

**As Reported by the House Rules and Reference Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. Sub. S. B. No. 43**

**Senators Burke, Tavares**

**Cosponsors: Senators Balderson, Kearney, Seitz, Sawyer, Coley, Bacon,  
Beagle, Brown, Gardner, Hite, Jones, Lehner, Manning, Oelslager, Peterson,  
Schaffer, Smith**

**Representative Stautberg**

**—**

**A B I L L**

To amend sections 2101.16, 2151.011, 2151.23, 1  
2923.125, 2923.1213, 2923.13, 2945.37, 2945.38, 2  
2945.39, 2945.40, 2945.401, 2967.22, 5119.311, 3  
5120.17, 5122.01, 5122.03, 5122.05, 5122.10, 4  
5122.11, 5122.13, 5122.141, 5122.15, 5122.19, 5  
5122.21, 5122.27, 5122.30, 5122.31, 5122.311, 6  
5122.34, 5122.43, 5139.54, 5305.22, 5907.06, and 7  
5907.09 and to enact section 5122.111 of the 8  
Revised Code to make changes to the laws governing 9  
the civil commitment of and treatment provided to 10  
mentally ill persons. 11

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

**Section 1.** That sections 2101.16, 2151.011, 2151.23, 12  
2923.125, 2923.1213, 2923.13, 2945.37, 2945.38, 2945.39, 2945.40, 13  
2945.401, 2967.22, 5119.311, 5120.17, 5122.01, 5122.03, 5122.05, 14  
5122.10, 5122.11, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 15  
5122.27, 5122.30, 5122.31, 5122.311, 5122.34, 5122.43, 5139.54, 16  
5305.22, 5907.06, and 5907.09 be amended and section 5122.111 of 17

the Revised Code be enacted to read as follows: 18

**Sec. 2101.16.** (A) Except as provided in section 2101.164 of 19  
the Revised Code, the fees enumerated in this division shall be 20  
charged and collected, if possible, by the probate judge and shall 21  
be in full for all services rendered in the respective 22  
proceedings: 23

- (1) Account, in addition to advertising charges 24
  - ..... \$ 12.00 25
  - Waivers and proof of notice of hearing on account, 26
  - per page, minimum one dollar
  - ..... \$ 1.00 27
- (2) Account of distribution, in addition to advertising 28
- charges
- ..... \$ 7.00 29
- (3) Adoption of child, petition for 30
- ..... \$ 50.00 31
- (4) Alter or cancel contract for sale or purchase of real 32
- property, complaint to
- ..... \$ 20.00 33
- (5) Application and order not otherwise provided for in 34
- this section or by rule adopted pursuant to division
- (E) of this section
- ..... \$ 5.00 35
- (6) Appropriation suit, per day, hearing in 36
- ..... \$ 20.00 37
- (7) Birth, application for registration of 38
- ..... \$ 7.00 39
- (8) Birth record, application to correct 40
- ..... \$ 5.00 41
- (9) Bond, application for new or additional 42
- ..... \$ 5.00 43

(10) Bond, application for release of surety or reduction of		44
.....	\$ 5.00	45
(11) Bond, receipt for securities deposited in lieu of		46
.....	\$ 5.00	47
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar		48
.....	\$ 1.00	49
(13) Citation and issuing citation, application for		50
.....	\$ 5.00	51
(14) Change of name, petition for		52
.....	\$ 20.00	53
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		54
.....	\$ 10.00	55
(16) Claim, application to compromise or settle		56
.....	\$ 10.00	57
(17) Claim, authority to present		58
.....	\$ 10.00	59
(18) Commissioner, appointment of		60
.....	\$ 5.00	61
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		62
.....	\$ 5.00	63
(20) Competency, application to procure adjudication of		64
.....	\$ 20.00	65
(21) Complete contract, application to		66
.....	\$ 10.00	67
(22) Concealment of assets, citation for		68
.....	\$ 10.00	69
(23) Construction of will, complaint for		70
.....	\$ 20.00	71
(24) Continue decedent's business, application to		72

.....	\$ 10.00	73
Monthly reports of operation		74
.....	\$ 5.00	75
(25) Declaratory judgment, complaint for		76
.....	\$ 20.00	77
(26) Deposit of will		78
.....	\$ 5.00	79
(27) Designation of heir		80
.....	\$ 20.00	81
(28) Distribution in kind, application, assent, and order for		82
.....	\$ 5.00	83
(29) Distribution under section 2109.36 of the Revised Code, application for an order of		84
.....	\$ 7.00	85
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars		86
.....	\$ 15.00	87
(31) Exceptions to any proceeding named in this section, contest of appointment or		88
.....	\$ 10.00	89
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to		90
.....	\$ 10.00	91
(33) Election of surviving spouse under will		92
.....	\$ 5.00	93
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		94
.....	\$ 35.00	95
(35) Foreign will, application to record		96
.....	\$ 10.00	97

Record of foreign will, additional, per page		98
.....	\$ 1.00	99
(36) Forms when supplied by the probate court, not to exceed		100
.....	\$ 10.00	101
(37) Heirship, complaint to determine		102
.....	\$ 20.00	103
(38) Injunction proceedings		104
.....	\$ 20.00	105
(39) Improve real property, petition to		106
.....	\$ 20.00	107
(40) Inventory with appraisalment		108
.....	\$ 10.00	109
(41) Inventory without appraisalment		110
.....	\$ 7.00	111
(42) Investment or expenditure of funds, application for		112
.....	\$ 10.00	113
(43) Invest in real property, application to		114
.....	\$ 10.00	115
(44) Lease for oil, gas, coal, or other mineral, petition to		116
.....	\$ 20.00	117
(45) Lease or lease and improve real property, petition to		118
.....	\$ 20.00	119
(46) Marriage license		120
.....	\$ 10.00	121
Certified abstract of each marriage		122
.....	\$ 2.00	123
(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of		124
.....	\$ 10.00	125
(48) Mortgage or mortgage and repair or improve real property, complaint to		126

.....	\$ 20.00	127
(49) Newly discovered assets, report of		128
.....	\$ 7.00	129
(50) Nonresident executor or administrator to bar		130
creditors' claims, proceedings by		
.....	\$ 20.00	131
(51) Power of attorney or revocation of power, bonding		132
company		
.....	\$ 10.00	133
(52) Presumption of death, petition to establish		134
.....	\$ 20.00	135
(53) Probating will		136
.....	\$ 15.00	137
Proof of notice to beneficiaries		138
.....	\$ 5.00	139
(54) Purchase personal property, application of surviving		140
spouse to		
.....	\$ 10.00	141
(55) Purchase real property at appraised value, petition		142
of surviving spouse to		
.....	\$ 20.00	143
(56) Receipts in addition to advertising charges,		144
application and order to record		
.....	\$ 5.00	145
Record of those receipts, additional, per page		146
.....	\$ 1.00	147
(57) Record in excess of fifteen hundred words in any		148
proceeding in the probate court, per page		
.....	\$ 1.00	149
(58) Release of estate by mortgagee or other lienholder		150
.....	\$ 5.00	151
(59) Relieving an estate from administration under section		152
2113.03 of the Revised Code or granting an order for		

a summary release from administration under section 2113.031 of the Revised Code .....	\$ 60.00	153
(60) Removal of fiduciary, application for .....	\$ 10.00	154
(61) Requalification of executor or administrator .....	\$ 10.00	155
(62) Resignation of fiduciary .....	\$ 5.00	156
(63) Sale bill, public sale of personal property .....	\$ 10.00	157
(64) Sale of personal property and report, application for .....	\$ 10.00	158
(65) Sale of real property, petition for .....	\$ 25.00	159
(66) Terminate guardianship, petition to .....	\$ 10.00	160
(67) Transfer of real property, application, entry, and certificate for .....	\$ 7.00	161
(68) Unclaimed money, application to invest .....	\$ 7.00	162
(69) Vacate approval of account or order of distribution, motion to .....	\$ 10.00	163
(70) Writ of execution .....	\$ 5.00	164
(71) Writ of possession .....	\$ 5.00	165
(72) Wrongful death, application and settlement of claim for .....	\$ 20.00	166
(73) Year's allowance, petition to review		167

.....	\$ 7.00	181
(74) Guardian's report, filing and review of		182
.....	\$ 5.00	183
<u>(75) Mentally ill person subject to court order, filing of</u>		184
<u>affidavit and proceedings for</u>		
.....	\$ 25.00	185
(B)(1) In relation to an application for the appointment of a		186
guardian or the review of a report of a guardian under section		187
2111.49 of the Revised Code, the probate court, pursuant to court		188
order or in accordance with a court rule, may direct that the		189
applicant or the estate pay any or all of the expenses of an		190
investigation conducted pursuant to section 2111.041 or division		191
(A)(2) of section 2111.49 of the Revised Code. If the		192
investigation is conducted by a public employee or investigator		193
who is paid by the county, the fees for the investigation shall be		194
paid into the county treasury. If the court finds that an alleged		195
incompetent or a ward is indigent, the court may waive the costs,		196
fees, and expenses of an investigation.		197
(2) In relation to the appointment or functioning of a		198
guardian for a minor or the guardianship of a minor, the probate		199
court may direct that the applicant or the estate pay any or all		200
of the expenses of an investigation conducted pursuant to section		201
2111.042 of the Revised Code. If the investigation is conducted by		202
a public employee or investigator who is paid by the county, the		203
fees for the investigation shall be paid into the county treasury.		204
If the court finds that the guardian or applicant is indigent, the		205
court may waive the costs, fees, and expenses of an investigation.		206
<u>(3) In relation to the filing of an affidavit of mental</u>		207
<u>illness for a mentally ill person subject to court order, the</u>		208
<u>court may waive the fee under division (A)(75) of this section if</u>		209
<u>the court finds that the affiant is indigent or for good cause</u>		210
<u>shown.</u>		211



