conditions than those the consumer was promised; 1858

(9) Arranging for or making a consumer transaction that 1859  
includes terms under which more than two periodic payments 1860  
required under the consumer transaction are consolidated and paid 1861  
in advance from the loan proceeds provided to the consumer; 1862

(10) Knowingly compensating, instructing, inducing, coercing, 1863  
or intimidating, or attempting to compensate, instruct, induce, 1864  
coerce, or intimidate, a person licensed or certified under 1865  
Chapter 4763. of the Revised Code for the purpose of corrupting or 1866  
improperly influencing the independent judgment of the person with 1867  
respect to the value of the dwelling offered as security for 1868  
repayment of a mortgage loan; 1869

(11) Financing, directly or indirectly, any credit, life, 1870  
disability, or unemployment insurance premiums, any other life or 1871  
health insurance premiums, or any debt collection agreement. 1872  
Insurance premiums calculated and paid on a monthly basis shall 1873

not be considered financed by the lender. 1874

(12) Knowingly or intentionally engaging in the act or 1875  
practice of "flipping" a mortgage loan. "Flipping" a mortgage loan 1876  
is making a mortgage loan that refinances an existing mortgage 1877  
loan when the new loan does not have reasonable, tangible net 1878  
benefit to the consumer considering all of the circumstances, 1879  
including the terms of both the new and refinanced loans, the cost 1880  
of the new loan, and the consumer's circumstances. This provision 1881  
applies regardless of whether the interest rate, points, fees, and 1882  
charges paid or payable by the consumer in connection with the 1883  
refinancing exceed any thresholds specified in any section of the 1884  
Revised Code. 1885

(13) Knowingly taking advantage of the inability of the 1886  
consumer to reasonably protect the consumer's interests because of 1887  
the consumer's known physical or mental infirmities or illiteracy; 1888

(14) Entering into the consumer transaction knowing there was 1889  
no reasonable probability of payment of the obligation by the 1890  
consumer; 1891

(15) Attempting to enforce, by means not limited to a court 1892  
action, a prepayment penalty in violation of division (C)(2) of 1893  
section 1343.011 of the Revised Code. This practice also shall 1894  
constitute an unconscionable act or practice in connection with a 1895  
consumer transaction under section 1345.03 of the Revised Code. 1896

(16) Engaging in an act or practice deemed unconscionable by 1897  
rules adopted by the attorney general pursuant to division (B)(2) 1898  
of section 1345.05 of the Revised Code. 1899

(C)(1) Any unconscionable arbitration clause, unconscionable 1900  
clause requiring the consumer to pay the supplier's attorney's 1901  
fees, or unconscionable liquidated damages clause included in a 1902  
mortgage loan contract is unenforceable. 1903

(2) No supplier shall do either of the following: 1904

|   |      |
|---|------|
| (a) Attempt to enforce, by means not limited to a court                         | 1905 |
| action, any clause described in division (C)(1) of this section;                | 1906 |
| (b) By referring to such a clause, attempt to induce the                        | 1907 |
| consumer to take any action desired by the supplier.                            | 1908 |
| <b>Sec. 1345.05.</b> (A) The attorney general shall:                            | 1909 |
| (1) Adopt, amend, and repeal procedural rules;                                  | 1910 |
| (2) Adopt as a rule a description of the organization of the                    | 1911 |
| attorney general's office, stating the general courses and methods              | 1912 |
| of operation of the section of the office of the attorney general,              | 1913 |
| which is to administer Chapter 1345. of the Revised Code and                    | 1914 |
| methods whereby the public may obtain information or make                       | 1915 |
| submissions or requests, including a description of all forms and               | 1916 |
| instructions used by that office;   | 1917 |
| (3) Make available for public inspection all rules and all                      | 1918 |
| other written statements of policy or interpretations adopted or                | 1919 |
| used by the attorney general in the discharge of the attorney                   | 1920 |
| general's functions, <del>together with</del> <u>any assurance of voluntary</u> | 1921 |
| <u>compliance accepted by the attorney general pursuant to division</u>         | 1922 |
| <u>(F)(2) of section 1345.06 of the Revised Code, and all judgments,</u>        | 1923 |
| including supporting opinions, by courts of this state that                     | 1924 |
| determine the rights of the parties and concerning which appellate              | 1925 |
| remedies have been exhausted, or lost by the expiration of the                  | 1926 |
| time for appeal, determining that specific acts or practices                    | 1927 |
| violate section 1345.02, 1345.03, or 1345.031 of the Revised Code;              | 1928 |
| (4) Inform consumers and suppliers on a continuing basis of                     | 1929 |
| acts or practices that violate Chapter 1345. of the Revised Code                | 1930 |
| by, among other things, publishing an informational document                    | 1931 |
| describing acts and practices in connection with residential                    | 1932 |
| mortgages that are unfair, deceptive, or unconscionable, and by                 | 1933 |
| making that information available on the attorney general's                     | 1934 |

official web site; 1935

(5) Cooperate with state and local officials, officials of 1936  
other states, and officials of the federal government in the 1937  
administration of comparable statutes; 1938

(6) Report annually on or before the thirty-first day of 1939  
January to the governor and the general assembly on the operations 1940  
of the attorney general in respect to Chapter 1345. of the Revised 1941  
Code, and on the acts or practices occurring in this state that 1942  
violate such chapter. The report shall include a statement of 1943  
investigatory and enforcement procedures and policies, of the 1944  
number of investigations and enforcement proceedings instituted 1945  
and of their disposition, and of other activities of the state and 1946  
of other persons to promote the purposes of Chapter 1345. of the 1947  
Revised Code. 1948

(7) In carrying out official duties, the attorney general 1949  
shall not disclose publicly the identity of suppliers investigated 1950  
or the facts developed in investigations unless these matters have 1951  
become a matter of public record in enforcement proceedings, in 1952  
public hearings conducted pursuant to division (B)(1) of this 1953  
section, or the suppliers investigated have consented in writing 1954  
to public disclosure. 1955

(B) The attorney general may: 1956

(1) Conduct research, make inquiries, hold public hearings, 1957  
and publish studies relating to consumer transactions; 1958

(2) Adopt, amend, and repeal substantive rules defining with 1959  
reasonable specificity acts or practices that violate sections 1960  
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 1961  
amending, or repealing substantive rules defining acts or 1962  
practices that violate section 1345.02 of the Revised Code, due 1963  
consideration and great weight shall be given to federal trade 1964  
commission orders, trade regulation rules and guides, and the 1965

federal courts' interpretations of subsection 45(a)(1) of the 1966  
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 1967  
41, as amended. 1968

In adopting, amending, or repealing such rules concerning a 1969  
consumer transaction in connection with a residential mortgage, 1970  
the attorney general shall consult with the superintendent of 1971  
financial institutions and shall give due consideration to state 1972  
and federal statutes, regulations, administrative agency 1973  
interpretations, and case law. 1974

(C) In the conduct of public hearings authorized by this 1975  
section, the attorney general may administer oaths, subpoena 1976  
witnesses, adduce evidence, and require the production of relevant 1977  
material. Upon failure of a person without lawful excuse to obey a 1978  
subpoena or to produce relevant matter, the attorney general may 1979  
apply to a court of common pleas for an order compelling 1980  
compliance. 1981

(D) The attorney general may request that an individual who 1982  
refuses to testify or to produce relevant material on the ground 1983  
that the testimony or matter may incriminate the individual be 1984  
ordered by the court to provide the testimony or matter. With the 1985  
exception of a prosecution for perjury and an action for damages 1986  
under section 1345.07 or 1345.09 of the Revised Code, an 1987  
individual who complies with a court order to provide testimony or 1988  
matter, after asserting a privilege against self incrimination to 1989  
which the individual is entitled by law, shall not be subjected to 1990  
a criminal proceeding on the basis of the testimony or matter 1991  
discovered through that testimony or matter. 1992

(E) Any person may petition the attorney general requesting 1993  
the adoption, amendment, or repeal of a rule. The attorney general 1994  
shall prescribe by rule the form for such petitions and the 1995  
procedure for their submission, consideration, and disposition. 1996  
Within sixty days of submission of a petition, the attorney 1997



general shall either deny the petition in writing, stating the 1998  
reasons for the denial, or initiate rule-making proceedings. There 1999  
is no right to appeal from such denial of a petition. 2000

(F) All rules shall be adopted subject to Chapter 119. of the 2001  
Revised Code. 2002

(G) The informational document published in accordance with 2003  
division (A)(4) of this section shall be made available for 2004  
distribution to consumers who are applying for a mortgage loan. An 2005  
acknowledgement of receipt shall be retained by the lender, 2006  
mortgage broker, and loan officer, as applicable, subject to 2007  
review by the attorney general and the department of commerce. 2008

**Sec. 1345.06.** (A) If, by ~~his~~ the attorney general's own 2009  
inquiries or as a result of complaints, the attorney general has 2010  
reasonable cause to believe that a person has engaged or is 2011  
engaging in an act or practice that violates Chapter 1345. of the 2012  
Revised Code, ~~he~~ the attorney general may investigate. 2013

(B) For this purpose, the attorney general may administer 2014  
oaths, subpoena witnesses, adduce evidence, and require the 2015  
production of relevant matter. 2016

If matter that the attorney general requires to be produced 2017  
is located outside the state, ~~he~~ the attorney general may 2018  
designate representatives, including officials of the state in 2019  
which the matter is located, to inspect the matter on ~~his~~ the 2020  
attorney general's behalf, and ~~he~~ the attorney general may respond 2021  
to similar requests from officials of other states. The person 2022  
subpoenaed may make the matter available to the attorney general 2023  
at a convenient location within the state or pay the reasonable 2024  
and necessary expenses for the attorney general or ~~his~~ the 2025  
attorney general's representative to examine the matter at the 2026  
place where it is located, provided that expenses shall not be 2027  
charged to a party not subsequently found to have engaged in an 2028

act or practice violative of Chapter 1345. of the Revised Code. 2029

(C) Within twenty days after a subpoena has been served, a 2030  
motion to extend the return day, or to modify or quash the 2031  
subpoena, stating good cause, may be filed in the court of common 2032  
pleas of Franklin county or the county in which the person served 2033  
resides or has ~~his~~ the person's principal place of business. 2034

(D) A person subpoenaed under this section shall comply with 2035  
the terms of the subpoena, unless the parties agree to modify the 2036  
terms of the subpoena or unless the court has modified or quashed 2037  
the subpoena, extended the return day of the subpoena, or issued 2038  
any other order with respect to the subpoena prior to its return 2039  
day. 2040

If a person fails without lawful excuse to obey a subpoena or 2041  
to produce relevant matter, the attorney general may apply to the 2042  
court of common pleas of the county in which the person subpoenaed 2043  
resides or has ~~his~~ the person's principal place of business for an 2044  
order compelling compliance. 2045

(E) The attorney general may request that an individual who 2046  
refuses to testify or to produce relevant matter on the ground 2047  
that the testimony or matter may incriminate ~~him~~ the individual be 2048  
ordered by the court to provide the testimony or matter. With the 2049  
exception of a prosecution for perjury and an action for damages 2050  
under section 1345.07 or 1345.09 of the Revised Code, an 2051  
individual who complies with a court order to provide testimony or 2052  
matter, after asserting a privilege against self-incrimination to 2053  
which ~~he~~ the individual is entitled by law, shall not be subjected 2054  
to a criminal proceeding or to a civil penalty or forfeiture on 2055  
the basis of the testimony or matter required to be disclosed or 2056  
testimony or matter discovered through that testimony or matter. 2057

(F) The attorney general may: 2058

(1) During an investigation under this section, afford, in a 2059

manner considered appropriate to ~~him~~ to the attorney general, a 2060  
supplier an opportunity to cease and desist from any suspected 2061  
violation. ~~He~~ The attorney general may suspend ~~his~~ such an 2062  
investigation during the time period that ~~he~~ the attorney general 2063  
permits the supplier to cease and desist; however, the suspension 2064  
of the investigation or the affording of an opportunity to cease 2065  
and desist shall not prejudice or prohibit any further 2066  
investigation by the attorney general under this section. 2067

(2) Terminate an investigation under this section upon 2068  
acceptance of a written assurance of voluntary compliance from a 2069  
supplier who is suspected of a violation of this chapter. 2070

Acceptance of an assurance may be conditioned upon an 2071  
undertaking to reimburse or to take other appropriate corrective 2072  
action with respect to identifiable consumers damaged by an 2073  
alleged violation of this chapter. An assurance of compliance 2074  
given by a supplier is not evidence of violation of this chapter. 2075  
The attorney general may, at any time, reopen an investigation 2076  
terminated by the acceptance of an assurance of voluntary 2077  
compliance, if ~~he~~ the attorney general believes that further 2078  
proceedings are in the public interest. Evidence of a violation of 2079  
an assurance of voluntary compliance is prima-facie evidence of an 2080  
act or practice in violation of this chapter, if presented after 2081  
the violation in an action brought under this chapter. An 2082  
assurance of voluntary compliance may be filed with the court and 2083  
if approved by the court, entered as a consent judgment. Any 2084  
assurance of voluntary compliance accepted by the attorney general 2085  
pursuant to this division shall be made available for public 2086  
inspection in accordance with division (A)(3) of section 1345.05 2087  
of the Revised Code. 2088

(G) The procedures available to the attorney general under 2089  
this section are cumulative and concurrent, and the exercise of 2090  
one procedure by the attorney general does not preclude or require 2091

the exercise of any other procedure. 2092

**Sec. 1345.07.** (A) If the attorney general, by the attorney 2093  
general's own inquiries or as a result of complaints, has 2094  
reasonable cause to believe that a supplier has engaged or is 2095  
engaging in an act or practice that violates this chapter, and 2096  
that the action would be in the public interest, the attorney 2097  
general may bring any of the following: 2098

(1) An action to obtain a declaratory judgment that the act 2099  
or practice violates section 1345.02, 1345.03, or 1345.031 of the 2100  
Revised Code; 2101

(2)(a) An action, with notice as required by Civil Rule 65, 2102  
to obtain a temporary restraining order, preliminary injunction, 2103  
or permanent injunction to restrain the act or practice. If the 2104  
attorney general shows by a preponderance of the evidence that the 2105  
supplier has violated or is violating section 1345.02, 1345.03, or 2106  
1345.031 of the Revised Code, the court may issue a temporary 2107  
restraining order, preliminary injunction, or permanent injunction 2108  
to restrain and prevent the act or practice. 2109

(b)(i) Except as provided in division (A)(2)(b)(ii) of this 2110  
section, on motion of the attorney general, or on its own motion, 2111  
the court may impose a civil penalty of not more than five 2112  
thousand dollars for each day of violation of a temporary 2113  
restraining order, preliminary injunction, or permanent injunction 2114  
issued under this section, if the supplier received notice of the 2115  
action. The civil penalties shall be paid as provided in division 2116  
(G) of this section. 2117

