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**Sub. S. B. No. 316**

**Senator Cafaro**

**Cosponsors: Senators Turner, Brown, Schiavoni, LaRose, Obhof, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Tavares, Uecker, Widener**

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**Speaker Batchelder**

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**A B I L L**

To amend sections 109.573 and 2933.82 of the Revised 1  
Code to require a law enforcement agency to review 2  
its records pertaining to specified homicide and 3  
sex offenses and to forward the contents of a 4  
related sexual assault examination kit in its 5  
possession to the Bureau of Criminal 6  
Identification and Investigation or another crime 7  
laboratory for DNA analysis based on the outcome 8  
of the review, to require a law enforcement agency 9  
that initiates an investigation and determines 10

that one or more persons may have committed or 11  
participated in a specified homicide or sex 12  
offense or another offense committed during the 13  
course of a specified homicide or sex offense to 14  
forward the contents of a sexual assault 15  
examination kit it possesses to the Bureau or 16  
another crime laboratory within thirty days for 17  
DNA analysis, and to require consideration of time 18  
remaining under a statute of limitations as a 19  
factor in prioritizing the order in which the DNA 20  
specimens forwarded by law enforcement agencies 21  
undergo DNA analysis. 22

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

**Section 1.** That sections 109.573 and 2933.82 of the Revised 23  
Code be amended to read as follows: 24

**Sec. 109.573.** (A) As used in this section: 25

(1) "DNA" means human deoxyribonucleic acid. 26

(2) "DNA analysis" means a laboratory analysis of a DNA 27  
specimen to identify DNA characteristics and to create a DNA 28  
record. 29

(3) "DNA database" means a collection of DNA records from 30  
forensic casework or from crime scenes, specimens from anonymous 31  
and unidentified sources, and records collected pursuant to 32  
sections 2152.74 and 2901.07 of the Revised Code and a population 33  
statistics database for determining the frequency of occurrence of 34  
characteristics in DNA records. 35

(4) "DNA record" means the objective result of a DNA analysis 36  
of a DNA specimen, including representations of DNA fragment 37  
lengths, digital images of autoradiographs, discrete allele 38

assignment numbers, and other DNA specimen characteristics that 39  
aid in establishing the identity of an individual. 40

(5) "DNA specimen" includes human blood cells or 41  
physiological tissues or body fluids. 42

(6) "Unidentified person database" means a collection of DNA 43  
records, and, on and after May 21, 1998, of fingerprint and 44  
photograph records, of unidentified human corpses, human remains, 45  
or living individuals. 46

(7) "Relatives of missing persons database" means a 47  
collection of DNA records of persons related by consanguinity to a 48  
missing person. 49

(8) "Law enforcement agency" means a police department, the 50  
office of a sheriff, the state highway patrol, a county 51  
prosecuting attorney, or a federal, state, or local governmental 52  
body that enforces criminal laws and that has employees who have a 53  
statutory power of arrest. 54

(9) "Administration of criminal justice" means the 55  
performance of detection, apprehension, detention, pretrial 56  
release, post-trial release, prosecution, adjudication, 57  
correctional supervision, or rehabilitation of accused persons or 58  
criminal offenders. "Administration of criminal justice" also 59  
includes criminal identification activities and the collection, 60  
storage, and dissemination of criminal history record information. 61

(B)(1) The superintendent of the bureau of criminal 62  
identification and investigation may do all of the following: 63

(a) Establish and maintain a state DNA laboratory to perform 64  
DNA analyses of DNA specimens; 65

(b) Establish and maintain a DNA database; 66

(c) Establish and maintain an unidentified person database to 67  
aid in the establishment of the identity of unknown human corpses, 68

human remains, or living individuals; 69

(d) Establish and maintain a relatives of missing persons 70  
database for comparison with the unidentified person database to 71  
aid in the establishment of the identity of unknown human corpses, 72  
human remains, and living individuals. 73