(C) Thirty dollars of the thirty-five-dollar fee collected 212  
pursuant to division (A)(34) of this section and twenty dollars of 213  
the sixty-dollar fee collected pursuant to division (A)(59) of 214  
this section shall be deposited by the county treasurer in the 215  
indigent guardianship fund created pursuant to section 2111.51 of 216  
the Revised Code. 217

(D) The fees of witnesses, jurors, sheriffs, coroners, and 218  
constables for services rendered in the probate court or by order 219  
of the probate judge shall be the same as provided for similar 220  
services in the court of common pleas. 221

(E) The probate court, by rule, may require an advance 222  
deposit for costs, not to exceed one hundred twenty-five dollars, 223  
at the time application is made for an appointment as executor or 224  
administrator or at the time a will is presented for probate. 225

(F) The probate court, by rule, shall establish a reasonable 226  
fee, not to exceed fifty dollars, for the filing of a petition for 227  
the release of information regarding an adopted person's name by 228  
birth and the identity of the adopted person's biological parents 229  
and biological siblings pursuant to section 3107.41 of the Revised 230  
Code, all proceedings relative to the petition, the entry of an 231  
order relative to the petition, and all services required to be 232  
performed in connection with the petition. The probate court may 233  
use a reasonable portion of a fee charged under authority of this 234  
division to reimburse any agency, as defined in section 3107.39 of 235  
the Revised Code, for any services it renders in performing a task 236  
described in section 3107.41 of the Revised Code relative to or in 237  
connection with the petition for which the fee was charged. 238

(G)(1) Thirty dollars of the fifty-dollar fee collected 239  
pursuant to division (A)(3) of this section shall be deposited 240  
into the "putative father registry fund," which is hereby created 241  
in the state treasury. The department of job and family services 242  
shall use the money in the fund to fund the department's costs of 243

performing its duties related to the putative father registry 244  
established under section 3107.062 of the Revised Code. 245

(2) If the department determines that money in the putative 246  
father registry fund is more than is needed for its duties related 247  
to the putative father registry, the department may use the 248  
surplus moneys in the fund as permitted in division (C) of section 249  
2151.3529, division (B) of section 2151.3530, or section 5103.155 250  
of the Revised Code. 251

**Sec. 2151.011.** (A) As used in the Revised Code: 252

(1) "Juvenile court" means whichever of the following is 253  
applicable that has jurisdiction under this chapter and Chapter 254  
2152. of the Revised Code: 255

(a) The division of the court of common pleas specified in 256  
section 2101.022 or 2301.03 of the Revised Code as having 257  
jurisdiction under this chapter and Chapter 2152. of the Revised 258  
Code or as being the juvenile division or the juvenile division 259  
combined with one or more other divisions; 260

(b) The juvenile court of Cuyahoga county or Hamilton county 261  
that is separately and independently created by section 2151.08 or 262  
Chapter 2153. of the Revised Code and that has jurisdiction under 263  
this chapter and Chapter 2152. of the Revised Code; 264

(c) If division (A)(1)(a) or (b) of this section does not 265  
apply, the probate division of the court of common pleas. 266

(2) "Juvenile judge" means a judge of a court having 267  
jurisdiction under this chapter. 268

(3) "Private child placing agency" means any association, as 269  
defined in section 5103.02 of the Revised Code, that is certified 270  
under section 5103.03 of the Revised Code to accept temporary, 271  
permanent, or legal custody of children and place the children for 272  
either foster care or adoption. 273

(4) "Private noncustodial agency" means any person,	274
organization, association, or society certified by the department	275
of job and family services that does not accept temporary or	276
permanent legal custody of children, that is privately operated in	277
this state, and that does one or more of the following:	278
(a) Receives and cares for children for two or more	279
consecutive weeks;	280
(b) Participates in the placement of children in certified	281
foster homes;	282
(c) Provides adoption services in conjunction with a public	283
children services agency or private child placing agency.	284
(B) As used in this chapter:	285
(1) "Adequate parental care" means the provision by a child's	286
parent or parents, guardian, or custodian of adequate food,	287
clothing, and shelter to ensure the child's health and physical	288
safety and the provision by a child's parent or parents of	289
specialized services warranted by the child's physical or mental	290
needs.	291
(2) "Adult" means an individual who is eighteen years of age	292
or older.	293
(3) "Agreement for temporary custody" means a voluntary	294
agreement authorized by section 5103.15 of the Revised Code that	295
transfers the temporary custody of a child to a public children	296
services agency or a private child placing agency.	297
(4) "Alternative response" means the public children services	298
agency's response to a report of child abuse or neglect that	299
engages the family in a comprehensive evaluation of child safety,	300
risk of subsequent harm, and family strengths and needs and that	301
does not include a determination as to whether child abuse or	302
neglect occurred.	303

(5) "Certified foster home" means a foster home, as defined 304  
in section 5103.02 of the Revised Code, certified under section 305  
5103.03 of the Revised Code. 306

(6) "Child" means a person who is under eighteen years of 307  
age, except that the juvenile court has jurisdiction over any 308  
person who is adjudicated an unruly child prior to attaining 309  
eighteen years of age until the person attains twenty-one years of 310  
age, and, for purposes of that jurisdiction related to that 311  
adjudication, a person who is so adjudicated an unruly child shall 312  
be deemed a "child" until the person attains twenty-one years of 313  
age. 314

(7) "Child day camp," "child care," "child day-care center," 315  
"part-time child day-care center," "type A family day-care home," 316  
"licensed type B family day-care home," "type B family day-care 317  
home," "administrator of a child day-care center," "administrator 318  
of a type A family day-care home," and "in-home aide" have the 319  
same meanings as in section 5104.01 of the Revised Code. 320

(8) "Child care provider" means an individual who is a 321  
child-care staff member or administrator of a child day-care 322  
center, a type A family day-care home, or a type B family day-care 323  
home, or an in-home aide or an individual who is licensed, is 324  
regulated, is approved, operates under the direction of, or 325  
otherwise is certified by the department of job and family 326  
services, department of developmental disabilities, or the early 327  
childhood programs of the department of education. 328

(9) "Chronic truant" has the same meaning as in section 329  
2152.02 of the Revised Code. 330

(10) "Commit" means to vest custody as ordered by the court. 331

(11) "Counseling" includes both of the following: 332

(a) General counseling services performed by a public 333  
children services agency or shelter for victims of domestic 334

violence to assist a child, a child's parents, and a child's	335
siblings in alleviating identified problems that may cause or have	336
caused the child to be an abused, neglected, or dependent child.	337
(b) Psychiatric or psychological therapeutic counseling	338
services provided to correct or alleviate any mental or emotional	339
illness or disorder and performed by a licensed psychiatrist,	340
licensed psychologist, or a person licensed under Chapter 4757. of	341
the Revised Code to engage in social work or professional	342
counseling.	343
(12) "Custodian" means a person who has legal custody of a	344
child or a public children services agency or private child	345
placing agency that has permanent, temporary, or legal custody of	346
a child.	347
(13) "Delinquent child" has the same meaning as in section	348
2152.02 of the Revised Code.	349
(14) "Detention" means the temporary care of children pending	350
court adjudication or disposition, or execution of a court order,	351
in a public or private facility designed to physically restrict	352
the movement and activities of children.	353
(15) "Developmental disability" has the same meaning as in	354
section 5123.01 of the Revised Code.	355
(16) "Differential response approach" means an approach that	356
a public children services agency may use to respond to accepted	357
reports of child abuse or neglect with either an alternative	358
response or a traditional response.	359
(17) "Foster caregiver" has the same meaning as in section	360
5103.02 of the Revised Code.	361
(18) "Guardian" means a person, association, or corporation	362
that is granted authority by a probate court pursuant to Chapter	363
2111. of the Revised Code to exercise parental rights over a child	364

to the extent provided in the court's order and subject to the 365  
residual parental rights of the child's parents. 366

(19) "Habitual truant" means any child of compulsory school 367  
age who is absent without legitimate excuse for absence from the 368  
public school the child is supposed to attend for five or more 369  
consecutive school days, seven or more school days in one school 370  
month, or twelve or more school days in a school year. 371

(20) "Juvenile traffic offender" has the same meaning as in 372  
section 2152.02 of the Revised Code. 373

(21) "Legal custody" means a legal status that vests in the 374  
custodian the right to have physical care and control of the child 375  
and to determine where and with whom the child shall live, and the 376  
right and duty to protect, train, and discipline the child and to 377  
provide the child with food, shelter, education, and medical care, 378  
all subject to any residual parental rights, privileges, and 379  
responsibilities. An individual granted legal custody shall 380  
exercise the rights and responsibilities personally unless 381  
otherwise authorized by any section of the Revised Code or by the 382  
court. 383

(22) A "legitimate excuse for absence from the public school 384  
the child is supposed to attend" includes, but is not limited to, 385  
any of the following: 386

(a) The fact that the child in question has enrolled in and 387  
is attending another public or nonpublic school in this or another 388  
state; 389

(b) The fact that the child in question is excused from 390  
attendance at school for any of the reasons specified in section 391  
3321.04 of the Revised Code; 392

(c) The fact that the child in question has received an age 393  
and schooling certificate in accordance with section 3331.01 of 394  
the Revised Code. 395

(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools,

chartered nonpublic schools, educational service centers, 427  
hospitals, and medical clinics that are responsible for the care, 428  
physical custody, or control of children. 429