(ii) If the court issues under this section a temporary 2118  
restraining order, preliminary injunction, or permanent injunction 2119  
to restrain and prevent an act or practice that is a violation of 2120  
section 1345.02 and division (A) of section 1349.81 of the Revised 2121  
Code, on motion of the attorney general, or on its own motion, the 2122

court may impose a civil penalty of not less than five thousand 2123  
dollars and not more than fifteen thousand dollars for each day of 2124  
violation of the temporary restraining order, preliminary 2125  
injunction, or permanent injunction, if the supplier received 2126  
notice of the action. The civil penalties shall be paid as 2127  
provided in division (G) of this section. 2128

(c) Upon the commencement of an action under division (A)(2) 2129  
of this section against a supplier who operates under a license, 2130  
permit, certificate, commission, or other authorization issued by 2131  
the supreme court or by a board, commission, department, division, 2132  
or other agency of this state, the attorney general shall 2133  
immediately notify the supreme court or agency that such an action 2134  
has been commenced against the supplier. 2135

(3) A class action under Civil Rule 23, as amended, on behalf 2136  
of consumers who have engaged in consumer transactions in this 2137  
state for damage caused by: 2138

(a) An act or practice enumerated in division (B) ~~or~~, (D), or 2139  
(G) of section 1345.02 of the Revised Code; 2140

(b) Violation of a rule adopted under division (B)(2) of 2141  
section 1345.05 of the Revised Code before the consumer 2142  
transaction on which the action is based; 2143

(c) An act or practice determined by a court of this state to 2144  
violate section 1345.02, 1345.03, or 1345.031 of the Revised Code 2145  
and committed after the decision containing the determination has 2146  
been made available for public inspection under division (A)(3) of 2147  
section 1345.05 of the Revised Code. 2148

(B) On motion of the attorney general and without bond, in 2149  
the attorney general's action under this section, the court may 2150  
make appropriate orders, including appointment of a referee or a 2151  
receiver, for sequestration of assets, to reimburse consumers 2152  
found to have been damaged, to carry out a transaction in 2153

accordance with a consumer's reasonable expectations, to strike or 2154  
limit the application of unconscionable clauses of contracts so as 2155  
to avoid an unconscionable result, or to grant other appropriate 2156  
relief. The court may assess the expenses of a referee or receiver 2157  
against the supplier. 2158

(C) Any moneys or property recovered by the attorney general 2159  
in an action under this section that cannot with due diligence 2160  
within five years be restored by a referee to consumers shall be 2161  
unclaimed funds reportable under Chapter 169. of the Revised Code. 2162

(D) In addition to the other remedies provided in this 2163  
section, if the violation is an act or practice that was declared 2164  
to be unfair, deceptive, or unconscionable by rule adopted 2165  
pursuant to division (B)(2) of section 1345.05 of the Revised Code 2166  
before the consumer transaction on which the action is based 2167  
occurred or an act or practice that was determined by a court of 2168  
this state to violate section 1345.02, 1345.03, or 1345.031 of the 2169  
Revised Code and committed after the decision containing the 2170  
court's determination was made available for public inspection 2171  
pursuant to division (A)(3) of section 1345.05 of the Revised 2172  
Code, the attorney general may request and the court may impose a 2173  
civil penalty of not more than twenty-five thousand dollars 2174  
against the supplier. The civil penalties shall be paid as 2175  
provided in division (G) of this section. 2176

(E) No action may be brought by the attorney general under 2177  
this section to recover for a transaction more than two years 2178  
after the occurrence of a violation. 2179

(F) If a court determines that provision has been made for 2180  
reimbursement or other appropriate corrective action, insofar as 2181  
practicable, with respect to all consumers damaged by a violation, 2182  
or in any other appropriate case, the attorney general, with court 2183  
approval, may terminate enforcement proceedings brought by the 2184  
attorney general upon acceptance of an assurance from the supplier 2185

of voluntary compliance with Chapter 1345. of the Revised Code, 2186  
with respect to the alleged violation. The assurance shall be 2187  
filed with the court and entered as a consent judgment. Except as 2188  
provided in division (A) of section 1345.10 of the Revised Code, a 2189  
consent judgment is not evidence of prior violation of such 2190  
chapter. Disregard of the terms of a consent judgment entered upon 2191  
an assurance shall be treated as a violation of an injunction 2192  
issued under this section. 2193

(G) Civil penalties ordered pursuant to divisions (A) and (D) 2194  
of this section shall be paid as follows: one-fourth of the amount 2195  
to the treasurer of the county in which the action is brought and 2196  
three-fourths to the consumer protection enforcement fund created 2197  
by section 1345.51 of the Revised Code. 2198

(H) The remedies available to the attorney general under this 2199  
section are cumulative and concurrent, and the exercise of one 2200  
remedy by the attorney general does not preclude or require the 2201  
exercise of any other remedy. The attorney general is not required 2202  
to use any procedure set forth in section 1345.06 of the Revised 2203  
Code prior to the exercise of any remedy set forth in this 2204  
section. 2205

**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of the 2206  
Revised Code: 2207

(A) "Home solicitation sale" means a sale of consumer goods 2208  
or services in which the seller or a person acting for the seller 2209  
engages in a personal solicitation of the sale at a residence of 2210  
the buyer, including solicitations in response to or following an 2211  
invitation by the buyer, and the buyer's agreement or offer to 2212  
purchase is there given to the seller or a person acting for the 2213  
seller, or in which the buyer's agreement or offer to purchase is 2214  
made at a place other than the seller's place of business. It does 2215  
not include a transaction or transactions in which: 2216

(1) The total purchase price to be paid by the buyer, whether 2217  
under single or multiple contracts, is less than twenty-five 2218  
dollars; 2219

(2) The transaction was conducted and consummated entirely by 2220  
mail or by telephone if initiated by the buyer, and without any 2221  
other contact between the seller or the seller's representative 2222  
prior to the delivery of goods or performance of the service; 2223

(3) The final agreement is made pursuant to prior 2224  
negotiations in the course of a visit by the buyer to a retail 2225  
business establishment having a fixed permanent location where the 2226  
goods are exhibited or the services are offered for sale on a 2227  
continuing basis; 2228

(4) The buyer initiates the contact between the parties for 2229  
the purpose of negotiating a purchase and the seller has a 2230  
business establishment at a fixed location in this state where the 2231  
goods or services involved in the transaction are regularly 2232  
offered or exhibited for sale. 2233

Advertisements by such a seller in newspapers, magazines, 2234  
catalogues, radio, or television do not constitute the seller 2235  
initiation of the contact. 2236

(5) The buyer initiates the contact between the parties, the 2237  
goods or services are needed to meet a bona fide immediate 2238  
personal emergency of the buyer which will jeopardize the welfare, 2239  
health, or safety of natural persons, or endanger property which 2240  
the buyer owns or for which the buyer is responsible, and the 2241  
buyer furnishes the seller with a separate, dated, and signed 2242  
statement in the buyer's handwriting describing the situation 2243  
requiring immediate remedy and expressly acknowledging and waiving 2244  
the right to cancel the sale within three business days; 2245

(6) The buyer has initiated the contact between the parties 2246  
and specifically requested the seller to visit the buyer's home 2247



for the purpose of repairing or performing maintenance upon the 2248  
buyer's personal property. If, in the course of such a visit, the 2249  
seller sells the buyer additional services or goods other than 2250  
replacement parts necessarily used in performing the maintenance 2251  
or in making the repairs, the sale of those additional goods or 2252  
services does not fall within this exclusion. 2253

(7) The buyer is accorded the right of rescission by the 2254  
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 2255  
1635, or regulations adopted pursuant to it. 2256

(B) "Sale" includes a lease or rental. 2257

(C) "Seller" includes a lessor or anyone offering goods for 2258  
rent. 2259

(D) "Buyer" includes a lessee or anyone who gives a 2260  
consideration for the privilege of using goods. 2261

(E) "Consumer goods or services" means goods or services 2262  
purchased, leased, or rented primarily for personal, family, or 2263  
household purposes, including courses or instruction or training 2264  
regardless of the purpose for which they are taken. 2265

(F) "Consumer goods or services" does not include goods or 2266  
services pertaining to any of the following: 2267

(1) Sales or rentals of real property by a real estate broker 2268  
or salesperson, or by a foreign real estate dealer or salesperson, 2269  
who is licensed by the Ohio real estate commission under Chapter 2270  
4735. of the Revised Code; 2271

(2) The sale of securities or commodities by a broker-dealer 2272  
registered with the securities and exchange commission; 2273

(3) The sale of securities or commodities by a securities 2274  
dealer or salesperson licensed by the division of securities under 2275  
Chapter 1707. of the Revised Code; 2276

(4) The sale of insurance by a person licensed by the 2277

|  |  |
|--|--|
| superintendent of insurance;   | 2278   |
| (5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;  | 2279<br>2280<br>2281   |
| (6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code.   | 2282<br>2283<br>2284   |
| (G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.   | 2285<br>2286<br>2287   |
| (H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.  | 2288<br>2289   |
| (I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, <u>Martin Luther King day</u> , Presidents' day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day.  | 2290<br>2291<br>2292<br>2293<br>2294   |
| <b>Sec. 1345.22.</b> In addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. Cancellation is evidenced by the buyer giving written notice of cancellation to the seller at the <u>seller's address, electronic mail address, or facsimile number</u> stated in the agreement or offer to purchase. The buyer <del>may</del> <u>shall</u> deliver the notice by <u>certified mail delivery, return receipt requested, telegram, manual delivery, or other personal delivery, facsimile transmission, or electronic mail.</u> <del>Written notice</del> <u>Notice</u> of cancellation <u>by certified mail</u> shall be effective upon the date of post marking. <del>Telegram delivery is effective when the telegram is ordered.</del> Manual delivery or other | 2295<br>2296<br>2297<br>2298<br>2299<br>2300<br>2301<br>2302<br>2303<br>2304<br>2305<br>2306<br>2307 |

personal delivery is effective when delivered to the seller or to 2308  
the seller's address, whichever comes first. Facsimile delivery is 2309  
effective when the facsimile transmission has been sent to the 2310  
seller's facsimile number and the consumer has received 2311  
confirmation of the facsimile transmission. Electronic mail 2312  
delivery is effective when the electronic mail has been sent to 2313  
the seller's electronic mail address. Notice of cancellation need 2314  
not take a particular form and is sufficient if it indicates, by 2315  
any form of written expression, the intention of the buyer not to 2316  
be bound by the home solicitation sale. Notice of buyer's right to 2317  
cancel must appear on all notes or other evidence of indebtedness 2318  
given pursuant to any home solicitation sale. 2319

2320  
Where a home solicitation sale requires a seller to provide 2321  
services, ~~he~~ the seller shall not commence performance of such 2322  
services during the time in which the buyer may cancel. 2323

**Sec. 1345.23.** (A) Every home solicitation sale shall be 2324  
evidenced by a written agreement or offer to purchase in the same 2325  
language as that principally used in the oral sales presentation 2326  
and shall contain the name and address of the seller. The seller 2327  
shall present the writing to the buyer and obtain the buyer's 2328  
signature to it. The writing shall state the date on which the 2329  
buyer actually signs. The seller shall leave with the buyer a copy 2330  
of the writing which has been signed by the seller and complies 2331  
with division (B) of this section. 2332

(B) In connection with every home ~~solicitation~~ solicitation 2333  
sale: 2334

(1) The following statement shall appear clearly and 2335  
conspicuously on the copy of the contract left with the buyer in 2336  
bold-face type of the minimum size of ten points, in substantially 2337  
the following form and in immediate proximity to the space 2338

reserved in the contract for the signature of the buyer: "You, the 2339  
buyer, may cancel this transaction at any time prior to midnight 2340  
of the third ~~business~~ business day after the date of this 2341  
transaction. See the attached notice of cancellation for an 2342  
explanation of this right." 2343

(2) A completed form, in duplicate, captioned "notice of 2344  
cancellation", shall be attached to the contract signed by the 2345  
buyer and be easily detachable, and shall contain in ten-point, 2346  
bold-face type, the following information and statements in the 2347  
same language as that used in the contract: 2348

NOTICE OF CANCELLATION 2349

(enter date of transaction) 2350

..... 2351

(Date) 2352

You may cancel this transaction, without any penalty or 2353  
obligation, within three business days from the above date. 2354

If you cancel, any property traded in, any payments made by you 2355  
under the contract or sale, and any negotiable instrument executed 2356  
by you will be returned within ten business days following receipt 2357  
by the seller of your cancellation notice, and any security 2358  
interest arising out of the transaction will be cancelled. 2359

If you cancel, you must make available to the seller at your 2360  
residence, in substantially as good condition as when received, 2361  
any goods delivered to you under this contract or sale; or you may 2362  
if you wish, comply with the instructions of the seller regarding 2363  
the return shipment of the goods at the seller's expense and risk. 2364

If you do make the goods available to the seller and the seller 2365  
does not pick them up within twenty days of the date of your 2366  
notice of cancellation, you may retain or dispose of the goods 2367  
without any further obligation. If you fail to make the goods 2368  
available to the seller, or if you agree to return the goods to 2369

the seller and fail to do so, then you remain liable for 2370  
performance of all obligations under the contract. 2371

To cancel this transaction, mail, with return receipt requested, 2372  
or deliver, in person or manually, a signed and dated copy of this 2373  
cancellation notice or any other written notice of cancellation, 2374  
or send ~~a telegram~~ notice by facsimile transmission or electronic 2375  
mail, to ..... (Name of seller), at ..... 2376  
(address, electronic mail address, or facsimile number of seller's 2377  
place of business) not later than midnight of ..... (Date) 2378

I hereby cancel this transaction. 2379

..... 2380

Date 2381

(Buyer's signature) 2382

..... 2383

(3) Before furnishing copies of the notice of cancellation to 2384  
the buyer, the seller shall complete both copies by entering the 2385  
name of the seller, the address, electronic mail address, or 2386  
facsimile number of the seller's place of business, the date of 2387  
the transaction which is the date the buyer signed the contract 2388  
and the date, not earlier than the third business day following 2389  
the date of the transaction, by which the buyer may give notice of 2390  
cancellation. 2391

(4) A home solicitation sales contract which contains the 2392  
notice of buyer's right to cancel and notice of cancellation in 2393  
the form and language provided in the federal trade commission's 2394  
trade regulation rule providing a cooling-off period for 2395  
door-to-door sales shall be deemed to comply with the requirements 2396  
of divisions (B)(1), (2), and (3) of this section with respect to 2397  
the form and language of such notices so long as the federal trade 2398  
commission language provides at least equal information to the 2399  
consumer concerning ~~his~~ the consumer's right to cancel as is 2400  
required by divisions (B)(1), (2), and (3) of this section. 2401

(C) Until the seller has complied with divisions (A) and (B) 2402  
of this section the buyer may cancel the home solicitation sale by 2403  
~~notifying~~ delivering to the seller by ~~mailing, delivering, or~~ 2404  
~~telegraphing~~ certified mail, return receipt requested, personal or 2405  
manual delivery, facsimile transmission, or electronic mail, 2406  
written notice to the seller of ~~his~~ the buyer's intention to 2407  
cancel. The three-day period prescribed by section 1345.22 of the 2408  
Revised Code begins to run from the time the seller complies with 2409  
divisions (A) and (B) of this section. 2410