(2) If the bureau of criminal identification and 74  
investigation establishes and maintains a DNA laboratory and a DNA 75  
database, the bureau may use or disclose information regarding DNA 76  
records for the following purposes: 77

(a) The bureau may disclose information to a law enforcement 78  
agency for the administration of criminal justice. 79

(b) The bureau shall disclose pursuant to a court order 80  
issued under section 3111.09 of the Revised Code any information 81  
necessary to determine the existence of a parent and child 82  
relationship in an action brought under sections 3111.01 to 83  
3111.18 of the Revised Code. 84

(c) The bureau may use or disclose information from the 85  
population statistics database, for identification research and 86  
protocol development, or for quality control purposes. 87

(3) If the bureau of criminal identification and 88  
investigation establishes and maintains a relatives of missing 89  
persons database, all of the following apply: 90

(a) If a person has disappeared and has been continuously 91  
absent from the person's place of last domicile for a thirty-day 92  
or longer period of time without being heard from during the 93  
period, persons related by consanguinity to the missing person may 94  
submit to the bureau a DNA specimen, the bureau may include the 95  
DNA record of the specimen in the relatives of missing persons 96  
database, and, if the bureau does not include the DNA record of 97  
the specimen in the relatives of missing persons database, the 98  
bureau shall retain the DNA record for future reference and 99

inclusion as appropriate in that database. 100

(b) The bureau shall not charge a fee for the submission of a 101  
DNA specimen pursuant to division (B)(3)(a) of this section. 102

(c) If the DNA specimen submitted pursuant to division 103  
(B)(3)(a) of this section is collected by withdrawing blood from 104  
the person or a similarly invasive procedure, a physician, 105  
registered nurse, licensed practical nurse, duly licensed clinical 106  
laboratory technician, or other qualified medical practitioner 107  
shall conduct the collection procedure for the DNA specimen 108  
submitted pursuant to division (B)(3)(a) of this section and shall 109  
collect the DNA specimen in a medically approved manner. If the 110  
DNA specimen is collected by swabbing for buccal cells or a 111  
similarly noninvasive procedure, division (B)(3)(c) of this 112  
section does not require that the DNA specimen be collected by a 113  
qualified medical practitioner of that nature. No later than 114  
fifteen days after the date of the collection of the DNA specimen, 115  
the person conducting the DNA specimen collection procedure shall 116  
cause the DNA specimen to be forwarded to the bureau of criminal 117  
identification and investigation in accordance with procedures 118  
established by the superintendent of the bureau under division (H) 119  
of this section. The bureau may provide the specimen vials, 120  
mailing tubes, labels, postage, and instruction needed for the 121  
collection and forwarding of the DNA specimen to the bureau. 122

(d) The superintendent, in the superintendent's discretion, 123  
may compare DNA records in the relatives of missing persons 124  
database with the DNA records in the unidentified person database. 125

(4) If the bureau of criminal identification and 126  
investigation establishes and maintains an unidentified person 127  
database and if the superintendent of the bureau identifies a 128  
matching DNA record for the DNA record of a person or deceased 129  
person whose DNA record is contained in the unidentified person 130  
database, the superintendent shall inform the coroner who 131

submitted or the law enforcement agency that submitted the DNA 132  
specimen to the bureau of the match and, if possible, of the 133  
identity of the unidentified person. 134

(5) The bureau of criminal identification and investigation 135  
may enter into a contract with a qualified public or private 136  
laboratory to perform DNA analyses, DNA specimen maintenance, 137  
preservation, and storage, DNA record keeping, and other duties 138  
required of the bureau under this section. A public or private 139  
laboratory under contract with the bureau shall follow quality 140  
assurance and privacy requirements established by the 141  
superintendent of the bureau. 142