(30) "Out-of-home care child abuse" means any of the 430  
following when committed by a person responsible for the care of a 431  
child in out-of-home care: 432

(a) Engaging in sexual activity with a child in the person's 433  
care; 434

(b) Denial to a child, as a means of punishment, of proper or 435  
necessary subsistence, education, medical care, or other care 436  
necessary for a child's health; 437

(c) Use of restraint procedures on a child that cause injury 438  
or pain; 439

(d) Administration of prescription drugs or psychotropic 440  
medication to the child without the written approval and ongoing 441  
supervision of a licensed physician; 442

(e) Commission of any act, other than by accidental means, 443  
that results in any injury to or death of the child in out-of-home 444  
care or commission of any act by accidental means that results in 445  
an injury to or death of a child in out-of-home care and that is 446  
at variance with the history given of the injury or death. 447

(31) "Out-of-home care child neglect" means any of the 448  
following when committed by a person responsible for the care of a 449  
child in out-of-home care: 450

(a) Failure to provide reasonable supervision according to 451  
the standards of care appropriate to the age, mental and physical 452  
condition, or other special needs of the child; 453

(b) Failure to provide reasonable supervision according to 454  
the standards of care appropriate to the age, mental and physical 455  
condition, or other special needs of the child, that results in 456



sexual or physical abuse of the child by any person;	457
(c) Failure to develop a process for all of the following:	458
(i) Administration of prescription drugs or psychotropic drugs for the child;	459 460
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	461 462
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	463 464 465
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	466 467 468
(e) Confinement of the child to a locked room without monitoring by staff;	469 470
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	471 472
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	473 474 475
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	476 477 478 479 480 481
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	482 483 484 485 486

(34) "Person" means an individual, association, corporation, 487  
or partnership and the state or any of its political subdivisions, 488  
departments, or agencies. 489

(35) "Person responsible for a child's care in out-of-home 490  
care" means any of the following: 491

(a) Any foster caregiver, in-home aide, or provider; 492

(b) Any administrator, employee, or agent of any of the 493  
following: a public or private detention facility; shelter 494  
facility; certified children's crisis care facility; organization; 495  
certified organization; child day-care center; type A family 496  
day-care home; licensed type B family day-care home; group home; 497  
institution; state institution; residential facility; residential 498  
care facility; residential camp; day camp; school district; 499  
community school; chartered nonpublic school; educational service 500  
center; hospital; or medical clinic; 501

(c) Any person who supervises or coaches children as part of 502  
an extracurricular activity sponsored by a school district, public 503  
school, or chartered nonpublic school; 504

(d) Any other person who performs a similar function with 505  
respect to, or has a similar relationship to, children. 506

(36) "Physically impaired" means having one or more of the 507  
following conditions that substantially limit one or more of an 508  
individual's major life activities, including self-care, receptive 509  
and expressive language, learning, mobility, and self-direction: 510

(a) A substantial impairment of vision, speech, or hearing; 511

(b) A congenital orthopedic impairment; 512

(c) An orthopedic impairment caused by disease, rheumatic 513  
fever or any other similar chronic or acute health problem, or 514  
amputation or another similar cause. 515

(37) "Placement for adoption" means the arrangement by a 516

public children services agency or a private child placing agency 517  
with a person for the care and adoption by that person of a child 518  
of whom the agency has permanent custody. 519

(38) "Placement in foster care" means the arrangement by a 520  
public children services agency or a private child placing agency 521  
for the out-of-home care of a child of whom the agency has 522  
temporary custody or permanent custody. 523

(39) "Planned permanent living arrangement" means an order of 524  
a juvenile court pursuant to which both of the following apply: 525

(a) The court gives legal custody of a child to a public 526  
children services agency or a private child placing agency without 527  
the termination of parental rights. 528

(b) The order permits the agency to make an appropriate 529  
placement of the child and to enter into a written agreement with 530  
a foster care provider or with another person or agency with whom 531  
the child is placed. 532

(40) "Practice of social work" and "practice of professional 533  
counseling" have the same meanings as in section 4757.01 of the 534  
Revised Code. 535

(41) "Sanction, service, or condition" means a sanction, 536  
service, or condition created by court order following an 537  
adjudication that a child is an unruly child that is described in 538  
division (A)(4) of section 2152.19 of the Revised Code. 539

(42) "Protective supervision" means an order of disposition 540  
pursuant to which the court permits an abused, neglected, 541  
dependent, or unruly child to remain in the custody of the child's 542  
parents, guardian, or custodian and stay in the child's home, 543  
subject to any conditions and limitations upon the child, the 544  
child's parents, guardian, or custodian, or any other person that 545  
the court prescribes, including supervision as directed by the 546  
court for the protection of the child. 547

(43) "Psychiatrist" has the same meaning as in section	548
5122.01 of the Revised Code.	549
(44) "Psychologist" has the same meaning as in section	550
4732.01 of the Revised Code.	551
(45) "Residential camp" means a program in which the care,	552
physical custody, or control of children is accepted overnight for	553
recreational or recreational and educational purposes.	554
(46) "Residential care facility" means an institution,	555
residence, or facility that is licensed by the department of	556
mental health and addiction services under section 5119.34 of the	557
Revised Code and that provides care for a child.	558
(47) "Residential facility" means a home or facility that is	559
licensed by the department of developmental disabilities under	560
section 5123.19 of the Revised Code and in which a child with a	561
developmental disability resides.	562
(48) "Residual parental rights, privileges, and	563
responsibilities" means those rights, privileges, and	564
responsibilities remaining with the natural parent after the	565
transfer of legal custody of the child, including, but not	566
necessarily limited to, the privilege of reasonable visitation,	567
consent to adoption, the privilege to determine the child's	568
religious affiliation, and the responsibility for support.	569
(49) "School day" means the school day established by the	570
board of education of the applicable school district pursuant to	571
section 3313.481 of the Revised Code.	572
(50) "School year" has the same meaning as in section 3313.62	573
of the Revised Code.	574
(51) "Secure correctional facility" means a facility under	575
the direction of the department of youth services that is designed	576
to physically restrict the movement and activities of children and	577

used for the placement of children after adjudication and 578  
disposition. 579

(52) "Sexual activity" has the same meaning as in section 580  
2907.01 of the Revised Code. 581

(53) "Shelter" means the temporary care of children in 582  
physically unrestricted facilities pending court adjudication or 583  
disposition. 584

(54) "Shelter for victims of domestic violence" has the same 585  
meaning as in section 3113.33 of the Revised Code. 586

(55) "Temporary custody" means legal custody of a child who 587  
is removed from the child's home, which custody may be terminated 588  
at any time at the discretion of the court or, if the legal 589  
custody is granted in an agreement for temporary custody, by the 590  
person who executed the agreement. 591

(56) "Traditional response" means a public children services 592  
agency's response to a report of child abuse or neglect that 593  
encourages engagement of the family in a comprehensive evaluation 594  
of the child's current and future safety needs and a fact-finding 595  
process to determine whether child abuse or neglect occurred and 596  
the circumstances surrounding the alleged harm or risk of harm. 597

(C) For the purposes of this chapter, a child shall be 598  
presumed abandoned when the parents of the child have failed to 599  
visit or maintain contact with the child for more than ninety 600  
days, regardless of whether the parents resume contact with the 601  
child after that period of ninety days. 602

**Sec. 2151.23.** (A) The juvenile court has exclusive original 603  
jurisdiction under the Revised Code as follows: 604

(1) Concerning any child who on or about the date specified 605  
in the complaint, indictment, or information is alleged to have 606  
violated section 2151.87 of the Revised Code or an order issued 607

under that section or to be a juvenile traffic offender or a 608  
delinquent, unruly, abused, neglected, or dependent child and, 609  
based on and in relation to the allegation pertaining to the 610  
child, concerning the parent, guardian, or other person having 611  
care of a child who is alleged to be an unruly or delinquent child 612  
for being an habitual or chronic truant; 613

(2) Subject to divisions (G), (K), and (V) of section 2301.03 614  
of the Revised Code, to determine the custody of any child not a 615  
ward of another court of this state; 616

(3) To hear and determine any application for a writ of 617  
habeas corpus involving the custody of a child; 618

(4) To exercise the powers and jurisdiction given the probate 619  
division of the court of common pleas in Chapter 5122. of the 620  
Revised Code, if the court has probable cause to believe that a 621  
child otherwise within the jurisdiction of the court is a mentally 622  
ill person subject to ~~hospitalization~~ by court order, as defined 623  
in section 5122.01 of the Revised Code; 624

(5) To hear and determine all criminal cases charging adults 625  
with the violation of any section of this chapter; 626

(6) To hear and determine all criminal cases in which an 627  
adult is charged with a violation of division (C) of section 628  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 629  
division (B) of section 2919.23, or section 2919.24 of the Revised 630  
Code, provided the charge is not included in an indictment that 631  
also charges the alleged adult offender with the commission of a 632  
felony arising out of the same actions that are the basis of the 633  
alleged violation of division (C) of section 2919.21, division 634  
(B)(1) of section 2919.22, section 2919.222, division (B) of 635  
section 2919.23, or section 2919.24 of the Revised Code; 636

(7) Under the interstate compact on juveniles in section 637  
2151.56 of the Revised Code; 638

(8) Concerning any child who is to be taken into custody 639  
pursuant to section 2151.31 of the Revised Code, upon being 640  
notified of the intent to take the child into custody and the 641  
reasons for taking the child into custody; 642