(D) In connection with any home solicitation sale, no seller 2411  
shall: 2412

(1) Include in any home solicitation sales contract, any 2413  
confession of judgment or any waiver of any rights to which the 2414  
buyer is entitled under this section, including specifically ~~his~~ 2415  
the buyer's right to cancel the sale in accordance with this 2416  
section. 2417

(2) Fail to inform each buyer orally, at the time ~~he signs~~ of 2418  
signing the contract for the goods or services, of ~~his~~ the buyer's 2419  
right to cancel. 2420

(3) Misrepresent in any manner the buyer's right to cancel. 2421

(4) Fail or refuse to honor any valid notice of cancellation 2422  
by a buyer and within ten business days after receipt of such 2423  
notice to: 2424

(a) Refund all payments made under the contract or sale; 2425

(b) Return any goods or property traded in, in substantially 2426  
as good condition as when received by the seller; 2427

(c) Cancel and return any note, negotiable instrument, or 2428  
other evidence of indebtedness executed by the buyer in connection 2429  
with the contract or sale and take any action necessary or 2430  
appropriate to reflect the termination of any security interest or 2431

lien created under the sale or offer to purchase. 2432

(5) Negotiate, transfer, sell, or assign any note or other 2433  
evidence of indebtedness to a finance company or other third party 2434  
prior to midnight of the fifth business day following the day the 2435  
contract for the goods or services was signed. 2436

(6) Fail to notify the buyer, within ten business days of 2437  
receipt of the buyer's notice of cancellation, whether the seller 2438  
intends to repossess or abandon any shipped or delivered goods. 2439

**Sec. 1345.24.** In a home solicitation sale, the seller shall 2440  
retain, for the period in which an action to enforce the sale 2441  
could be commenced, any notice of cancellation made pursuant to 2442  
section 1345.22 of the Revised Code. The seller shall also retain 2443  
the any envelope in which ~~any~~ a notice of cancellation is sent or 2444  
delivered. If the date of delivery is not indicated or recorded on 2445  
the notice of cancellation or on the envelope, the seller shall 2446  
record the date of delivery on the notice of cancellation. 2447

**Sec. 1345.43.** ~~(A)~~ In addition to any right otherwise to 2448  
revoke an offer or to terminate or cancel a sale or contract, the 2449  
buyer has the right to cancel a prepaid entertainment contract 2450  
until midnight of the third business day after the date on which 2451  
the first service under the contract is available, and if the 2452  
facility or service that is the subject of the contract is not 2453  
available at the time that the buyer signs the contract, the buyer 2454  
has until midnight of the seventh business day after the date on 2455  
which the first service under the contract is available to cancel 2456  
the contract. Cancellation is evidenced by the buyer giving 2457  
written notice of cancellation to the seller at the address of any 2458  
facility available for use by the buyer under the contract, the 2459  
seller's electronic mail address, or the seller's facsimile 2460  
number. The buyer shall deliver the notice by ~~telegram~~, manual 2461

delivery, personal delivery, or by certified mail delivery, return receipt requested, electronic mail, or facsimile transmission. Notice of cancellation by certified mail delivery shall be effective upon the date of post marking. ~~Telegram~~ Electronic mail delivery is effective when the ~~telegram~~ electronic mail is ordered sent to the seller's electronic mail address. Facsimile delivery is effective when the facsimile is sent to the seller's facsimile number and the consumer has received confirmation of the facsimile transmission. Manual delivery or personal delivery is effective when delivered to the seller or to the seller's address, whichever comes first. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the buyer not to be bound by the contract. Notice of the buyer's right to cancel must appear on all notes or other evidence of indebtedness given pursuant to any prepaid entertainment contract.

**Sec. 1345.44.** (A) Every prepaid entertainment contract shall state the date on which the buyer actually signs. The seller shall give the buyer a copy of the contract that has been signed by the seller and complies with division (B) of this section.

(B) All of the following apply to any prepaid entertainment contract:

(1) A completed form, in duplicate, captioned "notice of cancellation," shall be attached to the contract signed by the buyer and be easily detachable and shall contain in ten-point boldface type, the following statement:

"NOTICE OF CANCELLATION

(Enter date of contract)

.....

(Date)

You may cancel this contract for any reason at any time prior



to midnight of the third business day after the date on which the 2493  
first service under the contract is available, and if the facility 2494  
or services that is the subject of the contract is not available 2495  
when you sign the contract, you may cancel the contract at any 2496  
time prior to midnight of the seventh business day after the date 2497  
on which you receive your first service under the contract. If you 2498  
cancel within this period, the seller must send you a full refund 2499  
of any money you have paid, except that a reasonable expense fee 2500  
not to exceed ten dollars may be charged if you have received your 2501  
first service under the contract. The seller must also cancel and 2502  
return to you within twenty business days any papers that you have 2503  
signed. 2504

To cancel this contract you must deliver in person, manually, 2505  
~~or~~ by certified mail, return receipt requested, or by facsimile 2506  
transmission, the signed and dated copy of this cancellation 2507  
notice or any other written notice of cancellation, or send a 2508  
~~telegram~~ an electronic mail message, to (name of seller), at (the 2509  
address of any facility of the seller available for use by ~~you~~ the 2510  
buyer, the seller's facsimile number, or the seller's electronic 2511  
mail address) not later than midnight of the third business day 2512  
after the date on which the first service under the contract is 2513  
available, and if the facility or service that is the subject of 2514  
the contract is not available when the contract was signed, not 2515  
later than midnight of the seventh business day after the date on 2516  
which the first service under the contract is available. 2517

I hereby cancel this contract. 2518  
..... 2519  
(Date) 2520  
..... 2521

.....  
(Buyer's signature)"

(2) Before furnishing copies of the notice of cancellation to 2522  
the buyer, the seller shall complete both copies by entering the 2523  
name of the seller, the address of the ~~seller's place of business~~ 2524  
facility available for use by the buyer, the seller's facsimile 2525  
number, or the seller's electronic mail address, and the date of 2526  
the contract. 2527

(C) Until the seller has complied with this section, the 2528  
buyer may cancel the contract by delivering to the seller by 2529  
certified mail, personal or manual delivery, facsimile 2530  
transmission, or ~~telegraphing~~ electronic mail, written notice to 2531  
the seller of ~~his~~ the buyer's intention to cancel. The period 2532  
within which the buyer may cancel the contract prescribed by this 2533  
section begins to run from the time ~~of~~ the seller complies with 2534  
divisions (A) and (B) of this section. 2535

(D) In any prepaid entertainment contract no seller shall: 2536

(1) Include in any contract, any confession of judgment or 2537  
any waiver of any rights to which the buyer is entitled under this 2538  
section, including specifically ~~his~~ the right to cancel the 2539  
contract in accordance with this section; 2540

(2) Fail to inform each buyer orally, at the time ~~he signs~~ of 2541  
signing the contract, of ~~his~~ the right to cancel; 2542

(3) Misrepresent in any manner the buyer's right to cancel; 2543

(4) Fail or refuse to honor any valid notice of cancellation 2544  
by a buyer and within ten business days after receipt of the 2545  
notice to: 2546

(a) Refund all payments made under the contract, except that 2547  
if the buyer has received ~~his~~ the buyer's first service under the 2548  
contract the seller may retain or bill the buyer for ten dollars; 2549

(b) Cancel and return any note, negotiable instrument, or 2550  
other evidence of indebtedness executed by the buyer in connection 2551

with the contract and take any action necessary to reflect the 2552  
termination of any security interest or lien created under the 2553  
contract; 2554

(c) Notify the buyer if the seller intends to repossess or 2555  
abandon any evidence of membership or other goods provided to the 2556  
buyer by the seller pursuant to the contract. 2557

(E) If there is in effect an earlier prepaid entertainment 2558  
contract, this section and section 1345.43 of the Revised Code 2559  
apply to a transaction in which the seller and the buyer enter 2560  
into a new prepaid entertainment contract, or a modification of 2561  
the earlier contract. 2562

**Sec. 2151.419.** (A)(1) Except as provided in division (A)(2) 2563  
of this section, at any hearing held pursuant to section 2151.28, 2564  
division (E) of section 2151.31, or section 2151.314, 2151.33, or 2565  
2151.353 of the Revised Code at which the court removes a child 2566  
from the child's home or continues the removal of a child from the 2567  
child's home, the court shall determine whether the public 2568  
children services agency or private child placing agency that 2569  
filed the complaint in the case, removed the child from home, has 2570  
custody of the child, or will be given custody of the child has 2571  
made reasonable efforts to prevent the removal of the child from 2572  
the child's home, to eliminate the continued removal of the child 2573  
from the child's home, or to make it possible for the child to 2574  
return safely home. The agency shall have the burden of proving 2575  
that it has made those reasonable efforts. If the agency removed 2576  
the child from home during an emergency in which the child could 2577  
not safely remain at home and the agency did not have prior 2578  
contact with the child, the court is not prohibited, solely 2579  
because the agency did not make reasonable efforts during the 2580  
emergency to prevent the removal of the child, from determining 2581  
that the agency made those reasonable efforts. In determining 2582

whether reasonable efforts were made, the child's health and 2583  
safety shall be paramount. 2584

(2) If any of the following apply, the court shall make a 2585  
determination that the agency is not required to make reasonable 2586  
efforts to prevent the removal of the child from the child's home, 2587  
eliminate the continued removal of the child from the child's 2588  
home, and return the child to the child's home: 2589

(a) The parent from whom the child was removed has been 2590  
convicted of or pleaded guilty to one of the following: 2591

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 2592  
the Revised Code or under an existing or former law of this state, 2593  
any other state, or the United States that is substantially 2594  
equivalent to an offense described in those sections and the 2595  
victim of the offense was a sibling of the child or the victim was 2596  
another child who lived in the parent's household at the time of 2597  
the offense; 2598

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 2599  
the Revised Code or under an existing or former law of this state, 2600  
any other state, or the United States that is substantially 2601  
equivalent to an offense described in those sections and the 2602  
victim of the offense is the child, a sibling of the child, or 2603  
another child who lived in the parent's household at the time of 2604  
the offense; 2605

(iii) An offense under division (B)(2) of section 2919.22 of 2606  
the Revised Code or under an existing or former law of this state, 2607  
any other state, or the United States that is substantially 2608  
equivalent to the offense described in that section and the child, 2609  
a sibling of the child, or another child who lived in the parent's 2610  
household at the time of the offense is the victim of the offense; 2611

(iv) An offense under section 2907.02, 2907.03, 2907.04, 2612  
2907.05, or 2907.06 of the Revised Code or under an existing or 2613

former law of this state, any other state, or the United States 2614  
that is substantially equivalent to an offense described in those 2615  
sections and the victim of the offense is the child, a sibling of 2616  
the child, or another child who lived in the parent's household at 2617  
the time of the offense; 2618

(v) A conspiracy or attempt to commit, or complicity in 2619  
committing, an offense described in division (A)(2)(a)(i) or (iv) 2620  
of this section; 2621

(vi) An offense under section 2905.32 of the Revised Code or 2622  
under an existing or former law of this state, any other state, or 2623  
the United States that is substantially equivalent to the offense 2624  
described in that section and the child, a sibling of the child, 2625  
or another child who lived in the parent's household at the time 2626  
of the offense is the victim of the offense. 2627

(b) The parent from whom the child was removed has repeatedly 2628  
withheld medical treatment or food from the child when the parent 2629  
has the means to provide the treatment or food. If the parent has 2630  
withheld medical treatment in order to treat the physical or 2631  
mental illness or defect of the child by spiritual means through 2632  
prayer alone, in accordance with the tenets of a recognized 2633  
religious body, the court or agency shall comply with the 2634  
requirements of division (A)(1) of this section. 2635

(c) The parent from whom the child was removed has placed the 2636  
child at substantial risk of harm two or more times due to alcohol 2637  
or drug abuse and has rejected treatment two or more times or 2638  
refused to participate in further treatment two or more times 2639  
after a case plan issued pursuant to section 2151.412 of the 2640  
Revised Code requiring treatment of the parent was journalized as 2641  
part of a dispositional order issued with respect to the child or 2642  
an order was issued by any other court requiring such treatment of 2643  
the parent. 2644

(d) The parent from whom the child was removed has abandoned the child. 2645  
2646

(e) The parent from whom the child was removed has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to those sections. 2647  
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(3) At any hearing in which the court determines whether to return a child to the child's home, the court may issue an order that returns the child in situations in which the conditions described in divisions (A)(2)(a) to (e) of this section are present. 2653  
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(B)(1) A court that is required to make a determination as described in division (A)(1) or (2) of this section shall issue written findings of fact setting forth the reasons supporting its determination. If the court makes a written determination under division (A)(1) of this section, it shall briefly describe in the findings of fact the relevant services provided by the agency to the family of the child and why those services did not prevent the removal of the child from the child's home or enable the child to return safely home. 2658  
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(2) If a court issues an order that returns the child to the child's home in situations in which division (A)(2)(a), (b), (c), (d), or (e) of this section applies, the court shall issue written findings of fact setting forth the reasons supporting its determination. 2667  
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(C) If the court makes a determination pursuant to division (A)(2) of this section, the court shall conduct a review hearing pursuant to section 2151.417 of the Revised Code to approve a permanency plan with respect to the child, unless the court issues 2672  
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an order returning the child home pursuant to division (A)(3) of 2676  
this section. The hearing to approve the permanency plan may be 2677  
held immediately following the court's determination pursuant to 2678  
division (A)(2) of this section and shall be held no later than 2679  
thirty days following that determination. 2680

**Sec. 2743.191.** (A)(1) There is hereby created in the state 2681  
treasury the reparations fund, which shall be used only for the 2682  
following purposes: 2683

(a) The payment of awards of reparations that are granted by 2684  
the attorney general; 2685

(b) The compensation of any personnel needed by the attorney 2686  
general to administer sections 2743.51 to 2743.72 of the Revised 2687  
Code; 2688

(c) The compensation of witnesses as provided in division (J) 2689  
of section 2743.65 of the Revised Code; 2690

(d) Other administrative costs of hearing and determining 2691  
claims for an award of reparations by the attorney general; 2692

(e) The costs of administering sections 2907.28 and 2969.01 2693  
to 2969.06 of the Revised Code; 2694

(f) The costs of investigation and decision-making as 2695  
certified by the attorney general; 2696

(g) The provision of state financial assistance to victim 2697  
assistance programs in accordance with sections 109.91 and 109.92 2698  
of the Revised Code; 2699

(h) The costs of paying the expenses of sex offense-related 2700  
examinations and antibiotics pursuant to section 2907.28 of the 2701  
Revised Code; 2702

(i) The cost of printing and distributing the pamphlet 2703  
prepared by the attorney general pursuant to section 109.42 of the 2704

Revised Code; 2705

(j) Subject to division (D) of section 2743.71 of the Revised 2706  
Code, the costs associated with the printing and providing of 2707  
information cards or other printed materials to law enforcement 2708  
agencies and prosecuting authorities and with publicizing the 2709  
availability of awards of reparations pursuant to section 2743.71 2710  
of the Revised Code; 2711