(C) The superintendent of the bureau of criminal 143  
identification and investigation shall establish procedures for 144  
entering into the DNA database the DNA records submitted pursuant 145  
to sections 2152.74 and 2901.07 of the Revised Code and for 146  
determining an order of priority for entry of the DNA records 147  
based on the types of offenses committed by the persons whose 148  
records are submitted and the available resources of the bureau. 149

(D) When a DNA record is derived from a DNA specimen provided 150  
pursuant to section 2152.74 or 2901.07 of the Revised Code, the 151  
bureau of criminal identification and investigation shall attach 152  
to the DNA record personal identification information that 153  
identifies the person from whom the DNA specimen was taken. The 154  
personal identification information may include the subject 155  
person's fingerprints and any other information the bureau 156  
determines necessary. The DNA record and personal identification 157  
information attached to it shall be used only for the purpose of 158  
personal identification or for a purpose specified in this 159  
section. 160

(E) DNA records, DNA specimens, fingerprints, and photographs 161  
that the bureau of criminal identification and investigation 162  
receives pursuant to this section and sections 313.08, 2152.74, 163

~~and~~ 2901.07, and 2933.82 of the Revised Code and personal 164  
identification information attached to a DNA record are not public 165  
records under section 149.43 of the Revised Code. 166

(F) The bureau of criminal identification and investigation 167  
may charge a reasonable fee for providing information pursuant to 168  
this section to any law enforcement agency located in another 169  
state. 170

(G)(1) No person who because of the person's employment or 171  
official position has access to a DNA specimen, a DNA record, or 172  
other information contained in the DNA database that identifies an 173  
individual shall knowingly disclose that specimen, record, or 174  
information to any person or agency not entitled to receive it or 175  
otherwise shall misuse that specimen, record, or information. 176

(2) No person without authorization or privilege to obtain 177  
information contained in the DNA database that identifies an 178  
individual person shall purposely obtain that information. 179

(H) The superintendent of the bureau of criminal 180  
identification and investigation shall establish procedures for 181  
all of the following: 182

(1) The forwarding to the bureau of DNA specimens collected 183  
pursuant to division (H) of this section and sections 313.08, 184  
2152.74, ~~and~~ 2901.07, and 2933.82 of the Revised Code and of 185  
fingerprints and photographs collected pursuant to section 313.08 186  
of the Revised Code; 187

(2) The collection, maintenance, preservation, and analysis 188  
of DNA specimens; 189

(3) The creation, maintenance, and operation of the DNA 190  
database; 191

(4) The use and dissemination of information from the DNA 192  
database; 193

(5) The creation, maintenance, and operation of the unidentified person database;	194 195
(6) The use and dissemination of information from the unidentified person database;	196 197
(7) The creation, maintenance, and operation of the relatives of missing persons database;	198 199
(8) The use and dissemination of information from the relatives of missing persons database;	200 201
(9) The verification of entities requesting DNA records and other DNA information from the bureau and the authority of the entity to receive the information;	202 203 204
(10) The operation of the bureau and responsibilities of employees of the bureau with respect to the activities described in this section.	205 206 207
(I) In conducting DNA analyses of DNA specimens, the state DNA laboratory and any laboratory with which the bureau has entered into a contract pursuant to division (B)(5) of this section shall give DNA analyses of DNA specimens that relate to ongoing criminal investigations or prosecutions <u>or that are forwarded by law enforcement agencies pursuant to divisions (B)(2)(a) and (b) of section 2933.82 of the Revised Code</u> priority over DNA analyses of DNA specimens that relate to applications made pursuant to section 2953.73 of the Revised Code. <u>The state DNA laboratory and any laboratory under contract with the bureau to perform DNA analyses shall consider the period of time remaining under section 2901.13 of the Revised Code for commencing the prosecution of a criminal offense related to the DNA specimens as well as other relevant factors in prioritizing DNA analysis of the DNA specimens forwarded by law enforcement agencies pursuant to division (B)(2)(a) or (b) of section 2933.82 of the Revised Code.</u>	208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224