(9) To hear and determine requests for the extension of 643  
temporary custody agreements, and requests for court approval of 644  
permanent custody agreements, that are filed pursuant to section 645  
5103.15 of the Revised Code; 646

(10) To hear and determine applications for consent to marry 647  
pursuant to section 3101.04 of the Revised Code; 648

(11) Subject to divisions (G), (K), and (V) of section 649  
2301.03 of the Revised Code, to hear and determine a request for 650  
an order for the support of any child if the request is not 651  
ancillary to an action for divorce, dissolution of marriage, 652  
annulment, or legal separation, a criminal or civil action 653  
involving an allegation of domestic violence, or an action for 654  
support brought under Chapter 3115. of the Revised Code; 655

(12) Concerning an action commenced under section 121.38 of 656  
the Revised Code; 657

(13) To hear and determine violations of section 3321.38 of 658  
the Revised Code; 659

(14) To exercise jurisdiction and authority over the parent, 660  
guardian, or other person having care of a child alleged to be a 661  
delinquent child, unruly child, or juvenile traffic offender, 662  
based on and in relation to the allegation pertaining to the 663  
child; 664

(15) To conduct the hearings, and to make the determinations, 665  
adjudications, and orders authorized or required under sections 666  
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding 667  
a child who has been adjudicated a delinquent child and to refer 668  
the duties conferred upon the juvenile court judge under sections 669

2152.82 to 2152.86 and Chapter 2950. of the Revised Code to 670  
magistrates appointed by the juvenile court judge in accordance 671  
with Juvenile Rule 40; 672

(16) To hear and determine a petition for a protection order 673  
against a child under section 2151.34 or 3113.31 of the Revised 674  
Code and to enforce a protection order issued or a consent 675  
agreement approved under either section against a child until a 676  
date certain but not later than the date the child attains 677  
nineteen years of age. 678

(B) Except as provided in divisions (G) and (I) of section 679  
2301.03 of the Revised Code, the juvenile court has original 680  
jurisdiction under the Revised Code: 681

(1) To hear and determine all cases of misdemeanors charging 682  
adults with any act or omission with respect to any child, which 683  
act or omission is a violation of any state law or any municipal 684  
ordinance; 685

(2) To determine the paternity of any child alleged to have 686  
been born out of wedlock pursuant to sections 3111.01 to 3111.18 687  
of the Revised Code; 688

(3) Under the uniform interstate family support act in 689  
Chapter 3115. of the Revised Code; 690

(4) To hear and determine an application for an order for the 691  
support of any child, if the child is not a ward of another court 692  
of this state; 693

(5) To hear and determine an action commenced under section 694  
3111.28 of the Revised Code; 695

(6) To hear and determine a motion filed under section 696  
3119.961 of the Revised Code; 697

(7) To receive filings under section 3109.74 of the Revised 698  
Code, and to hear and determine actions arising under sections 699



3109.51 to 3109.80 of the Revised Code. 700

(8) To enforce an order for the return of a child made under 701  
the Hague Convention on the Civil Aspects of International Child 702  
Abduction pursuant to section 3127.32 of the Revised Code; 703

(9) To grant any relief normally available under the laws of 704  
this state to enforce a child custody determination made by a 705  
court of another state and registered in accordance with section 706  
3127.35 of the Revised Code. 707

(C) The juvenile court, except as to juvenile courts that are 708  
a separate division of the court of common pleas or a separate and 709  
independent juvenile court, has jurisdiction to hear, determine, 710  
and make a record of any action for divorce or legal separation 711  
that involves the custody or care of children and that is filed in 712  
the court of common pleas and certified by the court of common 713  
pleas with all the papers filed in the action to the juvenile 714  
court for trial, provided that no certification of that nature 715  
shall be made to any juvenile court unless the consent of the 716  
juvenile judge first is obtained. After a certification of that 717  
nature is made and consent is obtained, the juvenile court shall 718  
proceed as if the action originally had been begun in that court, 719  
except as to awards for spousal support or support due and unpaid 720  
at the time of certification, over which the juvenile court has no 721  
jurisdiction. 722

(D) The juvenile court, except as provided in divisions (G) 723  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 724  
to hear and determine all matters as to custody and support of 725  
children duly certified by the court of common pleas to the 726  
juvenile court after a divorce decree has been granted, including 727  
jurisdiction to modify the judgment and decree of the court of 728  
common pleas as the same relate to the custody and support of 729  
children. 730

(E) The juvenile court, except as provided in divisions (G) 731  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 732  
to hear and determine the case of any child certified to the court 733  
by any court of competent jurisdiction if the child comes within 734  
the jurisdiction of the juvenile court as defined by this section. 735

(F)(1) The juvenile court shall exercise its jurisdiction in 736  
child custody matters in accordance with sections 3109.04 and 737  
3127.01 to 3127.53 of the Revised Code and, as applicable, 738  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 739  
Code. 740

(2) The juvenile court shall exercise its jurisdiction in 741  
child support matters in accordance with section 3109.05 of the 742  
Revised Code. 743

(G) Any juvenile court that makes or modifies an order for 744  
child support shall comply with Chapters 3119., 3121., 3123., and 745  
3125. of the Revised Code. If any person required to pay child 746  
support under an order made by a juvenile court on or after April 747  
15, 1985, or modified on or after December 1, 1986, is found in 748  
contempt of court for failure to make support payments under the 749  
order, the court that makes the finding, in addition to any other 750  
penalty or remedy imposed, shall assess all court costs arising 751  
out of the contempt proceeding against the person and require the 752  
person to pay any reasonable attorney's fees of any adverse party, 753  
as determined by the court, that arose in relation to the act of 754  
contempt. 755

(H) If a child who is charged with an act that would be an 756  
offense if committed by an adult was fourteen years of age or 757  
older and under eighteen years of age at the time of the alleged 758  
act and if the case is transferred for criminal prosecution 759  
pursuant to section 2152.12 of the Revised Code, except as 760  
provided in section 2152.121 of the Revised Code, the juvenile 761  
court does not have jurisdiction to hear or determine the case 762

subsequent to the transfer. The court to which the case is 763  
transferred for criminal prosecution pursuant to that section has 764  
jurisdiction subsequent to the transfer to hear and determine the 765  
case in the same manner as if the case originally had been 766  
commenced in that court, subject to section 2152.121 of the 767  
Revised Code, including, but not limited to, jurisdiction to 768  
accept a plea of guilty or another plea authorized by Criminal 769  
Rule 11 or another section of the Revised Code and jurisdiction to 770  
accept a verdict and to enter a judgment of conviction pursuant to 771  
the Rules of Criminal Procedure against the child for the 772  
commission of the offense that was the basis of the transfer of 773  
the case for criminal prosecution, whether the conviction is for 774  
the same degree or a lesser degree of the offense charged, for the 775  
commission of a lesser-included offense, or for the commission of 776  
another offense that is different from the offense charged. 777

(I) If a person under eighteen years of age allegedly commits 778  
an act that would be a felony if committed by an adult and if the 779  
person is not taken into custody or apprehended for that act until 780  
after the person attains twenty-one years of age, the juvenile 781  
court does not have jurisdiction to hear or determine any portion 782  
of the case charging the person with committing that act. In those 783  
circumstances, divisions (A) and (B) of section 2152.12 of the 784  
Revised Code do not apply regarding the act, and the case charging 785  
the person with committing the act shall be a criminal prosecution 786  
commenced and heard in the appropriate court having jurisdiction 787  
of the offense as if the person had been eighteen years of age or 788  
older when the person committed the act. All proceedings 789  
pertaining to the act shall be within the jurisdiction of the 790  
court having jurisdiction of the offense, and that court has all 791  
the authority and duties in the case that it has in other criminal 792  
cases in that court. 793

(J) In exercising its exclusive original jurisdiction under 794

division (A)(16) of this section with respect to any proceedings 795  
brought under section 2151.34 or 3113.31 of the Revised Code in 796  
which the respondent is a child, the juvenile court retains all 797  
dispositionary powers consistent with existing rules of juvenile 798  
procedure and may also exercise its discretion to adjudicate 799  
proceedings as provided in sections 2151.34 and 3113.31 of the 800  
Revised Code, including the issuance of protection orders or the 801  
approval of consent agreements under those sections. 802

**Sec. 2923.125.** (A) This section applies with respect to the 803  
application for and issuance by this state of concealed handgun 804  
licenses other than concealed handgun licenses on a temporary 805  
emergency basis that are issued under section 2923.1213 of the 806  
Revised Code. Upon the request of a person who wishes to obtain a 807  
concealed handgun license with respect to which this section 808  
applies or to renew a concealed handgun license with respect to 809  
which this section applies, a sheriff, as provided in division (I) 810  
of this section, shall provide to the person free of charge an 811  
application form and the web site address at which the pamphlet 812  
described in division (B) of section 109.731 of the Revised Code 813  
may be found. A sheriff shall accept a completed application form 814  
and the fee, items, materials, and information specified in 815  
divisions (B)(1) to (5) of this section at the times and in the 816  
manners described in division (I) of this section. 817

(B) An applicant for a concealed handgun license with respect 818  
to which this section applies shall submit a completed application 819  
form and all of the following to the sheriff of the county in 820  
which the applicant resides or to the sheriff of any county 821  
adjacent to the county in which the applicant resides: 822

(1)(a) A nonrefundable license fee as described in either of 823  
the following: 824

(i) For an applicant who has been a resident of this state 825

for five or more years, a fee of sixty-seven dollars; 826

(ii) For an applicant who has been a resident of this state 827  
for less than five years, a fee of sixty-seven dollars plus the 828  
actual cost of having a background check performed by the federal 829  
bureau of investigation. 830