(k) The payment of costs of administering a DNA specimen 2712  
collection procedure pursuant to sections 2152.74 and 2901.07 of 2713  
the Revised Code, of performing DNA analysis of those DNA 2714  
specimens, and of entering the resulting DNA records regarding 2715  
those analyses into the DNA database pursuant to section 109.573 2716  
of the Revised Code; 2717

(l) The payment of actual costs associated with initiatives 2718  
by the attorney general for the apprehension, prosecution, and 2719  
accountability of offenders, and the enhancing of services to 2720  
crime victims. The amount of payments made pursuant to division 2721  
(A)(1)(l) of this section during any given fiscal year shall not 2722  
exceed five per cent of the balance of the reparations fund at the 2723  
close of the immediately previous fiscal year; 2724

(m) The costs of administering the adult parole authority's 2725  
supervision pursuant to division (E) of section 2971.05 of the 2726  
Revised Code of sexually violent predators who are sentenced to a 2727  
prison term pursuant to division (A)(3) of section 2971.03 of the 2728  
Revised Code and of offenders who are sentenced to a prison term 2729  
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 2730  
(c), or (B)(3)(a), (b), (c), or (d) of that section; 2731

(n) Subject to the limit set forth in those sections, the 2732  
costs of the installation and monitoring of an electronic 2733  
monitoring device used in the monitoring of a respondent pursuant 2734  
to an electronic monitoring order issued by a court under division 2735



(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 2736  
2903.214 of the Revised Code if the court determines that the 2737  
respondent is indigent or used in the monitoring of an offender 2738  
pursuant to an electronic monitoring order issued under division 2739  
(B)(5) of section 2919.27 of the Revised Code if the court 2740  
determines that the offender is indigent. 2741

(2) All costs paid pursuant to section 2743.70 of the Revised 2742  
Code, the portions of license reinstatement fees mandated by 2743  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 2744  
credited to the fund, the portions of the proceeds of the sale of 2745  
a forfeited vehicle specified in division (C)(2) of section 2746  
4503.234 of the Revised Code, payments collected by the department 2747  
of rehabilitation and correction from prisoners who voluntarily 2748  
participate in an approved work and training program pursuant to 2749  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 2750  
all moneys collected by the state pursuant to its right of 2751  
subrogation provided in section 2743.72 of the Revised Code shall 2752  
be deposited in the fund. 2753

(B) In making an award of reparations, the attorney general 2754  
shall render the award against the state. The award shall be 2755  
accomplished only through the following procedure, and the 2756  
following procedure may be enforced by writ of mandamus directed 2757  
to the appropriate official: 2758

(1) The attorney general shall provide for payment of the 2759  
claimant or providers in the amount of the award only if the 2760  
amount of the award is fifty dollars or more. 2761

(2) The expense shall be charged against all available 2762  
unencumbered moneys in the fund. 2763

(3) If sufficient unencumbered moneys do not exist in the 2764  
fund, the attorney general shall make application for payment of 2765  
the award out of the emergency purposes account or any other 2766

appropriation for emergencies or contingencies, and payment out of 2767  
this account or other appropriation shall be authorized if there 2768  
are sufficient moneys greater than the sum total of then pending 2769  
emergency purposes account requests or requests for releases from 2770  
the other appropriations. 2771

(4) If sufficient moneys do not exist in the account or any 2772  
other appropriation for emergencies or contingencies to pay the 2773  
award, the attorney general shall request the general assembly to 2774  
make an appropriation sufficient to pay the award, and no payment 2775  
shall be made until the appropriation has been made. The attorney 2776  
general shall make this appropriation request during the current 2777  
biennium and during each succeeding biennium until a sufficient 2778  
appropriation is made. If, prior to the time that an appropriation 2779  
is made by the general assembly pursuant to this division, the 2780  
fund has sufficient unencumbered funds to pay the award or part of 2781  
the award, the available funds shall be used to pay the award or 2782  
part of the award, and the appropriation request shall be amended 2783  
to request only sufficient funds to pay that part of the award 2784  
that is unpaid. 2785

(C) The attorney general shall not make payment on a decision 2786  
or order granting an award until all appeals have been determined 2787  
and all rights to appeal exhausted, except as otherwise provided 2788  
in this section. If any party to a claim for an award of 2789  
reparations appeals from only a portion of an award, and a 2790  
remaining portion provides for the payment of money by the state, 2791  
that part of the award calling for the payment of money by the 2792  
state and not a subject of the appeal shall be processed for 2793  
payment as described in this section. 2794

(D) The attorney general shall prepare itemized bills for the 2795  
costs of printing and distributing the pamphlet the attorney 2796  
general prepares pursuant to section 109.42 of the Revised Code. 2797  
The itemized bills shall set forth the name and address of the 2798

persons owed the amounts set forth in them. 2799

(E) Interest earned on the moneys in the fund shall be 2800  
credited to the fund. 2801

(F) As used in this section, "DNA analysis" and "DNA 2802  
specimen" have the same meanings as in section 109.573 of the 2803  
Revised Code. 2804

**Sec. 2743.56.** (A) A claim for an award of reparations shall 2805  
be commenced by filing an application for an award of reparations 2806  
with the attorney general. The application may be filed by mail. 2807  
If the application is filed by mail, the post-marked date of the 2808  
application shall be considered the filing date of the 2809  
application. The application shall be in a form prescribed by the 2810  
attorney general and shall include a release authorizing the 2811  
attorney general and the court of claims to obtain any report, 2812  
document, or information that relates to the determination of the 2813  
claim for an award of reparations that is requested in the 2814  
application. 2815

(B) All applications for an award of reparations ~~shall~~ may be 2816  
filed ~~as follows:~~ 2817

~~(1) If the victim of the criminally injurious conduct was a 2818  
minor, within two years of the victim's eighteenth birthday or 2819  
within two years from the date a complaint, indictment, or 2820  
information is filed against the alleged offender, whichever is 2821  
later. This division does not require that a complaint, 2822  
indictment, or information be filed against an alleged offender in 2823  
order for an application for an award of reparations to be filed 2824  
pertaining to a victim who was a minor if the application is filed 2825  
within two years of the victim's eighteenth birthday, and does not 2826  
affect the provisions of section 2743.64 of the Revised Code. 2827~~

~~(2) If the victim of the criminally injurious conduct was an 2828~~

~~adult~~, at any time after the occurrence of the criminally 2829  
injurious conduct. 2830

**Sec. 2743.71.** (A) Any law enforcement agency that 2831  
investigates, and any prosecuting attorney, city director of law, 2832  
village solicitor, or similar prosecuting authority who 2833  
prosecutes, an offense committed in this state shall, upon first 2834  
contact with the victim or the victim's family or dependents, give 2835  
the victim or the victim's family or dependents a copy of an 2836  
information card or other printed material provided by the 2837  
attorney general pursuant to division (B) of this section and 2838  
explain, upon request, the information on the card or material to 2839  
the victim or the victim's family or dependents. 2840

(B) The attorney general shall have printed, and shall 2841  
provide to law enforcement agencies, prosecuting attorneys, city 2842  
directors of law, village solicitors, and similar prosecuting 2843  
authorities, cards or other materials that contain information 2844  
explaining awards of reparations. The information on the cards or 2845  
other materials shall include, but shall not be limited to, the 2846  
following statements: 2847

(1) Awards of reparations are limited to losses that are 2848  
caused by physical injury resulting from criminally injurious 2849  
conduct; 2850

(2) Reparations applications ~~are required to~~ may be filed 2851  
~~within two years at any time~~ after the date occurrence of the 2852  
criminally injurious conduct ~~if the victim was an adult, or within~~ 2853  
~~the period provided by division (C)(1) of section 2743.56 of the~~ 2854  
~~Revised Code if the victim of the criminally injurious conduct was~~ 2855  
~~a minor;~~ 2856

(3) An attorney who represents an applicant for an award of 2857  
reparations cannot charge the applicant for the services rendered 2858  
in relation to that representation but is required to apply to the 2859

attorney general for payment for the representation; 2860

(4) Applications for awards of reparations may be obtained 2861  
from the attorney general, law enforcement agencies, and victim 2862  
assistance agencies and are to be filed with the attorney general. 2863

(C) The attorney general may order that a reasonable amount 2864  
of money be paid out of the reparations fund, subject to the 2865  
limitation imposed by division (D) of this section, for use by the 2866  
attorney general to publicize the availability of awards of 2867  
reparations. 2868

(D) During any fiscal year, the total expenditure for the 2869  
printing and providing of information cards or other materials 2870  
pursuant to division (B) of this section and for the publicizing 2871  
of the availability of awards of reparations pursuant to division 2872  
(C) of this section shall not exceed two per cent of the total of 2873  
all court costs deposited, in accordance with section 2743.70 of 2874  
the Revised Code, in the reparations fund during the immediately 2875  
preceding fiscal year. 2876

**Sec. 2746.02.** A court of record of this state shall tax as 2877  
costs or otherwise require the payment of fees for the following 2878  
services rendered, as compensation for the following persons, or 2879  
as part of the sentence imposed by the court, or any other of the 2880  
following fees that are applicable in a particular case: 2881

(A) In a felony case, financial sanctions, as provided in 2882  
section 2929.18 of the Revised Code; 2883

(B) In any criminal case, the costs of prosecution, as 2884  
provided in section 2947.23 of the Revised Code; 2885

(C) In a misdemeanor case in which the offender is sentenced 2886  
to a jail term, the local detention facility is covered by a 2887  
policy adopted by the facility's governing authority requiring 2888  
reimbursement for the costs of confinement, and the offender is 2889

presented with an itemized bill pursuant to section 2929.37 of the Revised Code for such costs, the costs of confinement, as provided in section 2929.24 of the Revised Code;

(D) In a case in which an offender is sentenced for endangering children in violation of section 2919.22 of the Revised Code, the costs of the offender's supervised community service work, as provided in section 2919.22 of the Revised Code;

(E) In a case in which a defendant is charged with any of certain sexual assault or prostitution-related offenses and is found to be suffering from a venereal disease in an infectious stage, the cost of medical treatment, as provided in section 2907.27 of the Revised Code;

(F) In a case in which a defendant is charged with harassment with a bodily substance, the cost of medical testing, as provided in section 2921.38 of the Revised Code;

(G) In a case in which a defendant is charged with violating a protection order in violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the costs of any evaluation and preceding examination of the defendant, as provided in section 2919.271 of the Revised Code;

(H) Presentence psychological or psychiatric reports, as provided in section 2947.06 of the Revised Code;

(I) In a criminal proceeding, the taking of a deposition of a person who is imprisoned in a detention facility or state correctional institution within this state or who is in the custody of the department of youth services, as provided in section 2945.47 of the Revised Code;

(J) In a case in which a person is convicted of or pleads guilty to any offense other than a parking violation or in which a child is found to be a delinquent child or a juvenile traffic

offender for an act that, if committed by an adult, would be an 2921  
offense other than a parking violation, additional costs and bail, 2922  
if applicable, as provided in sections 2743.70 and 2949.091 of the 2923  
Revised Code, but subject to waiver as provided in section 2924  
2949.092 of the Revised Code; 2925

(K) In a case in which a person is convicted of or pleads 2926  
guilty to a moving violation or in which a child is found to be a 2927  
juvenile traffic offender for an act which, if committed by an 2928  
adult, would be a moving violation, additional costs and bail, if 2929  
applicable, as provided in sections 2949.093 and 2949.094 of the 2930  
Revised Code, but subject to waiver as provided in section 2931  
2949.092 of the Revised Code; 2932

(L) In a case in which a defendant is convicted of abandoning 2933  
a junk vessel or outboard motor without notifying the appropriate 2934  
law enforcement officer, the cost incurred by the state or a 2935  
political subdivision in disposing of the vessel or motor, as 2936  
provided in section 1547.99 of the Revised Code; 2937

(M) The costs of electronic monitoring in the following 2938  
cases: 2939

(1) In a misdemeanor case in which the offender is convicted 2940  
of any of certain prostitution-related offenses and a 2941  
specification under section 2941.1421 of the Revised Code, as 2942  
provided in section 2929.24 of the Revised Code; 2943

(2) In a case in which the court issues a criminal protection 2944  
order against a minor upon a petition alleging that the respondent 2945  
committed any of certain assault, menacing, or trespass offenses, 2946  
a sexually oriented offense, or an offense under a municipal 2947  
ordinance that is substantially equivalent to any of those 2948  
offenses, as provided in section 2151.34 of the Revised Code; 2949

(3) In a case in which the court issues a protection order 2950  
against an adult upon a petition alleging that the respondent 2951

committed menacing by stalking or a sexually oriented offense, as 2952  
provided in section 2903.214 of the Revised Code; 2953

(4) In a case in which an offender is convicted of violating 2954  
a protection order, as provided in section 2919.27 of the Revised 2955  
Code; 2956

(5) In a case in which the offender is convicted of any 2957  
sexually oriented offense and is a tier III sex 2958  
offender/child-victim offender relative to that offense, as 2959  
provided in section 2929.13 of the Revised Code. 2960

(N) In a proceeding for post-conviction relief, a transcript, 2961  
as provided in section 2953.21 of the Revised Code; 2962

(O) In a proceeding for the sealing of a conviction record, 2963  
the ~~fee~~ fees provided for in section 2953.32 of the Revised Code. 2964

**Sec. 2901.01.** (A) As used in the Revised Code: 2965

(1) "Force" means any violence, compulsion, or constraint 2966  
physically exerted by any means upon or against a person or thing. 2967

(2) "Deadly force" means any force that carries a substantial 2968  
risk that it will proximately result in the death of any person. 2969

(3) "Physical harm to persons" means any injury, illness, or 2970  
other physiological impairment, regardless of its gravity or 2971  
duration. 2972

(4) "Physical harm to property" means any tangible or 2973  
intangible damage to property that, in any degree, results in loss 2974  
to its value or interferes with its use or enjoyment. "Physical 2975  
harm to property" does not include wear and tear occasioned by 2976  
normal use. 2977

(5) "Serious physical harm to persons" means any of the 2978  
following: 2979

(a) Any mental illness or condition of such gravity as would 2980



|   |                      |
|---|----------------------|
| normally require hospitalization or prolonged psychiatric treatment;  | 2981<br>2982         |
| (b) Any physical harm that carries a substantial risk of death;   | 2983<br>2984         |
| (c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;                                   | 2985<br>2986<br>2987 |
| (d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;  | 2988<br>2989<br>2990 |
| (e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.                 | 2991<br>2992<br>2993 |
| (6) "Serious physical harm to property" means any physical harm to property that does either of the following:  | 2994<br>2995         |
| (a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;                                       | 2996<br>2997<br>2998 |
| (b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.                                 | 2999<br>3000<br>3001 |
| (7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.                       | 3002<br>3003<br>3004 |
| (8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. | 3005<br>3006<br>3007 |
| (9) "Offense of violence" means any of the following:   | 3008                 |
| (a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,   | 3009<br>3010         |

2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 3011  
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 3012  
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 3013  
2921.34, or 2923.161, of division (A)(1) of section 2903.34, of 3014  
division (A)(1), (2), or (3) of section 2911.12, or of division 3015  
(B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code or 3016  
felonious sexual penetration in violation of former section 3017  
2907.12 of the Revised Code; 3018