(J) The attorney general may develop procedures for entering 225  
into the national DNA index system the DNA records submitted 226  
pursuant to division (B)(1) of section 2901.07 of the Revised 227  
Code. 228

**Sec. 2933.82.** (A) As used in this section: 229

(1)(a) "Biological evidence" means any of the following: 230

(i) The contents of a sexual assault examination kit; 231

(ii) Any item that contains blood, semen, hair, saliva, skin 232  
tissue, fingernail scrapings, bone, bodily fluids, or any other 233  
identifiable biological material that was collected as part of a 234  
criminal investigation or delinquent child investigation and that 235  
reasonably may be used to incriminate or exculpate any person for 236  
an offense or delinquent act. 237

(b) The definition of "biological evidence" set forth in 238  
division (A)(1)(a) of this section applies whether the material in 239  
question is cataloged separately, such as on a slide or swab or in 240  
a test tube, or is present on other evidence, including, but not 241  
limited to, clothing, ligatures, bedding or other household 242  
material, drinking cups or containers, or cigarettes. 243

(2) "Biological material" has the same meaning as in section 244  
2953.71 of the Revised Code. 245

(3) "DNA," ~~has~~ "DNA analysis," "DNA database," "DNA record," 246  
and "DNA specimen" have the same ~~meaning~~ meanings as in section 247  
109.573 of the Revised Code. 248

(4) ~~"Profile" means a unique identifier of an individual,~~ 249  
~~derived from DNA.~~ 250

~~(5)~~ "Prosecutor" has the same meaning as in section 2935.01 251  
of the Revised Code. 252

~~(6)~~(5) "Governmental evidence-retention entity" means all of 253

the following:	254
(a) Any law enforcement agency, prosecutor's office, court, public hospital, crime laboratory, or other governmental or public entity or individual within this state that is charged with the collection, storage, or retrieval of biological evidence;	255 256 257 258
(b) Any official or employee of any entity or individual described in division (A) <del>(6)</del> (5)(a) of this section.	259 260
(B)(1) Each governmental evidence-retention entity that secures any biological evidence in relation to an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code shall secure the biological evidence for whichever of the following periods of time is applicable:	261 262 263 264 265 266 267 268 269 270
(a) For a violation of section 2903.01 or 2903.02 of the Revised Code, for the period of time that the offense or act remains unsolved;	271 272 273
(b) For a violation of section 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code, for a period of thirty years if the offense or act remains unsolved;	274 275 276 277 278 279 280
(c) If any person is convicted of or pleads guilty to the offense, or is adjudicated a delinquent child for committing the delinquent act, for the earlier of the following: (i) the expiration of the latest of the following periods of time that	281 282 283 284

apply to the person: the period of time that the person is 285  
incarcerated, is in a department of youth services institution or 286  
other juvenile facility, is under a community control sanction for 287  
that offense, is under any order of disposition for that act, is 288  
on probation or parole for that offense, is under judicial release 289  
or supervised release for that act, is under post-release control 290  
for that offense, is involved in civil litigation in connection 291  
with that offense or act, or is subject to registration and other 292  
duties imposed for that offense or act under sections 2950.04, 293  
2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty 294  
years. If after the period of thirty years the person remains 295  
incarcerated, then the governmental evidence-retention entity 296  
shall secure the biological evidence until the person is released 297  
from incarceration or dies. 298