(b) No sheriff shall require an applicant to pay for the cost 831  
of a background check performed by the bureau of criminal 832  
identification and investigation. 833

(c) A sheriff shall waive the payment of the license fee 834  
described in division (B)(1)(a) of this section in connection with 835  
an initial or renewal application for a license that is submitted 836  
by an applicant who is a retired peace officer, a retired person 837  
described in division (B)(1)(b) of section 109.77 of the Revised 838  
Code, or a retired federal law enforcement officer who, prior to 839  
retirement, was authorized under federal law to carry a firearm in 840  
the course of duty, unless the retired peace officer, person, or 841  
federal law enforcement officer retired as the result of a mental 842  
disability. 843

(d) The sheriff shall deposit all fees paid by an applicant 844  
under division (B)(1)(a) of this section into the sheriff's 845  
concealed handgun license issuance fund established pursuant to 846  
section 311.42 of the Revised Code. The county shall distribute 847  
the fees in accordance with section 311.42 of the Revised Code. 848

(2) A color photograph of the applicant that was taken within 849  
thirty days prior to the date of the application; 850

(3) One or more of the following competency certifications, 851  
each of which shall reflect that, regarding a certification 852  
described in division (B)(3)(a), (b), (c), (e), or (f) of this 853  
section, within the three years immediately preceding the 854  
application the applicant has performed that to which the 855  
competency certification relates and that, regarding a 856

certification described in division (B)(3)(d) of this section, the 857  
applicant currently is an active or reserve member of the armed 858  
forces of the United States or within the six years immediately 859  
preceding the application the honorable discharge or retirement to 860  
which the competency certification relates occurred: 861

(a) An original or photocopy of a certificate of completion 862  
of a firearms safety, training, or requalification or firearms 863  
safety instructor course, class, or program that was offered by or 864  
under the auspices of the national rifle association and that 865  
complies with the requirements set forth in division (G) of this 866  
section; 867

(b) An original or photocopy of a certificate of completion 868  
of a firearms safety, training, or requalification or firearms 869  
safety instructor course, class, or program that satisfies all of 870  
the following criteria: 871

(i) It was open to members of the general public. 872

(ii) It utilized qualified instructors who were certified by 873  
the national rifle association, the executive director of the Ohio 874  
peace officer training commission pursuant to section 109.75 or 875  
109.78 of the Revised Code, or a governmental official or entity 876  
of another state. 877

(iii) It was offered by or under the auspices of a law 878  
enforcement agency of this or another state or the United States, 879  
a public or private college, university, or other similar 880  
postsecondary educational institution located in this or another 881  
state, a firearms training school located in this or another 882  
state, or another type of public or private entity or organization 883  
located in this or another state. 884

(iv) It complies with the requirements set forth in division 885  
(G) of this section. 886

(c) An original or photocopy of a certificate of completion 887

of a state, county, municipal, or department of natural resources 888  
peace officer training school that is approved by the executive 889  
director of the Ohio peace officer training commission pursuant to 890  
section 109.75 of the Revised Code and that complies with the 891  
requirements set forth in division (G) of this section, or the 892  
applicant has satisfactorily completed and been issued a 893  
certificate of completion of a basic firearms training program, a 894  
firearms requalification training program, or another basic 895  
training program described in section 109.78 or 109.801 of the 896  
Revised Code that complies with the requirements set forth in 897  
division (G) of this section; 898

(d) A document that evidences both of the following: 899

(i) That the applicant is an active or reserve member of the 900  
armed forces of the United States, was honorably discharged from 901  
military service in the active or reserve armed forces of the 902  
United States, is a retired trooper of the state highway patrol, 903  
or is a retired peace officer or federal law enforcement officer 904  
described in division (B)(1) of this section or a retired person 905  
described in division (B)(1)(b) of section 109.77 of the Revised 906  
Code and division (B)(1) of this section; 907

(ii) That, through participation in the military service or 908  
through the former employment described in division (B)(3)(d)(i) 909  
of this section, the applicant acquired experience with handling 910  
handguns or other firearms, and the experience so acquired was 911  
equivalent to training that the applicant could have acquired in a 912  
course, class, or program described in division (B)(3)(a), (b), or 913  
(c) of this section. 914

(e) A certificate or another similar document that evidences 915  
satisfactory completion of a firearms training, safety, or 916  
requalification or firearms safety instructor course, class, or 917  
program that is not otherwise described in division (B)(3)(a), 918  
(b), (c), or (d) of this section, that was conducted by an 919

instructor who was certified by an official or entity of the 920  
government of this or another state or the United States or by the 921  
national rifle association, and that complies with the 922  
requirements set forth in division (G) of this section; 923

(f) An affidavit that attests to the applicant's satisfactory 924  
completion of a course, class, or program described in division 925  
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 926  
by the applicant's instructor or an authorized representative of 927  
the entity that offered the course, class, or program or under 928  
whose auspices the course, class, or program was offered. 929

(4) A certification by the applicant that the applicant has 930  
read the pamphlet prepared by the Ohio peace officer training 931  
commission pursuant to section 109.731 of the Revised Code that 932  
reviews firearms, dispute resolution, and use of deadly force 933  
matters. 934

(5) A set of fingerprints of the applicant provided as 935  
described in section 311.41 of the Revised Code through use of an 936  
electronic fingerprint reading device or, if the sheriff to whom 937  
the application is submitted does not possess and does not have 938  
ready access to the use of such a reading device, on a standard 939  
impression sheet prescribed pursuant to division (C)(2) of section 940  
109.572 of the Revised Code. 941

(C) Upon receipt of the completed application form, 942  
supporting documentation, and, if not waived, license fee of an 943  
applicant under this section, a sheriff, in the manner specified 944  
in section 311.41 of the Revised Code, shall conduct or cause to 945  
be conducted the criminal records check and the incompetency 946  
records check described in section 311.41 of the Revised Code. 947

(D)(1) Except as provided in division (D)(3) or (4) of this 948  
section, within forty-five days after a sheriff's receipt of an 949  
applicant's completed application form for a concealed handgun 950



license under this section, the supporting documentation, and, if 951  
not waived, the license fee, the sheriff shall make available 952  
through the law enforcement automated data system in accordance 953  
with division (H) of this section the information described in 954  
that division and, upon making the information available through 955  
the system, shall issue to the applicant a concealed handgun 956  
license that shall expire as described in division (D)(2)(a) of 957  
this section if all of the following apply: 958

(a) The applicant is legally living in the United States, has 959  
been a resident of this state for at least forty-five days, and 960  
has been a resident of the county in which the person seeks the 961  
license or a county adjacent to the county in which the person 962  
seeks the license for at least thirty days. For purposes of 963  
division (D)(1)(a) of this section: 964

(i) If a person is absent from the United States, from this 965  
state, or from a particular county in this state in compliance 966  
with military or naval orders as an active or reserve member of 967  
the armed forces of the United States and if prior to leaving this 968  
state in compliance with those orders the person was legally 969  
living in the United States and was a resident of this state, the 970  
person, solely by reason of that absence, shall not be considered 971  
to have lost the person's status as living in the United States or 972  
the person's residence in this state or in the county in which the 973  
person was a resident prior to leaving this state in compliance 974  
with those orders, without regard to whether or not the person 975  
intends to return to this state or to that county, shall not be 976  
considered to have acquired a residence in any other state, and 977  
shall not be considered to have become a resident of any other 978  
state. 979

(ii) If a person is present in this state in compliance with 980  
military or naval orders as an active or reserve member of the 981  
armed forces of the United States for at least forty-five days, 982

the person shall be considered to have been a resident of this 983  
state for that period of at least forty-five days, and, if a 984  
person is present in a county of this state in compliance with 985  
military or naval orders as an active or reserve member of the 986  
armed forces of the United States for at least thirty days, the 987  
person shall be considered to have been a resident of that county 988  
for that period of at least thirty days. 989

(b) The applicant is at least twenty-one years of age. 990

(c) The applicant is not a fugitive from justice. 991

(d) The applicant is not under indictment for or otherwise 992  
charged with a felony; an offense under Chapter 2925., 3719., or 993  
4729. of the Revised Code that involves the illegal possession, 994  
use, sale, administration, or distribution of or trafficking in a 995  
drug of abuse; a misdemeanor offense of violence; or a violation 996  
of section 2903.14 or 2923.1211 of the Revised Code. 997

(e) Except as otherwise provided in division (D)(5) of this 998  
section, the applicant has not been convicted of or pleaded guilty 999  
to a felony or an offense under Chapter 2925., 3719., or 4729. of 1000  
the Revised Code that involves the illegal possession, use, sale, 1001  
administration, or distribution of or trafficking in a drug of 1002  
abuse; has not been adjudicated a delinquent child for committing 1003  
an act that if committed by an adult would be a felony or would be 1004  
an offense under Chapter 2925., 3719., or 4729. of the Revised 1005  
Code that involves the illegal possession, use, sale, 1006  
administration, or distribution of or trafficking in a drug of 1007  
abuse; and has not been convicted of, pleaded guilty to, or 1008  
adjudicated a delinquent child for committing a violation of 1009  
section 2903.13 of the Revised Code when the victim of the 1010  
violation is a peace officer, regardless of whether the applicant 1011  
was sentenced under division (C)(4) of that section. 1012

(f) Except as otherwise provided in division (D)(5) of this 1013

section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D)(5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to ~~hospitalization~~ ~~by~~ court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to ~~hospitalization~~ ~~by~~ court order" and "patient" have the same meanings as in section 5122.01

of the Revised Code. 1046

(j) The applicant is not currently subject to a civil 1047  
protection order, a temporary protection order, or a protection 1048  
order issued by a court of another state. 1049