(b) A violation of an existing or former municipal ordinance 3019  
or law of this or any other state or the United States, 3020  
substantially equivalent to any section, division, or offense 3021  
listed in division (A)(9)(a) of this section; 3022

(c) An offense, other than a traffic offense, under an 3023  
existing or former municipal ordinance or law of this or any other 3024  
state or the United States, committed purposely or knowingly, and 3025  
involving physical harm to persons or a risk of serious physical 3026  
harm to persons; 3027

(d) A conspiracy or attempt to commit, or complicity in 3028  
committing, any offense under division (A)(9)(a), (b), or (c) of 3029  
this section. 3030

(10)(a) "Property" means any property, real or personal, 3031  
tangible or intangible, and any interest or license in that 3032  
property. "Property" includes, but is not limited to, cable 3033  
television service, other telecommunications service, 3034  
telecommunications devices, information service, computers, data, 3035  
computer software, financial instruments associated with 3036  
computers, other documents associated with computers, or copies of 3037  
the documents, whether in machine or human readable form, trade 3038  
secrets, trademarks, copyrights, patents, and property protected 3039  
by a trademark, copyright, or patent. "Financial instruments 3040  
associated with computers" include, but are not limited to, 3041  
checks, drafts, warrants, money orders, notes of indebtedness, 3042

certificates of deposit, letters of credit, bills of credit or 3043  
debit cards, financial transaction authorization mechanisms, 3044  
marketable securities, or any computer system representations of 3045  
any of them. 3046

(b) As used in division (A)(10) of this section, "trade 3047  
secret" has the same meaning as in section 1333.61 of the Revised 3048  
Code, and "telecommunications service" and "information service" 3049  
have the same meanings as in section 2913.01 of the Revised Code. 3050

(c) As used in divisions (A)(10) and (13) of this section, 3051  
"cable television service," "computer," "computer software," 3052  
"computer system," "computer network," "data," and 3053  
"telecommunications device" have the same meanings as in section 3054  
2913.01 of the Revised Code. 3055

(11) "Law enforcement officer" means any of the following: 3056

(a) A sheriff, deputy sheriff, constable, police officer of a 3057  
township or joint police district, marshal, deputy marshal, 3058  
municipal police officer, member of a police force employed by a 3059  
metropolitan housing authority under division (D) of section 3060  
3735.31 of the Revised Code, or state highway patrol trooper; 3061

(b) An officer, agent, or employee of the state or any of its 3062  
agencies, instrumentalities, or political subdivisions, upon whom, 3063  
by statute, a duty to conserve the peace or to enforce all or 3064  
certain laws is imposed and the authority to arrest violators is 3065  
conferred, within the limits of that statutory duty and authority; 3066

(c) A mayor, in the mayor's capacity as chief conservator of 3067  
the peace within the mayor's municipal corporation; 3068

(d) A member of an auxiliary police force organized by 3069  
county, township, or municipal law enforcement authorities, within 3070  
the scope of the member's appointment or commission; 3071

(e) A person lawfully called pursuant to section 311.07 of 3072

the Revised Code to aid a sheriff in keeping the peace, for the 3073  
purposes and during the time when the person is called; 3074

(f) A person appointed by a mayor pursuant to section 737.01 3075  
of the Revised Code as a special patrolling officer during riot or 3076  
emergency, for the purposes and during the time when the person is 3077  
appointed; 3078

(g) A member of the organized militia of this state or the 3079  
armed forces of the United States, lawfully called to duty to aid 3080  
civil authorities in keeping the peace or protect against domestic 3081  
violence; 3082

(h) A prosecuting attorney, assistant prosecuting attorney, 3083  
secret service officer, or municipal prosecutor; 3084

(i) A veterans' home police officer appointed under section 3085  
5907.02 of the Revised Code; 3086

(j) A member of a police force employed by a regional transit 3087  
authority under division (Y) of section 306.35 of the Revised 3088  
Code; 3089

(k) A special police officer employed by a port authority 3090  
under section 4582.04 or 4582.28 of the Revised Code; 3091

(l) The house of representatives sergeant at arms if the 3092  
house of representatives sergeant at arms has arrest authority 3093  
pursuant to division (E)(1) of section 101.311 of the Revised Code 3094  
and an assistant house of representatives sergeant at arms; 3095

(m) The senate sergeant at arms and an assistant senate 3096  
sergeant at arms; 3097

(n) A special police officer employed by a municipal 3098  
corporation at a municipal airport, or other municipal air 3099  
navigation facility, that has scheduled operations, as defined in 3100  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3101  
C.F.R. 119.3, as amended, and that is required to be under a 3102

security program and is governed by aviation security rules of the 3103  
transportation security administration of the United States 3104  
department of transportation as provided in Parts 1542. and 1544. 3105  
of Title 49 of the Code of Federal Regulations, as amended. 3106

(12) "Privilege" means an immunity, license, or right 3107  
conferred by law, bestowed by express or implied grant, arising 3108  
out of status, position, office, or relationship, or growing out 3109  
of necessity. 3110

(13) "Contraband" means any property that is illegal for a 3111  
person to acquire or possess under a statute, ordinance, or rule, 3112  
or that a trier of fact lawfully determines to be illegal to 3113  
possess by reason of the property's involvement in an offense. 3114  
"Contraband" includes, but is not limited to, all of the 3115  
following: 3116

(a) Any controlled substance, as defined in section 3719.01 3117  
of the Revised Code, or any device or paraphernalia; 3118

(b) Any unlawful gambling device or paraphernalia; 3119

(c) Any dangerous ordnance or obscene material. 3120

(14) A person is "not guilty by reason of insanity" relative 3121  
to a charge of an offense only if the person proves, in the manner 3122  
specified in section 2901.05 of the Revised Code, that at the time 3123  
of the commission of the offense, the person did not know, as a 3124  
result of a severe mental disease or defect, the wrongfulness of 3125  
the person's acts. 3126

(B)(1)(a) Subject to division (B)(2) of this section, as used 3127  
in any section contained in Title XXIX of the Revised Code that 3128  
sets forth a criminal offense, "person" includes all of the 3129  
following: 3130

(i) An individual, corporation, business trust, estate, 3131  
trust, partnership, and association; 3132

(ii) An unborn human who is viable. 3133

(b) As used in any section contained in Title XXIX of the 3134  
Revised Code that does not set forth a criminal offense, "person" 3135  
includes an individual, corporation, business trust, estate, 3136  
trust, partnership, and association. 3137

(c) As used in division (B)(1)(a) of this section: 3138

(i) "Unborn human" means an individual organism of the 3139  
species *Homo sapiens* from fertilization until live birth. 3140

(ii) "Viable" means the stage of development of a human fetus 3141  
at which there is a realistic possibility of maintaining and 3142  
nourishing of a life outside the womb with or without temporary 3143  
artificial life-sustaining support. 3144

(2) Notwithstanding division (B)(1)(a) of this section, in no 3145  
case shall the portion of the definition of the term "person" that 3146  
is set forth in division (B)(1)(a)(ii) of this section be applied 3147  
or construed in any section contained in Title XXIX of the Revised 3148  
Code that sets forth a criminal offense in any of the following 3149  
manners: 3150

(a) Except as otherwise provided in division (B)(2)(a) of 3151  
this section, in a manner so that the offense prohibits or is 3152  
construed as prohibiting any pregnant woman or her physician from 3153  
performing an abortion with the consent of the pregnant woman, 3154  
with the consent of the pregnant woman implied by law in a medical 3155  
emergency, or with the approval of one otherwise authorized by law 3156  
to consent to medical treatment on behalf of the pregnant woman. 3157  
An abortion that violates the conditions described in the 3158  
immediately preceding sentence may be punished as a violation of 3159  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 3160  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 3161  
of the Revised Code, as applicable. An abortion that does not 3162  
violate the conditions described in the second immediately 3163

preceding sentence, but that does violate section 2919.12, 3164  
division (B) of section 2919.13, or section 2919.151, 2919.17, or 3165  
2919.18 of the Revised Code, may be punished as a violation of 3166  
section 2919.12, division (B) of section 2919.13, or section 3167  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 3168  
Consent is sufficient under this division if it is of the type 3169  
otherwise adequate to permit medical treatment to the pregnant 3170  
woman, even if it does not comply with section 2919.12 of the 3171  
Revised Code. 3172

(b) In a manner so that the offense is applied or is 3173  
construed as applying to a woman based on an act or omission of 3174  
the woman that occurs while she is or was pregnant and that 3175  
results in any of the following: 3176

(i) Her delivery of a stillborn baby; 3177

(ii) Her causing, in any other manner, the death in utero of 3178  
a viable, unborn human that she is carrying; 3179

(iii) Her causing the death of her child who is born alive 3180  
but who dies from one or more injuries that are sustained while 3181  
the child is a viable, unborn human; 3182

(iv) Her causing her child who is born alive to sustain one 3183  
or more injuries while the child is a viable, unborn human; 3184

(v) Her causing, threatening to cause, or attempting to 3185  
cause, in any other manner, an injury, illness, or other 3186  
physiological impairment, regardless of its duration or gravity, 3187  
or a mental illness or condition, regardless of its duration or 3188  
gravity, to a viable, unborn human that she is carrying. 3189

(C) As used in Title XXIX of the Revised Code: 3190

(1) "School safety zone" consists of a school, school 3191  
building, school premises, school activity, and school bus. 3192

(2) "School," "school building," and "school premises" have 3193

the same meanings as in section 2925.01 of the Revised Code. 3194

(3) "School activity" means any activity held under the 3195  
auspices of a board of education of a city, local, exempted 3196  
village, joint vocational, or cooperative education school 3197  
district; a governing authority of a community school established 3198  
under Chapter 3314. of the Revised Code; a governing board of an 3199  
educational service center, or the governing body of a school for 3200  
which the state board of education prescribes minimum standards 3201  
under section 3301.07 of the Revised Code. 3202

(4) "School bus" has the same meaning as in section 4511.01 3203  
of the Revised Code. 3204

**Sec. 2923.02.** (A) No person, purposely or knowingly, and when 3205  
purpose or knowledge is sufficient culpability for the commission 3206  
of an offense, shall engage in conduct that, if successful, would 3207  
constitute or result in the offense. 3208

(B) It is no defense to a charge under this section that, in 3209  
retrospect, commission of the offense that was the object of the 3210  
attempt was either factually or legally impossible under the 3211  
attendant circumstances, if that offense could have been committed 3212  
had the attendant circumstances been as the actor believed them to 3213  
be. 3214

(C) No person who is convicted of committing a specific 3215  
offense, of complicity in the commission of an offense, or of 3216  
conspiracy to commit an offense shall be convicted of an attempt 3217  
to commit the same offense in violation of this section. 3218

(D) It is an affirmative defense to a charge under this 3219  
section that the actor abandoned the actor's effort to commit the 3220  
offense or otherwise prevented its commission, under circumstances 3221  
manifesting a complete and voluntary renunciation of the actor's 3222  
criminal purpose. 3223



(E)(1) Whoever violates this section is guilty of an attempt 3224  
to commit an offense. An attempt to commit aggravated murder, 3225  
murder, or an offense for which the maximum penalty is 3226  
imprisonment for life is a felony of the first degree. An attempt 3227  
to commit a drug abuse offense for which the penalty is determined 3228  
by the amount or number of unit doses of the controlled substance 3229  
involved in the drug abuse offense is an offense of the same 3230  
degree as the drug abuse offense attempted would be if that drug 3231  
abuse offense had been committed and had involved an amount or 3232  
number of unit doses of the controlled substance that is within 3233  
the next lower range of controlled substance amounts than was 3234  
involved in the attempt. An attempt to commit any other offense is 3235  
an offense of the next lesser degree than the offense attempted. 3236  
In the case of an attempt to commit an offense other than a 3237  
violation of Chapter 3734. of the Revised Code that is not 3238  
specifically classified, an attempt is a misdemeanor of the first 3239  
degree if the offense attempted is a felony, and a misdemeanor of 3240  
the fourth degree if the offense attempted is a misdemeanor. In 3241  
the case of an attempt to commit a violation of any provision of 3242  
Chapter 3734. of the Revised Code, other than section 3734.18 of 3243  
the Revised Code, ~~that relates to hazardous wastes~~, an attempt is 3244  
a felony punishable by a fine of not more than twenty-five 3245  
thousand dollars or imprisonment for not more than eighteen 3246  
months, or both. An attempt to commit a minor misdemeanor, or to 3247  
engage in conspiracy, is not an offense under this section. 3248

(2) If a person is convicted of or pleads guilty to attempted 3249  
rape and also is convicted of or pleads guilty to a specification 3250  
of the type described in section 2941.1418, 2941.1419, or 3251  
2941.1420 of the Revised Code, the offender shall be sentenced to 3252  
a prison term or term of life imprisonment pursuant to section 3253  
2971.03 of the Revised Code. 3254

(3) In addition to any other sanctions imposed pursuant to 3255

division (E)(1) of this section for an attempt to commit 3256  
aggravated murder or murder in violation of division (A) of this 3257  
section, if the offender used a motor vehicle as the means to 3258  
attempt to commit the offense, the court shall impose upon the 3259  
offender a class two suspension of the offender's driver's 3260  
license, commercial driver's license, temporary instruction 3261  
permit, probationary license, or nonresident operating privilege 3262  
as specified in division (A)(2) of section 4510.02 of the Revised 3263  
Code. 3264

(F) As used in this section: 3265

(1) "Drug abuse offense" has the same meaning as in section 3266  
2925.01 of the Revised Code. 3267

(2) "Motor vehicle" has the same meaning as in section 3268  
4501.01 of the Revised Code. 3269

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the 3270  
Revised Code: 3271

(A) "Beneficial interest" means any of the following: 3272

(1) The interest of a person as a beneficiary under a trust 3273  
in which the trustee holds title to personal or real property; 3274

(2) The interest of a person as a beneficiary under any other 3275  
trust arrangement under which any other person holds title to 3276  
personal or real property for the benefit of such person; 3277

(3) The interest of a person under any other form of express 3278  
fiduciary arrangement under which any other person holds title to 3279  
personal or real property for the benefit of such person. 3280

"Beneficial interest" does not include the interest of a 3281  
stockholder in a corporation or the interest of a partner in 3282  
either a general or limited partnership. 3283

(B) "Costs of investigation and prosecution" and "costs of 3284

investigation and litigation" mean all of the costs incurred by 3285  
the state or a county or municipal corporation under sections 3286  
2923.31 to 2923.36 of the Revised Code in the prosecution and 3287  
investigation of any criminal action or in the litigation and 3288  
investigation of any civil action, and includes, but is not 3289  
limited to, the costs of resources and personnel. 3290

(C) "Enterprise" includes any individual, sole 3291  
proprietorship, partnership, limited partnership, corporation, 3292  
trust, union, government agency, or other legal entity, or any 3293  
organization, association, or group of persons associated in fact 3294  
although not a legal entity. "Enterprise" includes illicit as well 3295  
as licit enterprises. 3296