(2)(a) A law enforcement agency shall review all of its 299  
records and reports pertaining to its investigation of any offense 300  
specified in division (B)(1) of this section as soon as possible 301  
after the effective date of this amendment. If the law enforcement 302  
agency's review determines that one or more persons may have 303  
committed or participated in an offense specified in division 304  
(B)(1) of this section or another offense committed during the 305  
course of an offense specified in division (B)(1) of this section 306  
and the agency is in possession of a sexual assault examination 307  
kit secured during the course of the agency's investigation, as 308  
soon as possible, but not later than one year after the effective 309  
date of this amendment, the agency shall forward the contents of 310  
the kit to the bureau of criminal identification and investigation 311  
or another crime laboratory for a DNA analysis of the contents of 312  
the kit if a DNA analysis has not previously been performed on the 313  
contents of the kit. The law enforcement agency shall consider the 314  
period of time remaining under section 2901.13 of the Revised Code 315  
for commencing the prosecution of a criminal offense related to 316  
the DNA specimens from the kit as well as other relevant factors 317

in prioritizing the forwarding of the contents of sexual assault examination kits. 318  
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(b) If an investigation is initiated on or after the effective date of this amendment, and if a law enforcement agency investigating an offense specified in division (B)(1) of this section determines that one or more persons may have committed or participated in an offense specified in division (B)(1) of this section or another offense committed during the course of an offense specified in division (B)(1) of this section, the law enforcement agency shall forward the contents of a sexual assault examination kit in the agency's possession to the bureau or another crime laboratory within thirty days for a DNA analysis of the contents of the kit. 320  
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(c) A law enforcement agency shall be considered in the possession of a sexual assault examination kit that is not in the law enforcement agency's possession for purposes of divisions (B)(2)(a) and (b) of this section if the sexual assault examination kit contains biological evidence related to the law enforcement agency's investigation of an offense specified in division (B)(1) of this section and is in the possession of another government evidence-retention entity. The law enforcement agency shall be responsible for retrieving the sexual assault examination kit from the government evidence-retention entity and forwarding the contents of the kit to the bureau or another crime laboratory as required under divisions (B)(2)(a) and (b) of this section. 331  
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(d)(i) The bureau or a laboratory under contract with the bureau pursuant to division (B)(5) of section 109.573 of the Revised Code shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the bureau pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the bureau receives the contents of the kit. The bureau 344  
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shall enter the resulting DNA record into a DNA database. If the 350  
DNA analysis is performed by a laboratory under contract with the 351  
bureau, the laboratory shall forward the biological evidence to 352  
the bureau immediately after the laboratory performs the DNA 353  
analysis. A crime laboratory shall perform a DNA analysis of the 354  
contents of any sexual assault examination kit forwarded to the 355  
crime laboratory pursuant to division (B)(2)(a) or (b) of this 356  
section as soon as possible after the crime laboratory receives 357  
the contents of the kit and shall enter the resulting DNA record 358  
into a DNA database subject to the applicable DNA index system 359  
standards. 360

(ii) Upon the completion of the DNA analysis by the bureau or 361  
a crime laboratory under contract with the bureau under this 362  
division, the bureau shall return the contents of the sexual 363  
assault examination kit to the law enforcement agency. The law 364  
enforcement agency shall secure the contents of the sexual assault 365  
examination kit in accordance with division (B)(1) of this 366  
section, as applicable. 367

(e) The failure of any law enforcement agency to comply with 368  
any time limit specified in this section shall not create, and 369  
shall not be construed as creating, any basis or right to appeal, 370  
claim for or right to postconviction relief, or claim for or right 371  
to a new trial or any other claim or right to relief by any 372  
person. 373

(3) This section applies to evidence likely to contain 374  
biological material that was in the possession of any governmental 375  
evidence-retention entity during the investigation and prosecution 376  
of a criminal case or delinquent child case involving a violation 377  
of section 2903.01, 2903.02, or 2903.03, a violation of section 378  
2903.04 or 2903.06 that is a felony of the first or second degree, 379  
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 380  
(B) of section 2907.05 of the Revised Code, or an attempt to 381

commit a violation of section 2907.02 of the Revised Code. 382

~~(3)~~(4) A governmental evidence-retention entity that 383  
possesses biological evidence shall retain the biological evidence 384  
in the amount and manner sufficient to develop a DNA ~~profile~~ 385  
record from the biological material contained in or included on 386  
the evidence. 387