(k) The applicant certifies that the applicant desires a 1050  
legal means to carry a concealed handgun for defense of the 1051  
applicant or a member of the applicant's family while engaged in 1052  
lawful activity. 1053

(l) The applicant submits a competency certification of the 1054  
type described in division (B)(3) of this section and submits a 1055  
certification of the type described in division (B)(4) of this 1056  
section regarding the applicant's reading of the pamphlet prepared 1057  
by the Ohio peace officer training commission pursuant to section 1058  
109.731 of the Revised Code. 1059

(m) The applicant currently is not subject to a suspension 1060  
imposed under division (A)(2) of section 2923.128 of the Revised 1061  
Code of a concealed handgun license that previously was issued to 1062  
the applicant under this section or section 2923.1213 of the 1063  
Revised Code. 1064

(2)(a) A concealed handgun license that a sheriff issues 1065  
under division (D)(1) of this section shall expire five years 1066  
after the date of issuance. 1067

If a sheriff issues a license under this section, the sheriff 1068  
shall place on the license a unique combination of letters and 1069  
numbers identifying the license in accordance with the procedure 1070  
prescribed by the Ohio peace officer training commission pursuant 1071  
to section 109.731 of the Revised Code. 1072

(b) If a sheriff denies an application under this section 1073  
because the applicant does not satisfy the criteria described in 1074  
division (D)(1) of this section, the sheriff shall specify the 1075  
grounds for the denial in a written notice to the applicant. The 1076

applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a concealed handgun license, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

(3) If the sheriff with whom an application for a concealed handgun license was filed under this section becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.

(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division

(D)(1)(a) of this section, the sheriff shall not deny the license 1109  
because of the residency requirements but shall not issue the 1110  
license until the applicant meets those residency requirements. 1111

(5) If an applicant has been convicted of or pleaded guilty 1112  
to an offense identified in division (D)(1)(e), (f), or (h) of 1113  
this section or has been adjudicated a delinquent child for 1114  
committing an act or violation identified in any of those 1115  
divisions, and if a court has ordered the sealing or expungement 1116  
of the records of that conviction, guilty plea, or adjudication 1117  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1118  
2953.36, or section 2953.37 of the Revised Code or a court has 1119  
granted the applicant relief pursuant to section 2923.14 of the 1120  
Revised Code from the disability imposed pursuant to section 1121  
2923.13 of the Revised Code relative to that conviction, guilty 1122  
plea, or adjudication, the sheriff with whom the application was 1123  
submitted shall not consider the conviction, guilty plea, or 1124  
adjudication in making a determination under division (D)(1) or 1125  
(F) of this section or, in relation to an application for a 1126  
concealed handgun license on a temporary emergency basis submitted 1127  
under section 2923.1213 of the Revised Code, in making a 1128  
determination under division (B)(2) of that section. 1129

(E) If a concealed handgun license issued under this section 1130  
is lost or is destroyed, the licensee may obtain from the sheriff 1131  
who issued that license a duplicate license upon the payment of a 1132  
fee of fifteen dollars and the submission of an affidavit 1133  
attesting to the loss or destruction of the license. The sheriff, 1134  
in accordance with the procedures prescribed in section 109.731 of 1135  
the Revised Code, shall place on the replacement license a 1136  
combination of identifying numbers different from the combination 1137  
on the license that is being replaced. 1138

(F)(1) A licensee who wishes to renew a concealed handgun 1139  
license issued under this section shall do so not earlier than 1140

ninety days before the expiration date of the license or at any 1141  
time after the expiration date of the license by filing with the 1142  
sheriff of the county in which the applicant resides or with the 1143  
sheriff of an adjacent county an application for renewal of the 1144  
license obtained pursuant to division (D) of this section, a 1145  
certification by the applicant that, subsequent to the issuance of 1146  
the license, the applicant has reread the pamphlet prepared by the 1147  
Ohio peace officer training commission pursuant to section 109.731 1148  
of the Revised Code that reviews firearms, dispute resolution, and 1149  
use of deadly force matters, and a nonrefundable license renewal 1150  
fee in an amount determined pursuant to division (F)(4) of this 1151  
section unless the fee is waived. 1152

(2) A sheriff shall accept a completed renewal application, 1153  
the license renewal fee, and the information specified in division 1154  
(F)(1) of this section at the times and in the manners described 1155  
in division (I) of this section. Upon receipt of a completed 1156  
renewal application, of certification that the applicant has 1157  
reread the specified pamphlet prepared by the Ohio peace officer 1158  
training commission, and of a license renewal fee unless the fee 1159  
is waived, a sheriff, in the manner specified in section 311.41 of 1160  
the Revised Code shall conduct or cause to be conducted the 1161  
criminal records check and the incompetency records check 1162  
described in section 311.41 of the Revised Code. The sheriff shall 1163  
renew the license if the sheriff determines that the applicant 1164  
continues to satisfy the requirements described in division (D)(1) 1165  
of this section, except that the applicant is not required to meet 1166  
the requirements of division (D)(1)(1) of this section. A renewed 1167  
license shall expire five years after the date of issuance. A 1168  
renewed license is subject to division (E) of this section and 1169  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1170  
shall comply with divisions (D)(2) to (4) of this section when the 1171  
circumstances described in those divisions apply to a requested 1172  
license renewal. If a sheriff denies the renewal of a concealed 1173

handgun license, the applicant may appeal the denial, or challenge 1174  
the criminal record check results that were the basis of the 1175  
denial if applicable, in the same manner as specified in division 1176  
(D)(2)(b) of this section and in section 2923.127 of the Revised 1177  
Code, regarding the denial of a license under this section. 1178

(3) A renewal application submitted pursuant to division (F) 1179  
of this section shall only require the licensee to list on the 1180  
application form information and matters occurring since the date 1181  
of the licensee's last application for a license pursuant to 1182  
division (B) or (F) of this section. A sheriff conducting the 1183  
criminal records check and the incompetency records check 1184  
described in section 311.41 of the Revised Code shall conduct the 1185  
check only from the date of the licensee's last application for a 1186  
license pursuant to division (B) or (F) of this section through 1187  
the date of the renewal application submitted pursuant to division 1188  
(F) of this section. 1189

(4) An applicant for a renewal concealed handgun license 1190  
under this section shall submit to the sheriff of the county in 1191  
which the applicant resides or to the sheriff of any county 1192  
adjacent to the county in which the applicant resides a 1193  
nonrefundable license fee as described in either of the following: 1194

(a) For an applicant who has been a resident of this state 1195  
for five or more years, a fee of fifty dollars; 1196

(b) For an applicant who has been a resident of this state 1197  
for less than five years, a fee of fifty dollars plus the actual 1198  
cost of having a background check performed by the federal bureau 1199  
of investigation. 1200

(G)(1) Each course, class, or program described in division 1201  
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1202  
person who takes the course, class, or program the web site 1203  
address at which the pamphlet prepared by the Ohio peace officer 1204



training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program described in one of those divisions shall include at least twelve hours of training in the safe handling and use of a firearm that shall include all of the following:

(a) At least ten hours of training on the following matters:

(i) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(ii) The ability to demonstrate and explain how to handle ammunition in a safe manner;

(iii) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(iv) Gun handling training.

(b) At least two hours of training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:

(a) A written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and

shall attest that the course, class, or program the applicant 1235  
successfully completed met the requirements described in division 1236  
(G)(1) of this section and that the applicant passed the 1237  
competency examination described in division (G)(2) of this 1238  
section. 1239

(H) Upon deciding to issue a concealed handgun license, 1240  
deciding to issue a replacement concealed handgun license, or 1241  
deciding to renew a concealed handgun license pursuant to this 1242  
section, and before actually issuing or renewing the license, the 1243  
sheriff shall make available through the law enforcement automated 1244  
data system all information contained on the license. If the 1245  
license subsequently is suspended under division (A)(1) or (2) of 1246  
section 2923.128 of the Revised Code, revoked pursuant to division 1247  
(B)(1) of section 2923.128 of the Revised Code, or lost or 1248  
destroyed, the sheriff also shall make available through the law 1249  
enforcement automated data system a notation of that fact. The 1250  
superintendent of the state highway patrol shall ensure that the 1251  
law enforcement automated data system is so configured as to 1252  
permit the transmission through the system of the information 1253  
specified in this division. 1254

(I) A sheriff shall accept a completed application form or 1255  
renewal application, and the fee, items, materials, and 1256  
information specified in divisions (B)(1) to (5) or division (F) 1257  
of this section, whichever is applicable, and shall provide an 1258  
application form or renewal application to any person during at 1259  
least fifteen hours a week and shall provide the web site address 1260  
at which the pamphlet described in division (B) of section 109.731 1261  
of the Revised Code may be found at any time, upon request. The 1262  
sheriff shall post notice of the hours during which the sheriff is 1263  
available to accept or provide the information described in this 1264  
division. 1265