(D) "Innocent person" includes any bona fide purchaser of 3297  
property that is allegedly involved in a violation of section 3298  
2923.32 of the Revised Code, including any person who establishes 3299  
a valid claim to or interest in the property in accordance with 3300  
division (E) of section 2981.04 of the Revised Code, and any 3301  
victim of an alleged violation of that section or of any 3302  
underlying offense involved in an alleged violation of that 3303  
section. 3304

(E) "Pattern of corrupt activity" means two or more incidents 3305  
of corrupt activity, whether or not there has been a prior 3306  
conviction, that are related to the affairs of the same 3307  
enterprise, are not isolated, and are not so closely related to 3308  
each other and connected in time and place that they constitute a 3309  
single event. 3310

At least one of the incidents forming the pattern shall occur 3311  
on or after January 1, 1986. Unless any incident was an aggravated 3312  
murder or murder, the last of the incidents forming the pattern 3313  
shall occur within six years after the commission of any prior 3314  
incident forming the pattern, excluding any period of imprisonment 3315  
served by any person engaging in the corrupt activity. 3316

For the purposes of the criminal penalties that may be 3317  
imposed pursuant to section 2923.32 of the Revised Code, at least 3318  
one of the incidents forming the pattern shall constitute a felony 3319  
under the laws of this state in existence at the time it was 3320  
committed or, if committed in violation of the laws of the United 3321  
States or of any other state, shall constitute a felony under the 3322  
law of the United States or the other state and would be a 3323  
criminal offense under the law of this state if committed in this 3324  
state. 3325

(F) "Pecuniary value" means money, a negotiable instrument, a 3326  
commercial interest, or anything of value, as defined in section 3327  
1.03 of the Revised Code, or any other property or service that 3328  
has a value in excess of one hundred dollars. 3329

(G) "Person" means any person, as defined in section 1.59 of 3330  
the Revised Code, and any governmental officer, employee, or 3331  
entity. 3332

(H) "Personal property" means any personal property, any 3333  
interest in personal property, or any right, including, but not 3334  
limited to, bank accounts, debts, corporate stocks, patents, or 3335  
copyrights. Personal property and any beneficial interest in 3336  
personal property are deemed to be located where the trustee of 3337  
the property, the personal property, or the instrument evidencing 3338  
the right is located. 3339

(I) "Corrupt activity" means engaging in, attempting to 3340  
engage in, conspiring to engage in, or soliciting, coercing, or 3341  
intimidating another person to engage in any of the following: 3342

(1) Conduct defined as "racketeering activity" under the 3343  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 3344  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 3345

(2) Conduct constituting any of the following: 3346

(a) A violation of section 1315.55, 1322.02, 1331.04, 3347

2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 3348  
2905.02, 2905.11, 2905.22, 2905.32 as specified in division 3349  
(I)(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 3350  
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 3351  
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 3352  
2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 3353  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 3354  
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 3355  
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 3356  
section 1707.44; division (A)(1) or (2) of section 2923.20; 3357  
division (E) or (G) of section 3772.99; division (J)(1) of section 3358  
4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), 3359  
or (E) of section 4719.07; section 4719.08; or division (A) of 3360  
section 4719.09 of the Revised Code. 3361

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 3362  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 3363  
any violation of section 2915.02 of the Revised Code that occurs 3364  
on or after July 1, 1996, and that, had it occurred prior to that 3365  
date, would have been a violation of section 3769.11 of the 3366  
Revised Code as it existed prior to that date, or any violation of 3367  
section 2915.05 of the Revised Code that occurs on or after July 3368  
1, 1996, and that, had it occurred prior to that date, would have 3369  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 3370  
Revised Code as it existed prior to that date. 3371

(c) Any violation of section 2907.21, 2907.22, 2907.31, 3372  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 3373  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 3374  
of the Revised Code, any violation of section 2925.11 of the 3375  
Revised Code that is a felony of the first, second, third, or 3376  
fourth degree and that occurs on or after July 1, 1996, any 3377  
violation of section 2915.02 of the Revised Code that occurred 3378  
prior to July 1, 1996, any violation of section 2915.02 of the 3379

Revised Code that occurs on or after July 1, 1996, and that, had 3380  
it occurred prior to that date, would not have been a violation of 3381  
section 3769.11 of the Revised Code as it existed prior to that 3382  
date, any violation of section 2915.06 of the Revised Code as it 3383  
existed prior to July 1, 1996, or any violation of division (B) of 3384  
section 2915.05 of the Revised Code as it exists on and after July 3385  
1, 1996, when the proceeds of the violation, the payments made in 3386  
the violation, the amount of a claim for payment or for any other 3387  
benefit that is false or deceptive and that is involved in the 3388  
violation, or the value of the contraband or other property 3389  
illegally possessed, sold, or purchased in the violation exceeds 3390  
one thousand dollars, or any combination of violations described 3391  
in division (I)(2)(c) of this section when the total proceeds of 3392  
the combination of violations, payments made in the combination of 3393  
violations, amount of the claims for payment or for other benefits 3394  
that is false or deceptive and that is involved in the combination 3395  
of violations, or value of the contraband or other property 3396  
illegally possessed, sold, or purchased in the combination of 3397  
violations exceeds one thousand dollars; 3398

(d) Any violation of section 5743.112 of the Revised Code 3399  
when the amount of unpaid tax exceeds one hundred dollars; 3400

(e) Any violation or combination of violations of section 3401  
2907.32 of the Revised Code involving any material or performance 3402  
containing a display of bestiality or of sexual conduct, as 3403  
defined in section 2907.01 of the Revised Code, that is explicit 3404  
and depicted with clearly visible penetration of the genitals or 3405  
clearly visible penetration by the penis of any orifice when the 3406  
total proceeds of the violation or combination of violations, the 3407  
payments made in the violation or combination of violations, or 3408  
the value of the contraband or other property illegally possessed, 3409  
sold, or purchased in the violation or combination of violations 3410  
exceeds one thousand dollars; 3411

(f) Any combination of violations described in division 3412  
(I)(2)(c) of this section and violations of section 2907.32 of the 3413  
Revised Code involving any material or performance containing a 3414  
display of bestiality or of sexual conduct, as defined in section 3415  
2907.01 of the Revised Code, that is explicit and depicted with 3416  
clearly visible penetration of the genitals or clearly visible 3417  
penetration by the penis of any orifice when the total proceeds of 3418  
the combination of violations, payments made in the combination of 3419  
violations, amount of the claims for payment or for other benefits 3420  
that is false or deceptive and that is involved in the combination 3421  
of violations, or value of the contraband or other property 3422  
illegally possessed, sold, or purchased in the combination of 3423  
violations exceeds one thousand dollars; 3424

(g) Any violation of section 2905.32 of the Revised Code to 3425  
the extent the violation is not based solely on the same conduct 3426  
that constitutes corrupt activity pursuant to division (I)(2)(c) 3427  
of this section due to the conduct being in violation of section 3428  
2907.21 of the Revised Code; 3429

(h) Any violation of section 3734.02, 3734.03, 3437.05, or 3430  
3734.11 of the Revised Code that is a felony. 3431

(3) Conduct constituting a violation of any law of any state 3432  
other than this state that is substantially similar to the conduct 3433  
described in division (I)(2) of this section, provided the 3434  
defendant was convicted of the conduct in a criminal proceeding in 3435  
the other state; 3436

(4) Animal or ecological terrorism; 3437

(5)(a) Conduct constituting any of the following: 3438

(i) Organized retail theft; 3439

(ii) Conduct that constitutes one or more violations of any 3440  
law of any state other than this state, that is substantially 3441  
similar to organized retail theft, and that if committed in this 3442

state would be organized retail theft, if the defendant was 3443  
convicted of or pleaded guilty to the conduct in a criminal 3444  
proceeding in the other state. 3445

(b) By enacting division (I)(5)(a) of this section, it is the 3446  
intent of the general assembly to add organized retail theft and 3447  
the conduct described in division (I)(5)(a)(ii) of this section as 3448  
conduct constituting corrupt activity. The enactment of division 3449  
(I)(5)(a) of this section and the addition by division (I)(5)(a) 3450  
of this section of organized retail theft and the conduct 3451  
described in division (I)(5)(a)(ii) of this section as conduct 3452  
constituting corrupt activity does not limit or preclude, and 3453  
shall not be construed as limiting or precluding, any prosecution 3454  
for a violation of section 2923.32 of the Revised Code that is 3455  
based on one or more violations of section 2913.02 or 2913.51 of 3456  
the Revised Code, one or more similar offenses under the laws of 3457  
this state or any other state, or any combination of any of those 3458  
violations or similar offenses, even though the conduct 3459  
constituting the basis for those violations or offenses could be 3460  
construed as also constituting organized retail theft or conduct 3461  
of the type described in division (I)(5)(a)(ii) of this section. 3462

(J) "Real property" means any real property or any interest 3463  
in real property, including, but not limited to, any lease of, or 3464  
mortgage upon, real property. Real property and any beneficial 3465  
interest in it is deemed to be located where the real property is 3466  
located. 3467

(K) "Trustee" means any of the following: 3468

(1) Any person acting as trustee under a trust in which the 3469  
trustee holds title to personal or real property; 3470

(2) Any person who holds title to personal or real property 3471  
for which any other person has a beneficial interest; 3472

(3) Any successor trustee. 3473



"Trustee" does not include an assignee or trustee for an insolvent debtor or an executor, administrator, administrator with the will annexed, testamentary trustee, guardian, or committee, appointed by, under the control of, or accountable to a court.

(L) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of any federal or state law relating to the business of gambling activity or relating to the business of lending money at an usurious rate unless the creditor proves, by a preponderance of the evidence, that the usurious rate was not intentionally set and that it resulted from a good faith error by the creditor, notwithstanding the maintenance of procedures that were adopted by the creditor to avoid an error of that nature.

(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to, hunting, fishing, trapping, traveling, camping, the production, preparation, or processing of food or food products, clothing or garment manufacturing, medical research, other research, entertainment, recreation, agriculture, biotechnology, or service activity that involves the use of animals or animal parts.

(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

(O) "Animal or ecological terrorism" means the commission of any felony that involves causing or creating a substantial risk of physical harm to any property of another, the use of a deadly weapon or dangerous ordnance, or purposely, knowingly, or

recklessly causing serious physical harm to property and that 3506  
involves an intent to obstruct, impede, or deter any person from 3507  
participating in a lawful animal activity, from mining, foresting, 3508  
harvesting, gathering, or processing natural resources, or from 3509  
being lawfully present in or on an animal facility or research 3510  
facility. 3511

(P) "Research facility" means a place, laboratory, 3512  
institution, medical care facility, government facility, or public 3513  
or private educational institution in which a scientific test, 3514  
experiment, or investigation involving the use of animals or other 3515  
living organisms is lawfully carried out, conducted, or attempted. 3516

(Q) "Organized retail theft" means the theft of retail 3517  
property with a retail value of one thousand dollars or more from 3518  
one or more retail establishments with the intent to sell, 3519  
deliver, or transfer that property to a retail property fence. 3520

(R) "Retail property" means any tangible personal property 3521  
displayed, held, stored, or offered for sale in or by a retail 3522  
establishment. 3523

(S) "Retail property fence" means a person who possesses, 3524  
procures, receives, or conceals retail property that was 3525  
represented to the person as being stolen or that the person knows 3526  
or believes to be stolen. 3527

(T) "Retail value" means the full retail value of the retail 3528  
property. In determining whether the retail value of retail 3529  
property equals or exceeds one thousand dollars, the value of all 3530  
retail property stolen from the retail establishment or retail 3531  
establishments by the same person or persons within any 3532  
one-hundred-eighty-day period shall be aggregated. 3533

**Sec. 2923.32.** (A)(1) No person employed by, or associated 3534  
with, any enterprise shall conduct or participate in, directly or 3535

indirectly, the affairs of the enterprise through a pattern of 3536  
corrupt activity or the collection of an unlawful debt. 3537

(2) No person, through a pattern of corrupt activity or the 3538  
collection of an unlawful debt, shall acquire or maintain, 3539  
directly or indirectly, any interest in, or control of, any 3540  
enterprise or real property. 3541

(3) No person, who knowingly has received any proceeds 3542  
derived, directly or indirectly, from a pattern of corrupt 3543  
activity or the collection of any unlawful debt, shall use or 3544  
invest, directly or indirectly, any part of those proceeds, or any 3545  
proceeds derived from the use or investment of any of those 3546  
proceeds, in the acquisition of any title to, or any right, 3547  
interest, or equity in, real property or in the establishment or 3548  
operation of any enterprise. 3549

A purchase of securities on the open market with intent to 3550  
make an investment, without intent to control or participate in 3551  
the control of the issuer, and without intent to assist another to 3552  
do so is not a violation of this division, if the securities of 3553  
the issuer held after the purchase by the purchaser, the members 3554  
of the purchaser's immediate family, and the purchaser's or the 3555  
immediate family members' accomplices in any pattern of corrupt 3556  
activity or the collection of an unlawful debt do not aggregate 3557  
one per cent of the outstanding securities of any one class of the 3558  
issuer and do not confer, in law or in fact, the power to elect 3559  
one or more directors of the issuer. 3560

(B)(1) Whoever violates this section is guilty of engaging in 3561  
a pattern of corrupt activity. Except as otherwise provided in 3562  
this division, engaging in corrupt activity is a felony of the 3563  
second degree. Except as otherwise provided in this division, if 3564  
at least one of the incidents of corrupt activity is a felony of 3565  
the first, second, or third degree, aggravated murder, or murder, 3566

if at least one of the incidents was a felony under the law of 3567  
this state that was committed prior to July 1, 1996, and that 3568  
would constitute a felony of the first, second, or third degree, 3569  
aggravated murder, or murder if committed on or after July 1, 3570  
1996, or if at least one of the incidents of corrupt activity is a 3571  
felony under the law of the United States or of another state 3572  
that, if committed in this state on or after July 1, 1996, would 3573  
constitute a felony of the first, second, or third degree, 3574  
aggravated murder, or murder under the law of this state, engaging 3575  
in a pattern of corrupt activity is a felony of the first degree. 3576  
If the offender also is convicted of or pleads guilty to a 3577  
specification as described in section 2941.1422 of the Revised 3578  
Code that was included in the indictment, count in the indictment, 3579  
or information charging the offense, engaging in a pattern of 3580  
corrupt activity is a felony of the first degree, and the court 3581  
shall sentence the offender to a mandatory prison term as provided 3582  
in division (B)(7) of section 2929.14 of the Revised Code and 3583  
shall order the offender to make restitution as provided in 3584  
division (B)(8) of section 2929.18 of the Revised Code. 3585  
Notwithstanding any other provision of law, a person may be 3586  
convicted of violating the provisions of this section as well as 3587  
of a conspiracy to violate one or more of those provisions under 3588  
section 2923.01 of the Revised Code. 3589

(2)(a) Notwithstanding the financial sanctions authorized by 3590  
section 2929.18 of the Revised Code, the court may do all of the 3591  
following with respect to any person who derives pecuniary value 3592  
or causes property damage, personal injury other than pain and 3593  
suffering, or other loss through or by the violation of this 3594  
section: 3595