~~(4)~~(5) Upon written request by the defendant in a criminal 388  
case or the alleged delinquent child in a delinquent child case 389  
involving a violation of section 2903.01, 2903.02, or 2903.03, a 390  
violation of section 2903.04 or 2903.06 that is a felony of the 391  
first or second degree, a violation of section 2907.02 or 2907.03 392  
or of division (A)(4) or (B) of section 2907.05 of the Revised 393  
Code, or an attempt to commit a violation of section 2907.02 of 394  
the Revised Code, a governmental evidence-retention entity that 395  
possesses biological evidence shall prepare an inventory of the 396  
biological evidence that has been preserved in connection with the 397  
defendant's criminal case or the alleged delinquent child's 398  
delinquent child case. 399

~~(5)~~(6) Except as otherwise provided in division (B)~~(7)~~(8) of 400  
this section, a governmental evidence-retention entity that 401  
possesses biological evidence that includes biological material 402  
may destroy the evidence before the expiration of the applicable 403  
period of time specified in division (B)(1) of this section if all 404  
of the following apply: 405

(a) No other provision of federal or state law requires the 406  
state to preserve the evidence. 407

(b) The governmental evidence-retention entity, by certified 408  
mail, return receipt requested, provides notice of intent to 409  
destroy the evidence to all of the following: 410

(i) All persons who remain in custody, incarcerated, in a 411  
department of youth services institution or other juvenile 412

facility, under a community control sanction, under any order of 413  
disposition, on probation or parole, under judicial release or 414  
supervised release, under post-release control, involved in civil 415  
litigation, or subject to registration and other duties imposed 416  
for that offense or act under sections 2950.04, 2950.041, 2950.05, 417  
and 2950.06 of the Revised Code as a result of a criminal 418  
conviction, delinquency adjudication, or commitment related to the 419  
evidence in question; 420

(ii) The attorney of record for each person who is in custody 421  
in any circumstance described in division (B)~~(5)~~(6)(b)(i) of this 422  
section if the attorney of record can be located; 423

(iii) The state public defender; 424

(iv) The office of the prosecutor of record in the case that 425  
resulted in the custody of the person in custody in any 426  
circumstance described in division (B)~~(5)~~(6)(b)(i) of this 427  
section; 428

(v) The attorney general. 429

(c) No person who is notified under division (B)~~(5)~~(6)(b) of 430  
this section does either of the following within one year after 431  
the date on which the person receives the notice: 432

(i) Files a motion for testing of evidence under sections 433  
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 434

(ii) Submits a written request for retention of evidence to 435  
the governmental evidence-retention entity that provided notice of 436  
its intent to destroy evidence under division (B)~~(5)~~(6)(b) of this 437  
section. 438

~~(6)~~(7) Except as otherwise provided in division (B)~~(7)~~(8) of 439  
this section, if, after providing notice under division 440  
(B)~~(5)~~(6)(b) of this section of its intent to destroy evidence, a 441  
governmental evidence-retention entity receives a written request 442

for retention of the evidence from any person to whom the notice 443  
is provided, the governmental evidence-retention entity shall 444  
retain the evidence while the person referred to in division 445  
(B)~~(5)~~(6)(b)(i) of this section remains in custody, incarcerated, 446  
in a department of youth services institution or other juvenile 447  
facility, under a community control sanction, under any order of 448  
disposition, on probation or parole, under judicial release or 449  
supervised release, under post-release control, involved in civil 450  
litigation, or subject to registration and other duties imposed 451  
for that offense or act under sections 2950.04, 2950.041, 2950.05, 452  
and 2950.06 of the Revised Code as a result of a criminal 453  
conviction, delinquency adjudication, or commitment related to the 454  
evidence in question. 455