Sec. 2923.1213. (A) As used in this section:	1266
(1) "Evidence of imminent danger" means any of the following:	1267
(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;	1268 1269 1270 1271 1272
(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.	1273 1274 1275 1276 1277 1278 1279 1280 1281 1282
(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	1283 1284
(B)(1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides all of the following:	1285 1286 1287
(a) Evidence of imminent danger to the person or a member of the person's family;	1288 1289
(b) A sworn affidavit that contains all of the information required to be on the license and attesting that the person is legally living in the United States; is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been	1290 1291 1292 1293 1294 1295

convicted of or pleaded guilty to an offense, and has not been 1296  
adjudicated a delinquent child for committing an act, identified 1297  
in division (D)(1)(e) of that section and to which division (B)(3) 1298  
of this section does not apply; within three years of the date of 1299  
the submission, has not been convicted of or pleaded guilty to an 1300  
offense, and has not been adjudicated a delinquent child for 1301  
committing an act, identified in division (D)(1)(f) of that 1302  
section and to which division (B)(3) of this section does not 1303  
apply; within five years of the date of the submission, has not 1304  
been convicted of, pleaded guilty, or adjudicated a delinquent 1305  
child for committing two or more violations identified in division 1306  
(D)(1)(g) of that section; within ten years of the date of the 1307  
submission, has not been convicted of, pleaded guilty, or 1308  
adjudicated a delinquent child for committing a violation 1309  
identified in division (D)(1)(h) of that section and to which 1310  
division (B)(3) of this section does not apply; has not been 1311  
adjudicated as a mental defective, has not been committed to any 1312  
mental institution, is not under adjudication of mental 1313  
incompetence, has not been found by a court to be a mentally ill 1314  
person subject to ~~hospitalization by~~ court order, and is not an 1315  
involuntary patient other than one who is a patient only for 1316  
purposes of observation, as described in division (D)(1)(i) of 1317  
that section; is not currently subject to a civil protection 1318  
order, a temporary protection order, or a protection order issued 1319  
by a court of another state, as described in division (D)(1)(j) of 1320  
that section; and is not currently subject to a suspension imposed 1321  
under division (A)(2) of section 2923.128 of the Revised Code of a 1322  
concealed handgun license that previously was issued to the 1323  
person; 1324

(c) A nonrefundable temporary emergency license fee as 1325  
described in either of the following: 1326

(i) For an applicant who has been a resident of this state 1327

for five or more years, a fee of fifteen dollars plus the actual 1328  
cost of having a background check performed by the bureau of 1329  
criminal identification and investigation pursuant to section 1330  
311.41 of the Revised Code; 1331

(ii) For an applicant who has been a resident of this state 1332  
for less than five years, a fee of fifteen dollars plus the actual 1333  
cost of having background checks performed by the federal bureau 1334  
of investigation and the bureau of criminal identification and 1335  
investigation pursuant to section 311.41 of the Revised Code. 1336

(d) A set of fingerprints of the applicant provided as 1337  
described in section 311.41 of the Revised Code through use of an 1338  
electronic fingerprint reading device or, if the sheriff to whom 1339  
the application is submitted does not possess and does not have 1340  
ready access to the use of an electronic fingerprint reading 1341  
device, on a standard impression sheet prescribed pursuant to 1342  
division (C)(2) of section 109.572 of the Revised Code. If the 1343  
fingerprints are provided on a standard impression sheet, the 1344  
person also shall provide the person's social security number to 1345  
the sheriff. 1346

(2) A sheriff shall accept the evidence of imminent danger, 1347  
the sworn affidavit, the fee, and the set of fingerprints required 1348  
under division (B)(1) of this section at the times and in the 1349  
manners described in division (I) of this section. Upon receipt of 1350  
the evidence of imminent danger, the sworn affidavit, the fee, and 1351  
the set of fingerprints required under division (B)(1) of this 1352  
section, the sheriff, in the manner specified in section 311.41 of 1353  
the Revised Code, immediately shall conduct or cause to be 1354  
conducted the criminal records check and the incompetency records 1355  
check described in section 311.41 of the Revised Code. Immediately 1356  
upon receipt of the results of the records checks, the sheriff 1357  
shall review the information and shall determine whether the 1358  
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 1359

section 2923.125 of the Revised Code apply regarding the person. 1360  
If the sheriff determines that all of criteria set forth in 1361  
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 1362  
Revised Code apply regarding the person, the sheriff shall 1363  
immediately make available through the law enforcement automated 1364  
data system all information that will be contained on the 1365  
temporary emergency license for the person if one is issued, and 1366  
the superintendent of the state highway patrol shall ensure that 1367  
the system is so configured as to permit the transmission through 1368  
the system of that information. Upon making that information 1369  
available through the law enforcement automated data system, the 1370  
sheriff shall immediately issue to the person a concealed handgun 1371  
license on a temporary emergency basis. 1372

If the sheriff denies the issuance of a license on a 1373  
temporary emergency basis to the person, the sheriff shall specify 1374  
the grounds for the denial in a written notice to the person. The 1375  
person may appeal the denial, or challenge criminal records check 1376  
results that were the basis of the denial if applicable, in the 1377  
same manners specified in division (D)(2) of section 2923.125 and 1378  
in section 2923.127 of the Revised Code, regarding the denial of 1379  
an application for a concealed handgun license under that section. 1380

The license on a temporary emergency basis issued under this 1381  
division shall be in the form, and shall include all of the 1382  
information, described in divisions (A)(2) and (5) of section 1383  
109.731 of the Revised Code, and also shall include a unique 1384  
combination of identifying letters and numbers in accordance with 1385  
division (A)(4) of that section. 1386

The license on a temporary emergency basis issued under this 1387  
division is valid for ninety days and may not be renewed. A person 1388  
who has been issued a license on a temporary emergency basis under 1389  
this division shall not be issued another license on a temporary 1390  
emergency basis unless at least four years has expired since the 1391

issuance of the prior license on a temporary emergency basis. 1392

(3) If a person seeking a concealed handgun license on a 1393  
temporary emergency basis has been convicted of or pleaded guilty 1394  
to an offense identified in division (D)(1)(e), (f), or (h) of 1395  
section 2923.125 of the Revised Code or has been adjudicated a 1396  
delinquent child for committing an act or violation identified in 1397  
any of those divisions, and if a court has ordered the sealing or 1398  
expungement of the records of that conviction, guilty plea, or 1399  
adjudication pursuant to sections 2151.355 to 2151.358 or sections 1400  
2953.31 to 2953.36 of the Revised Code or a court has granted the 1401  
applicant relief pursuant to section 2923.14 of the Revised Code 1402  
from the disability imposed pursuant to section 2923.13 of the 1403  
Revised Code relative to that conviction, guilty plea, or 1404  
adjudication, the conviction, guilty plea, or adjudication shall 1405  
not be relevant for purposes of the sworn affidavit described in 1406  
division (B)(1)(b) of this section, and the person may complete, 1407  
and swear to the truth of, the affidavit as if the conviction, 1408  
guilty plea, or adjudication never had occurred. 1409

(4) The sheriff shall waive the payment pursuant to division 1410  
(B)(1)(c) of this section of the license fee in connection with an 1411  
application that is submitted by an applicant who is a retired 1412  
peace officer, a retired person described in division (B)(1)(b) of 1413  
section 109.77 of the Revised Code, or a retired federal law 1414  
enforcement officer who, prior to retirement, was authorized under 1415  
federal law to carry a firearm in the course of duty, unless the 1416  
retired peace officer, person, or federal law enforcement officer 1417  
retired as the result of a mental disability. 1418

The sheriff shall deposit all fees paid by an applicant under 1419  
division (B)(1)(c) of this section into the sheriff's concealed 1420  
handgun license issuance fund established pursuant to section 1421  
311.42 of the Revised Code. 1422

(C) A person who holds a concealed handgun license on a 1423

temporary emergency basis has the same right to carry a concealed 1424  
handgun as a person who was issued a concealed handgun license 1425  
under section 2923.125 of the Revised Code, and any exceptions to 1426  
the prohibitions contained in section 1547.69 and sections 2923.12 1427  
to 2923.16 of the Revised Code for a licensee under section 1428  
2923.125 of the Revised Code apply to a licensee under this 1429  
section. The person is subject to the same restrictions, and to 1430  
all other procedures, duties, and sanctions, that apply to a 1431  
person who carries a license issued under section 2923.125 of the 1432  
Revised Code, other than the license renewal procedures set forth 1433  
in that section. 1434

(D) A sheriff who issues a concealed handgun license on a 1435  
temporary emergency basis under this section shall not require a 1436  
person seeking to carry a concealed handgun in accordance with 1437  
this section to submit a competency certificate as a prerequisite 1438  
for issuing the license and shall comply with division (H) of 1439  
section 2923.125 of the Revised Code in regards to the license. 1440  
The sheriff shall suspend or revoke the license in accordance with 1441  
section 2923.128 of the Revised Code. In addition to the 1442  
suspension or revocation procedures set forth in section 2923.128 1443  
of the Revised Code, the sheriff may revoke the license upon 1444  
receiving information, verifiable by public documents, that the 1445  
person is not eligible to possess a firearm under either the laws 1446  
of this state or of the United States or that the person committed 1447  
perjury in obtaining the license; if the sheriff revokes a license 1448  
under this additional authority, the sheriff shall notify the 1449  
person, by certified mail, return receipt requested, at the 1450  
person's last known residence address that the license has been 1451  
revoked and that the person is required to surrender the license 1452  
at the sheriff's office within ten days of the date on which the 1453  
notice was mailed. Division (H) of section 2923.125 of the Revised 1454  
Code applies regarding any suspension or revocation of a concealed 1455  
handgun license on a temporary emergency basis. 1456



(E) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall retain, for the entire period during which the license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(G) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a concealed handgun license on a temporary emergency basis on the basis of imminent danger of a type described in division (A)(1)(a) of this section.

(H) A sheriff who receives any fees paid by a person under this section shall deposit all fees so paid into the sheriff's concealed handgun license issuance expense fund established under section 311.42 of the Revised Code.