~~(a)~~(i) In lieu of the fine authorized by that section, impose 3596  
a fine not exceeding the greater of three times the gross value 3597  
gained or three times the gross loss caused and order the clerk of 3598

the court to pay the fine into the state treasury to the credit of 3599  
the corrupt activity investigation and prosecution fund, which is 3600  
hereby created; 3601

~~(b)(ii)~~ In addition to the fine described in division 3602  
(B)(2)(a)(i) of this section and the financial sanctions 3603  
authorized by section 2929.18 of the Revised Code, order the 3604  
person to pay court costs; 3605

~~(e)(iii)~~ In addition to the fine described in division 3606  
(B)(2)(a)(i) of this section and the financial sanctions 3607  
authorized by section 2929.18 of the Revised Code, order the 3608  
person to pay to the state, municipal, or county law enforcement 3609  
agencies that handled the investigation and prosecution the costs 3610  
of investigation and prosecution that are reasonably incurred. 3611

(b) The court shall hold a hearing to determine the amount of 3612  
fine, court costs, and other costs to be imposed under this 3613  
division. 3614

(c) The court shall not impose the fine authorized by 3615  
division (B)(2)(a)(i) of this section for an incident of corrupt 3616  
activity that is predicated on a violation of section 1331.04 of 3617  
the Revised Code. 3618

(3) In addition to any other penalty or disposition 3619  
authorized or required by law, the court shall order any person 3620  
who is convicted of or pleads guilty to a violation of this 3621  
section or who is adjudicated delinquent by reason of a violation 3622  
of this section to criminally forfeit to the state under Chapter 3623  
2981. of the Revised Code any personal or real property in which 3624  
the person has an interest and that was used in the course of or 3625  
intended for use in the course of a violation of this section, or 3626  
that was derived from or realized through conduct in violation of 3627  
this section, including any property constituting an interest in, 3628  
means of control over, or influence over the enterprise involved 3629

in the violation and any property constituting proceeds derived 3630  
from the violation, including all of the following: 3631

(a) Any position, office, appointment, tenure, commission, or 3632  
employment contract of any kind acquired or maintained by the 3633  
person in violation of this section, through which the person, in 3634  
violation of this section, conducted or participated in the 3635  
conduct of an enterprise, or that afforded the person a source of 3636  
influence or control over an enterprise that the person exercised 3637  
in violation of this section; 3638

(b) Any compensation, right, or benefit derived from a 3639  
position, office, appointment, tenure, commission, or employment 3640  
contract described in division (B)(3)(a) of this section that 3641  
accrued to the person in violation of this section during the 3642  
period of the pattern of corrupt activity; 3643

(c) Any interest in, security of, claim against, or property 3644  
or contractual right affording the person a source of influence or 3645  
control over the affairs of an enterprise that the person 3646  
exercised in violation of this section; 3647

(d) Any amount payable or paid under any contract for goods 3648  
or services that was awarded or performed in violation of this 3649  
section. 3650

**Sec. 2945.63. (A) As used in this section:** 3651

(1) "Child pornography" means any obscene material involving 3652  
a juvenile, any sexually oriented matter involving a juvenile, or 3653  
any material that is harmful to juveniles. 3654

(2) "Juvenile," "harmful to juveniles," "material," and 3655  
"performance" have the same meanings as in section 2907.01 of the 3656  
Revised Code. 3657

(3) "Sexually oriented matter" has the same meaning as in 3658  
section 2919.22 of the Revised Code. 3659

(B) Any child pornography that is offered as evidence or that 3660  
comes into the custody or control of the prosecutor or the court 3661  
shall remain in the custody or control of the prosecutor or the 3662  
court. 3663

(C) Notwithstanding Rule 16 of the Rules of Criminal 3664  
Procedure, the court in a criminal proceeding shall deny any 3665  
request by the defendant to photocopy, photograph, or otherwise 3666  
reproduce any child pornography if the prosecutor gives the 3667  
defendant, the defendant's attorney, and any individual the 3668  
defendant may seek to qualify to furnish expert testimony at trial 3669  
ample opportunity to examine the child pornography at the place 3670  
where the prosecutor or the court is holding the child 3671  
pornography. 3672

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 3673  
the Revised Code, an eligible offender may apply to the sentencing 3674  
court if convicted in this state, or to a court of common pleas if 3675  
convicted in another state or in a federal court, for the sealing 3676  
of the conviction record. Application may be made at the 3677  
expiration of three years after the offender's final discharge if 3678  
convicted of a felony, or at the expiration of one year after the 3679  
offender's final discharge if convicted of a misdemeanor. 3680

(2) Any person who has been arrested for any misdemeanor 3682  
offense and who has effected a bail forfeiture may apply to the 3683  
court in which the misdemeanor criminal case was pending when bail 3684  
was forfeited for the sealing of the record of the case. Except as 3685  
provided in section 2953.61 of the Revised Code, the application 3686  
may be filed at any time after the expiration of one year from the 3687  
date on which the bail forfeiture was entered upon the minutes of 3688  
the court or the journal, whichever entry occurs first. 3689

(B) Upon the filing of an application under this section, the 3690

court shall set a date for a hearing and shall notify the 3691  
prosecutor for the case of the hearing on the application. The 3692  
prosecutor may object to the granting of the application by filing 3693  
an objection with the court prior to the date set for the hearing. 3694  
The prosecutor shall specify in the objection the reasons for 3695  
believing a denial of the application is justified. The court 3696  
shall direct its regular probation officer, a state probation 3697  
officer, or the department of probation of the county in which the 3698  
applicant resides to make inquiries and written reports as the 3699  
court requires concerning the applicant. If the applicant was 3700  
convicted of or pleaded guilty to a violation of division (A)(2) 3701  
or (B) of section 2919.21 of the Revised Code, the probation 3702  
officer or county department of probation that the court directed 3703  
to make inquiries concerning the applicant shall contact the child 3704  
support enforcement agency enforcing the applicant's obligations 3705  
under the child support order to inquire about the offender's 3706  
compliance with the child support order. 3707

(C)(1) The court shall do each of the following: 3708

(a) Determine whether the applicant is an eligible offender 3709  
or whether the forfeiture of bail was agreed to by the applicant 3710  
and the prosecutor in the case. If the applicant applies as an 3711  
eligible offender pursuant to division (A)(1) of this section and 3712  
has two or three convictions that result from the same indictment, 3713  
information, or complaint, from the same plea of guilty, or from 3714  
the same official proceeding, and result from related criminal 3715  
acts that were committed within a three-month period but do not 3716  
result from the same act or from offenses committed at the same 3717  
time, in making its determination under this division, the court 3718  
initially shall determine whether it is not in the public interest 3719  
for the two or three convictions to be counted as one conviction. 3720  
If the court determines that it is not in the public interest for 3721  
the two or three convictions to be counted as one conviction, the 3722



court shall determine that the applicant is not an eligible offender; if the court does not make that determination, the court shall determine that the offender is an eligible offender. 3723  
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(b) Determine whether criminal proceedings are pending against the applicant; 3726  
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(c) If the applicant is an eligible offender who applies pursuant to division (A)(1) of this section, determine whether the applicant has been rehabilitated to the satisfaction of the court; 3728  
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(d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 3731  
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(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction sealed against the legitimate needs, if any, of the government to maintain those records. 3735  
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(2) If the court determines, after complying with division (C)(1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, and that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A)(1) of this section has been attained to the satisfaction of the court, the court, except as provided in divisions (G) and (H) of this section, shall order all official records pertaining to the case sealed and, except as provided in division (F) of this section, all index references to the case deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case shall 3739  
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be considered not to have occurred and the conviction or bail 3754  
forfeiture of the person who is the subject of the proceedings 3755  
shall be sealed, except that upon conviction of a subsequent 3756  
offense, the sealed record of prior conviction or bail forfeiture 3757  
may be considered by the court in determining the sentence or 3758  
other appropriate disposition, including the relief provided for 3759  
in sections 2953.31 to 2953.33 of the Revised Code. 3760

(3) Upon the filing of an application under this section, the 3761  
applicant, unless indigent, shall pay a fee of fifty dollars. The 3762  
court shall pay thirty dollars of the fee into the state treasury. 3763  
It shall pay twenty dollars of the fee into the county general 3764  
revenue fund if the sealed conviction or bail forfeiture was 3765  
pursuant to a state statute, or into the general revenue fund of 3766  
the municipal corporation involved if the sealed conviction or 3767  
bail forfeiture was pursuant to a municipal ordinance. 3768

(4) Upon the filing of an application under this section, the 3769  
applicant, unless indigent, shall pay a fee that is in addition to 3770  
the fee paid under division (C)(3) of this section and that is 3771  
established by the attorney general by rules adopted pursuant to 3772  
Chapter 119. of the Revised Code. The court shall pay the fee into 3773  
the attorney general reimbursement fund. The court shall not waive 3774  
the fee unless the court waives all other fees imposed under this 3775  
section. 3776

(5) If the court orders the official records pertaining to 3777  
the case sealed, the court shall order the applicant to appear 3778  
before a sheriff to have the applicant's fingerprints taken 3779  
according to the fingerprint system of identification on the forms 3780  
furnished by the superintendent of the bureau of criminal 3781  
identification and investigation. The sheriff shall forward the 3782  
applicant's fingerprints to the court. The court shall forward the 3783  
applicant's fingerprints and a copy of the sealing order to the 3784  
bureau of criminal identification and investigation. 3785

(D) Inspection of the sealed records included in the order 3786  
may be made only by the following persons or for the following 3787  
purposes: 3788

(1) By a law enforcement officer or prosecutor, or the 3789  
assistants of either, to determine whether the nature and 3790  
character of the offense with which a person is to be charged 3791  
would be affected by virtue of the person's previously having been 3792  
convicted of a crime; 3793

(2) By the parole or probation officer of the person who is 3794  
the subject of the records, for the exclusive use of the officer 3795  
in supervising the person while on parole or under a community 3796  
control sanction or a post-release control sanction, and in making 3797  
inquiries and written reports as requested by the court or adult 3798  
parole authority; 3799

(3) Upon application by the person who is the subject of the 3800  
records, by the persons named in the application; 3801

(4) By a law enforcement officer who was involved in the 3802  
case, for use in the officer's defense of a civil action arising 3803  
out of the officer's involvement in that case; 3804

(5) By a prosecuting attorney or the prosecuting attorney's 3805  
assistants, to determine a defendant's eligibility to enter a 3806  
pre-trial diversion program established pursuant to section 3807  
2935.36 of the Revised Code; 3808

(6) By any law enforcement agency or any authorized employee 3809  
of a law enforcement agency or by the department of rehabilitation 3810  
and correction as part of a background investigation of a person 3811  
who applies for employment with the agency ~~as a law enforcement~~ 3812  
~~officer~~ or ~~with the department as a corrections officer;~~ 3813

(7) By any law enforcement agency or any authorized employee 3814  
of a law enforcement agency, for the purposes set forth in, and in 3815  
the manner provided in, section 2953.321 of the Revised Code; 3816

(8) By the bureau of criminal identification and 3817  
investigation or any authorized employee of the bureau for the 3818  
purpose of providing information to a board or person pursuant to 3819  
division (F) or (G) of section 109.57 of the Revised Code; 3820

(9) By the bureau of criminal identification and 3821  
investigation or any authorized employee of the bureau for the 3822  
purpose of performing a criminal history records check on a person 3823  
to whom a certificate as prescribed in section 109.77 of the 3824  
Revised Code is to be awarded; 3825

(10) By the bureau of criminal identification and 3826  
investigation or any authorized employee of the bureau for the 3827  
purpose of conducting a criminal records check of an individual 3828  
pursuant to division (B) of section 109.572 of the Revised Code 3829  
that was requested pursuant to any of the sections identified in 3830  
division (B)(1) of that section; 3831

(11) By the bureau of criminal identification and 3832  
investigation, an authorized employee of the bureau, a sheriff, or 3833  
an authorized employee of a sheriff in connection with a criminal 3834  
records check described in section 311.41 of the Revised Code; 3835

(12) By the attorney general or an authorized employee of the 3836  
attorney general or a court for purposes of determining a person's 3837  
classification pursuant to Chapter 2950. of the Revised Code. 3838

When the nature and character of the offense with which a 3839  
person is to be charged would be affected by the information, it 3840  
may be used for the purpose of charging the person with an 3841  
offense. 3842

(E) In any criminal proceeding, proof of any otherwise 3843  
admissible prior conviction may be introduced and proved, 3844  
notwithstanding the fact that for any such prior conviction an 3845  
order of sealing previously was issued pursuant to sections 3846  
2953.31 to 2953.36 of the Revised Code. 3847

(F) The person or governmental agency, office, or department 3848  
that maintains sealed records pertaining to convictions or bail 3849  
forfeitures that have been sealed pursuant to this section may 3850  
maintain a manual or computerized index to the sealed records. The 3851  
index shall contain only the name of, and alphanumeric identifiers 3852  
that relate to, the persons who are the subject of the sealed 3853  
records, the word "sealed," and the name of the person, agency, 3854  
office, or department that has custody of the sealed records, and 3855  
shall not contain the name of the crime committed. The index shall 3856  
be made available by the person who has custody of the sealed 3857  
records only for the purposes set forth in divisions (C), (D), and 3858  
(E) of this section. 3859

(G) Notwithstanding any provision of this section or section 3860  
2953.33 of the Revised Code that requires otherwise, a board of 3861  
education of a city, local, exempted village, or joint vocational 3862  
school district that maintains records of an individual who has 3863  
been permanently excluded under sections 3301.121 and 3313.662 of 3864  
the Revised Code is permitted to maintain records regarding a 3865  
conviction that was used as the basis for the individual's 3866  
permanent exclusion, regardless of a court order to seal the 3867  
record. An order issued under this section to seal the record of a 3868  
conviction does not revoke the adjudication order of the 3869  
superintendent of public instruction to permanently exclude the 3870  
individual who is the subject of the sealing order. An order 3871  
issued under this section to seal the record of a conviction of an 3872  
individual may be presented to a district superintendent as 3873  
evidence to support the contention that the superintendent should 3874  
recommend that the permanent exclusion of the individual who is 3875  
the subject of the sealing order be revoked. Except as otherwise 3876  
authorized by this division and sections 3301.121 and 3313.662 of 3877  
the Revised Code, any school employee in possession of or having 3878  
access to the sealed conviction records of an individual that were 3879  
the basis of a permanent exclusion of the individual is subject to 3880

section 2953.35 of the Revised Code. 3881

(H) For purposes of sections 2953.31 to 2953.36 of the 3882  
Revised Code, DNA records collected in the DNA database and 3883  
fingerprints filed for record by the superintendent of the bureau 3884  
of criminal identification and investigation shall not be sealed 3885  
unless the superintendent receives a certified copy of a final 3886  
court order establishing that the offender's conviction has been 3887  
overturned. For purposes of this section, a court order is not 3888  
"final" if time remains for an appeal or application for 3889  
discretionary review with respect to the order. 3890