~~(7)~~(8) A governmental evidence-retention entity that 456  
possesses biological evidence that includes biological material 457  
may destroy the evidence five years after a person pleads guilty 458  
or no contest to a violation of section 2903.01, 2903.02, or 459  
2903.03, a violation of section 2903.04 or 2903.06 that is a 460  
felony of the first or second degree, a violation of section 461  
2907.02, 2907.03, division (A)(4) or (B) of section 2907.05, or an 462  
attempt to commit a violation of section 2907.02 of the Revised 463  
Code and all appeals have been exhausted unless, upon a motion to 464  
the court by the person who pleaded guilty or no contest or the 465  
person's attorney and notice to those persons described in 466  
division (B)~~(5)~~(6)(b) of this section requesting that the evidence 467  
not be destroyed, the court finds good cause as to why that 468  
evidence must be retained. 469

~~(8)~~(9) A governmental evidence-retention entity shall not be 470  
required to preserve physical evidence pursuant to this section 471  
that is of such a size, bulk, or physical character as to render 472  
retention impracticable. When retention of physical evidence that 473  
otherwise would be required to be retained pursuant to this 474

section is impracticable as described in this division, the 475  
governmental evidence-retention entity that otherwise would be 476  
required to retain the physical evidence shall remove and preserve 477  
portions of the material evidence likely to contain biological 478  
evidence related to the offense, in a quantity sufficient to 479  
permit future DNA testing before returning or disposing of that 480  
physical evidence. 481

(C)(1) The preservation of biological evidence task force 482  
established within the bureau of criminal identification and 483  
investigation under section 109.561 of the Revised Code shall 484  
establish a system regarding the proper preservation of biological 485  
evidence in this state. In establishing the system, the task force 486  
shall do all of the following: 487

(a) Devise standards regarding the proper collection, 488  
retention, and ~~cataloging~~ cataloging of biological evidence for 489  
ongoing investigations and prosecutions; 490

(b) Recommend practices, protocols, models, and resources for 491  
the cataloging and accessibility of preserved biological evidence 492  
already in the possession of governmental evidence-retention 493  
entities. 494

(2) In consultation with the preservation of biological 495  
evidence task force described in division (C)(1) of this section, 496  
the office of the attorney general shall administer and conduct 497  
training programs for law enforcement officers and other relevant 498  
employees who are charged with preserving and cataloging 499  
biological evidence regarding the methods and procedures 500  
referenced in this section. 501

**Section 2.** That existing sections 109.573 and 2933.82 of the 502  
Revised Code are hereby repealed. 503

**Section 3.** In amending sections 109.573 and 2933.82 of the 504

Revised Code in this act, the General Assembly finds and declares 505  
all of the following: 506

(A) Deoxyribonucleic acid (DNA) analysis is a powerful law 507  
enforcement tool for identifying and prosecuting sex offenders. 508

(B) Victims of sexually oriented offenses have a strong 509  
interest in the investigation and prosecution of their cases. 510

(C) The privacy of victims of sexually oriented offenses 511  
should be protected to the full extent permissible under the law. 512

(D) Law enforcement agencies have an obligation to victims of 513  
sexually oriented offenses in the proper handling, retention, and 514  
timely DNA analysis of DNA specimens and to be responsive to 515  
victims of sexually oriented offenses concerning the development 516  
of DNA records and the investigation of their cases. 517

(E) The Bureau of Criminal Identification and Investigation's 518  
entry of DNA records resulting from DNA analyses of DNA specimens 519  
obtained from the contents of sexual assault examination kits into 520  
a DNA database makes it possible for many sex offenders to be 521  
identified, provided that the contents of sexual assault 522  
examination kits are analyzed in a timely manner. 523

(F) Timely DNA analysis of DNA specimens obtained from the 524  
contents of sexual assault examination kits facilitates the 525  
prosecution of sexually oriented offenses within the statute of 526  
limitation for the offense and furthers public safety in Ohio. 527