**Sec. 2981.13.** (A) Except as otherwise provided in this 3891  
section, property ordered forfeited as contraband, proceeds, or an 3892  
instrumentality pursuant to this chapter shall be disposed of, 3893  
used, or sold pursuant to section 2981.12 of the Revised Code. If 3894  
the property is to be sold under that section, the prosecutor 3895  
shall cause notice of the proposed sale to be given in accordance 3896  
with law. 3897

(B) If the contraband or instrumentality forfeited under this 3898  
chapter is sold, any moneys acquired from a sale and any proceeds 3899  
forfeited under this chapter shall be applied in the following 3900  
order: 3901

(1) First, to pay costs incurred in the seizure, storage, 3902  
maintenance, security, and sale of the property and in the 3903  
forfeiture proceeding; 3904

(2) Second, in a criminal forfeiture case, to satisfy any 3905  
restitution ordered to the victim of the offense or, in a civil 3906  
forfeiture case, to satisfy any recovery ordered for the person 3907  
harmful, unless paid from other assets; 3908

(3) Third, to pay the balance due on any security interest 3909  
preserved under this chapter; 3910

(4) Fourth, apply the remaining amounts as follows: 3911

(a) If the forfeiture was ordered by a juvenile court, ten 3912  
per cent to one or more certified alcohol and drug addiction 3913  
treatment programs as provided in division (D) of section 2981.12 3914  
of the Revised Code; 3915

(b) If the forfeiture was ordered in a juvenile court, ninety 3916  
per cent, and if the forfeiture was ordered in a court other than 3917  
a juvenile court, one hundred per cent to the law enforcement 3918  
trust fund of the prosecutor and to the following fund supporting 3919  
the law enforcement agency that substantially conducted the 3920  
investigation: the law enforcement trust fund of the county 3921  
sheriff, municipal corporation, township, or park district created 3922  
under section 511.18 or 1545.01 of the Revised Code; the state 3923  
highway patrol contraband, forfeiture, and other fund; the 3924  
department of public safety investigative unit contraband, 3925  
forfeiture, and other fund; the department of taxation enforcement 3926  
fund; the board of pharmacy drug law enforcement fund created by 3927  
division (B)(1) of section 4729.65 of the Revised Code; the 3928  
medicaid fraud investigation and prosecution fund; the bureau of 3929  
criminal identification and investigation asset forfeiture and 3930  
cost reimbursement fund; the casino control commission enforcement 3931  
fund created by section 3772.36 of the Revised Code; or the 3932  
treasurer of state for deposit into the peace officer training 3933  
commission fund if any other state law enforcement agency 3934  
substantially conducted the investigation. In the case of property 3935  
forfeited for medicaid fraud, any remaining amount shall be used 3936  
by the attorney general to investigate and prosecute medicaid 3937  
fraud offenses. 3938

If the prosecutor declines to accept any of the remaining 3939  
amounts, the amounts shall be applied to the fund of the agency 3940  
that substantially conducted the investigation. 3941

(c) If more than one law enforcement agency is substantially 3942

involved in the seizure of property forfeited under this chapter, 3943  
the court ordering the forfeiture shall equitably divide the 3944  
amounts, after calculating any distribution to the law enforcement 3945  
trust fund of the prosecutor pursuant to division (B)(4) of this 3946  
section, among the entities that the court determines were 3947  
substantially involved in the seizure. 3948

(C)(1) A law enforcement trust fund shall be established by 3949  
the prosecutor of each county who intends to receive any remaining 3950  
amounts pursuant to this section, by the sheriff of each county, 3951  
by the legislative authority of each municipal corporation, by the 3952  
board of township trustees of each township that has a township 3953  
police department, township or joint police district police force, 3954  
or office of the constable, and by the board of park commissioners 3955  
of each park district created pursuant to section 511.18 or 3956  
1545.01 of the Revised Code that has a park district police force 3957  
or law enforcement department, for the purposes of this section. 3958

There is hereby created in the state treasury the state 3959  
highway patrol contraband, forfeiture, and other fund, the 3960  
department of public safety investigative unit contraband, 3961  
forfeiture, and other fund, the medicaid fraud investigation and 3962  
prosecution fund, the department of taxation enforcement fund, and 3963  
the peace officer training commission fund, for the purposes of 3964  
this section. 3965

Amounts distributed to any municipal corporation, township, 3966  
or park district law enforcement trust fund shall be allocated 3967  
from the fund by the legislative authority only to the police 3968  
department of the municipal corporation, by the board of township 3969  
trustees only to the township police department, township police 3970  
district police force, or office of the constable, by the joint 3971  
police district board only to the joint police district, and by 3972  
the board of park commissioners only to the park district police 3973  
force or law enforcement department. 3974



(2)(a) No amounts shall be allocated to a fund created under 3975  
this section or used by an agency unless the agency has adopted a 3976  
written internal control policy that addresses the use of moneys 3977  
received from the appropriate fund. The appropriate fund shall be 3978  
expended only in accordance with that policy and, subject to the 3979  
requirements specified in this section, only for the following 3980  
purposes: 3981

(i) To pay the costs of protracted or complex investigations 3982  
or prosecutions; 3983

(ii) To provide reasonable technical training or expertise; 3984

(iii) To provide matching funds to obtain federal grants to 3985  
aid law enforcement, in the support of DARE programs or other 3986  
programs designed to educate adults or children with respect to 3987  
the dangers associated with the use of drugs of abuse; 3988

(iv) To pay the costs of emergency action taken under section 3989  
3745.13 of the Revised Code relative to the operation of an 3990  
illegal methamphetamine laboratory if the forfeited property or 3991  
money involved was that of a person responsible for the operation 3992  
of the laboratory; 3993

(v) For other law enforcement purposes that the 3994  
superintendent of the state highway patrol, department of public 3995  
safety, attorney general, prosecutor, county sheriff, legislative 3996  
authority, department of taxation, Ohio casino control commission, 3997  
board of township trustees, or board of park commissioners 3998  
determines to be appropriate. 3999

(b) The board of pharmacy drug law enforcement fund shall be 4000  
expended only in accordance with the written internal control 4001  
policy so adopted by the board and only in accordance with section 4002  
4729.65 of the Revised Code, except that it also may be expended 4003  
to pay the costs of emergency action taken under section 3745.13 4004  
of the Revised Code relative to the operation of an illegal 4005

methamphetamine laboratory if the forfeited property or money 4006  
involved was that of a person responsible for the operation of the 4007  
laboratory. 4008

(c) The state highway patrol contraband, forfeiture, and 4009  
other fund, the department of public safety investigative unit 4010  
contraband, forfeiture, and other fund, the department of taxation 4011  
enforcement fund, the board of pharmacy drug law enforcement fund, 4012  
the bureau of criminal identification and investigation asset 4013  
forfeiture and cost reimbursement fund, the casino control 4014  
commission enforcement fund, and a law enforcement trust fund 4015  
shall not be used to meet the operating costs of the state highway 4016  
patrol, of the investigative unit of the department of public 4017  
safety, of the state board of pharmacy, of the office of the 4018  
attorney general, of any political subdivision, of the Ohio casino 4019  
control commission, or of any office of a prosecutor or county 4020  
sheriff that are unrelated to law enforcement. 4021

(d) Forfeited moneys that are paid into the state treasury to 4022  
be deposited into the peace officer training commission fund shall 4023  
be used by the commission only to pay the costs of peace officer 4024  
training. 4025

~~(3) Any of the following offices or agencies that receive 4026  
amounts under this section during any calendar year shall file a 4027  
report with the specified entity, not later than the thirty first 4028  
day of January of the next calendar year, verifying that the 4029  
moneys were expended only for the purposes authorized by this 4030  
section or other relevant statute and specifying the amounts 4031  
expended for each authorized purpose.~~ 4032

~~(a) Any sheriff or prosecutor shall file the report with the 4033  
county auditor.~~ 4034

~~(b) Any municipal corporation police department shall file 4035  
the report with the legislative authority of the municipal 4036~~

corporation. 4037

~~(c) Any township police department, township or joint police  
district police force, or office of the constable shall file the  
report with the board of township trustees of the township.~~ 4038  
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~~(d) Any park district police force or law enforcement  
department shall file the report with the board of park  
commissioners of the park district.~~ 4041  
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~~(e) The superintendent of the state highway patrol and the  
tax commissioner shall file the report with the attorney general.~~ 4044  
4045

~~(f) The executive director of the state board of pharmacy  
shall file the report with the attorney general, verifying that  
cash and forfeited proceeds paid into the board of pharmacy drug  
law enforcement fund were used only in accordance with section  
4729.65 of the Revised Code.~~ 4046  
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~~(g) The peace officer training commission shall file a report  
with the attorney general, verifying that cash and forfeited  
proceeds paid into the peace officer training commission fund  
pursuant to this section during the prior calendar year were used  
by the commission during the prior calendar year only to pay the  
costs of peace officer training.~~ 4051  
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~~(h) The executive director of the Ohio casino control  
commission shall file the report with the attorney general,  
verifying that cash and forfeited proceeds paid into the casino  
control commission enforcement fund were used only in accordance  
with section 3772.36 of the Revised Code.~~ 4057  
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(D) The written internal control policy of a county sheriff,  
prosecutor, municipal corporation police department, township  
police department, township or joint police district police force,  
office of the constable, or park district police force or law  
enforcement department shall provide that at least ten per cent of  
the first one hundred thousand dollars of amounts deposited during 4062  
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each calendar year in the agency's law enforcement trust fund 4068  
under this section, and at least twenty per cent of the amounts 4069  
exceeding one hundred thousand dollars that are so deposited, 4070  
shall be used in connection with community preventive education 4071  
programs. The manner of use shall be determined by the sheriff, 4072  
prosecutor, department, police force, or office of the constable 4073  
after receiving and considering advice on appropriate community 4074  
preventive education programs from the county's board of alcohol, 4075  
drug addiction, and mental health services, from the county's 4076  
alcohol and drug addiction services board, or through appropriate 4077  
community dialogue. 4078

The financial records kept under the internal control policy 4079  
shall specify the amount deposited during each calendar year in 4080  
the portion of that amount that was used pursuant to this 4081  
division, and the programs in connection with which the portion of 4082  
that amount was so used. 4083

As used in this division, "community preventive education 4084  
programs" include, but are not limited to, DARE programs and other 4085  
programs designed to educate adults or children with respect to 4086  
the dangers associated with using drugs of abuse. 4087

(E) Upon the sale, under this section or section 2981.12 of 4088  
the Revised Code, of any property that is required by law to be 4089  
titled or registered, the state shall issue an appropriate 4090  
certificate of title or registration to the purchaser. If the 4091  
state is vested with title and elects to retain property that is 4092  
required to be titled or registered under law, the state shall 4093  
issue an appropriate certificate of title or registration. 4094

(F) Any failure of a law enforcement officer or agency, 4095  
prosecutor, court, or the attorney general to comply with this 4096  
section in relation to any property seized does not affect the 4097  
validity of the seizure and shall not be considered to be the 4098  
basis for suppressing any evidence resulting from the seizure, 4099

provided the seizure itself was lawful. 4100

**Sec. 5302.221.** (A) As used in this section+ 4101

~~"Estate" has the same meaning as in section 5162.21 of the~~ 4102  
~~Revised Code.~~ 4103

~~"Medicaid, "medicaid~~ estate recovery program" means the 4104  
program instituted under section 5162.21 of the Revised Code. 4105

(B) The administrator of the medicaid estate recovery program 4106  
shall prescribe a form on which a beneficiary of a transfer on 4107  
death designation affidavit as provided in section 5302.22 of the 4108  
Revised Code, who survives the deceased owner of the real property 4109  
or an interest in the real property or that is in existence on the 4110  
date of death of the deceased owner, or that beneficiary's 4111  
representative is to indicate both of the following: 4112

(1) ~~Whether~~ Which of the following applies to the deceased 4113  
~~owner was either of the following:~~ 4114

(a) ~~A decedent subject to the~~ The deceased owner had been a 4115  
~~medicaid estate recovery program;~~ recipient. 4116

(b) ~~The spouse of a decedent subject to the~~ deceased owner 4117  
~~had never been a medicaid estate recovery program~~ recipient. 4118

(c) The beneficiary or representative does not know whether 4119  
the deceased owner had ever been a medicaid recipient. 4120

(2) ~~Whether the real property or interest in the real~~ 4121  
~~property was part of the estate of a decedent subject to the~~ 4122  
~~medicaid estate recovery program~~ If the spouse of the deceased 4123  
owner died before the owner died, which of the following applies 4124  
to the predeceased spouse: 4125

(a) The predeceased spouse had been a medicaid recipient. 4126

(b) The predeceased spouse had never been a medicaid 4127  
recipient. 4128

(c) The beneficiary or representative does not know whether 4129  
the predeceased spouse had ever been a medicaid recipient. 4130

(C) The administrator of the medicaid estate recovery program 4131  
shall make the form prescribed under division (B) of this section 4132  
available to county recorders. A county recorder shall ~~obtain a~~ 4133  
~~properly completed form prescribed under division (B) of this~~ 4134  
~~section from the~~ provide a copy of the form to a beneficiary of a 4135  
transfer on death designation affidavit or the beneficiary's 4136  
representative and ~~send a copy of the form to the administrator of~~ 4137  
~~the medicaid estate recovery program~~ before recording the transfer 4138  
of the real property or interest in the real property under 4139  
section 5302.222 of the Revised Code. A beneficiary or 4140  
beneficiary's representative shall submit a copy of the properly 4141  
completed form to the administrator of the medicaid estate 4142  
recovery program if the beneficiary or representative indicates 4143  
any of the following on the form: 4144

(1) That the deceased owner had been a medicaid recipient or 4145  
that the beneficiary or representative does not know whether the 4146  
deceased owner had ever been a medicaid recipient; 4147

(2) That the predeceased spouse of the deceased owner had 4148  
been a medicaid recipient or that the beneficiary or 4149  
representative does not know whether the predeceased spouse had 4150  
ever been a medicaid recipient. 4151

**Section 2.** That existing sections 9.02, 109.08, 109.081, 4152  
109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 4153  
1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.05, 4154  
1345.06, 1345.07, 1345.21, 1345.22, 1345.23, 1345.24, 1345.43, 4155  
1345.44, 2151.419, 2743.191, 2743.56, 2743.71, 2746.02, 2901.01, 4156  
2923.02, 2923.31, 2923.32, 2953.32, 2981.13, and 5302.221 and 4157  
section 1331.05 of the Revised Code are hereby repealed. 4158

**Section 3.** The General Assembly, applying the principle 4159

stated in division (B) of section 1.52 of the Revised Code that 4160  
amendments are to be harmonized if reasonably capable of 4161  
simultaneous operation, finds that the following sections, 4162  
presented in this act as composites of the sections as amended by 4163  
the acts indicated, are the resulting versions of the sections in 4164  
effect prior to the effective date of the sections as presented in 4165  
this act: 4166

Section 2923.02 of the Revised Code as amended by both Am. 4167  
Sub. H.B. 461 and Am. Sub. S.B. 260 of the 126th General Assembly. 4168

Section 2923.31 of the Revised Code as amended by both Am. 4169  
Sub. H.B. 386 and Am. Sub. H.B. 262 of the 129th General Assembly. 4170