(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the

fee, and the set of fingerprints specified in division (B)(1) of 1489  
this section, or for the provision to any person of a standard 1490  
form to be used for a person to apply for a concealed handgun 1491  
license on a temporary emergency basis. 1492

**Sec. 2923.13.** (A) Unless relieved from disability as provided 1493  
in section 2923.14 of the Revised Code, no person shall knowingly 1494  
acquire, have, carry, or use any firearm or dangerous ordnance, if 1495  
any of the following apply: 1496

(1) The person is a fugitive from justice. 1497

(2) The person is under indictment for or has been convicted 1498  
of any felony offense of violence or has been adjudicated a 1499  
delinquent child for the commission of an offense that, if 1500  
committed by an adult, would have been a felony offense of 1501  
violence. 1502

(3) The person is under indictment for or has been convicted 1503  
of any felony offense involving the illegal possession, use, sale, 1504  
administration, distribution, or trafficking in any drug of abuse 1505  
or has been adjudicated a delinquent child for the commission of 1506  
an offense that, if committed by an adult, would have been a 1507  
felony offense involving the illegal possession, use, sale, 1508  
administration, distribution, or trafficking in any drug of abuse. 1509

(4) The person is drug dependent, in danger of drug 1510  
dependence, or a chronic alcoholic. 1511

(5) The person is under adjudication of mental incompetence, 1512  
has been adjudicated as a mental defective, has been committed to 1513  
a mental institution, has been found by a court to be a mentally 1514  
ill person subject to ~~hospitalization by~~ court order, or is an 1515  
involuntary patient other than one who is a patient only for 1516  
purposes of observation. As used in this division, "mentally ill 1517  
person subject to ~~hospitalization by~~ court order" and "patient" 1518

have the same meanings as in section 5122.01 of the Revised Code. 1519

(B) Whoever violates this section is guilty of having weapons 1520  
while under disability, a felony of the third degree. 1521

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 of 1522  
the Revised Code: 1523

(1) "Prosecutor" means a prosecuting attorney or a city 1524  
director of law, village solicitor, or similar chief legal officer 1525  
of a municipal corporation who has authority to prosecute a 1526  
criminal case that is before the court or the criminal case in 1527  
which a defendant in a criminal case has been found incompetent to 1528  
stand trial or not guilty by reason of insanity. 1529

(2) "Examiner" means either of the following: 1530

(a) A psychiatrist or a licensed clinical psychologist who 1531  
satisfies the criteria of division (I) of section 5122.01 of the 1532  
Revised Code or is employed by a certified forensic center 1533  
designated by the department of mental health and addiction 1534  
services to conduct examinations or evaluations. 1535

(b) For purposes of a separate mental retardation evaluation 1536  
that is ordered by a court pursuant to division (H) of section 1537  
2945.371 of the Revised Code, a psychologist designated by the 1538  
director of developmental disabilities pursuant to that section to 1539  
conduct that separate mental retardation evaluation. 1540

(3) "Nonsecured status" means any unsupervised, off-grounds 1541  
movement or trial visit from a hospital or institution, or any 1542  
conditional release, that is granted to a person who is found 1543  
incompetent to stand trial and is committed pursuant to section 1544  
2945.39 of the Revised Code or to a person who is found not guilty 1545  
by reason of insanity and is committed pursuant to section 2945.40 1546  
of the Revised Code. 1547

(4) "Unsupervised, off-grounds movement" includes only 1548

off-grounds privileges that are unsupervised and that have an 1549  
expectation of return to the hospital or institution on a daily 1550  
basis. 1551

(5) "Trial visit" means a patient privilege of a longer 1552  
stated duration of unsupervised community contact with an 1553  
expectation of return to the hospital or institution at designated 1554  
times. 1555

(6) "Conditional release" means a commitment status under 1556  
which the trial court at any time may revoke a person's 1557  
conditional release and order the rehospitalization or 1558  
reinstitutionalization of the person as described in division (A) 1559  
of section 2945.402 of the Revised Code and pursuant to which a 1560  
person who is found incompetent to stand trial or a person who is 1561  
found not guilty by reason of insanity lives and receives 1562  
treatment in the community for a period of time that does not 1563  
exceed the maximum prison term or term of imprisonment that the 1564  
person could have received for the offense in question had the 1565  
person been convicted of the offense instead of being found 1566  
incompetent to stand trial on the charge of the offense or being 1567  
found not guilty by reason of insanity relative to the offense. 1568

(7) "Licensed clinical psychologist," "mentally ill person 1569  
subject to ~~hospitalization by~~ court order," and "psychiatrist" 1570  
have the same meanings as in section 5122.01 of the Revised Code. 1571

(8) "Mentally retarded person subject to institutionalization 1572  
by court order" has the same meaning as in section 5123.01 of the 1573  
Revised Code. 1574

(B) In a criminal action in a court of common pleas, a county 1575  
court, or a municipal court, the court, prosecutor, or defense may 1576  
raise the issue of the defendant's competence to stand trial. If 1577  
the issue is raised before the trial has commenced, the court 1578  
shall hold a hearing on the issue as provided in this section. If 1579

the issue is raised after the trial has commenced, the court shall 1580  
hold a hearing on the issue only for good cause shown or on the 1581  
court's own motion. 1582

(C) The court shall conduct the hearing required or 1583  
authorized under division (B) of this section within thirty days 1584  
after the issue is raised, unless the defendant has been referred 1585  
for evaluation in which case the court shall conduct the hearing 1586  
within ten days after the filing of the report of the evaluation 1587  
or, in the case of a defendant who is ordered by the court 1588  
pursuant to division (H) of section 2945.371 of the Revised Code 1589  
to undergo a separate mental retardation evaluation conducted by a 1590  
psychologist designated by the director of developmental 1591  
disabilities, within ten days after the filing of the report of 1592  
the separate mental retardation evaluation under that division. A 1593  
hearing may be continued for good cause. 1594

(D) The defendant shall be represented by counsel at the 1595  
hearing conducted under division (C) of this section. If the 1596  
defendant is unable to obtain counsel, the court shall appoint 1597  
counsel under Chapter 120. of the Revised Code or under the 1598  
authority recognized in division (C) of section 120.06, division 1599  
(E) of section 120.16, division (E) of section 120.26, or section 1600  
2941.51 of the Revised Code before proceeding with the hearing. 1601

(E) The prosecutor and defense counsel may submit evidence on 1602  
the issue of the defendant's competence to stand trial. A written 1603  
report of the evaluation of the defendant may be admitted into 1604  
evidence at the hearing by stipulation, but, if either the 1605  
prosecution or defense objects to its admission, the report may be 1606  
admitted under sections 2317.36 to 2317.38 of the Revised Code or 1607  
any other applicable statute or rule. 1608

(F) The court shall not find a defendant incompetent to stand 1609  
trial solely because the defendant is receiving or has received 1610  
treatment as a voluntary or involuntary mentally ill patient under 1611

Chapter 5122. or a voluntary or involuntary mentally retarded 1612  
resident under Chapter 5123. of the Revised Code or because the 1613  
defendant is receiving or has received psychotropic drugs or other 1614  
medication, even if the defendant might become incompetent to 1615  
stand trial without the drugs or medication. 1616

(G) A defendant is presumed to be competent to stand trial. 1617  
If, after a hearing, the court finds by a preponderance of the 1618  
evidence that, because of the defendant's present mental 1619  
condition, the defendant is incapable of understanding the nature 1620  
and objective of the proceedings against the defendant or of 1621  
assisting in the defendant's defense, the court shall find the 1622  
defendant incompetent to stand trial and shall enter an order 1623  
authorized by section 2945.38 of the Revised Code. 1624

(H) Municipal courts shall follow the procedures set forth in 1625  
sections 2945.37 to 2945.402 of the Revised Code. Except as 1626  
provided in section 2945.371 of the Revised Code, a municipal 1627  
court shall not order an evaluation of the defendant's competence 1628  
to stand trial or the defendant's mental condition at the time of 1629  
the commission of the offense to be conducted at any hospital 1630  
operated by the department of mental health and addiction 1631  
services. Those evaluations shall be performed through community 1632  
resources including, but not limited to, certified forensic 1633  
centers, court probation departments, and community mental health 1634  
services providers. All expenses of the evaluations shall be borne 1635  
by the legislative authority of the municipal court, as defined in 1636  
section 1901.03 of the Revised Code, and shall be taxed as costs 1637  
in the case. If a defendant is found incompetent to stand trial or 1638  
not guilty by reason of insanity, a municipal court may commit the 1639  
defendant as provided in sections 2945.38 to 2945.402 of the 1640  
Revised Code. 1641

**Sec. 2945.38.** (A) If the issue of a defendant's competence to 1642

stand trial is raised and if the court, upon conducting the 1643  
hearing provided for in section 2945.37 of the Revised Code, finds 1644  
that the defendant is competent to stand trial, the defendant 1645  
shall be proceeded against as provided by law. If the court finds 1646  
the defendant competent to stand trial and the defendant is 1647  
receiving psychotropic drugs or other medication, the court may 1648  
authorize the continued administration of the drugs or medication 1649  
or other appropriate treatment in order to maintain the 1650  
defendant's competence to stand trial, unless the defendant's 1651  
attending physician advises the court against continuation of the 1652  
drugs, other medication, or treatment. 1653

(B)(1)(a) If, after taking into consideration all relevant 1654  
reports, information, and other evidence, the court finds that the 1655  
defendant is incompetent to stand trial and that there is a 1656  
substantial probability that the defendant will become competent 1657  
to stand trial within one year if the defendant is provided with a 1658  
course of treatment, the court shall order the defendant to 1659  
undergo treatment. If the defendant has been charged with a felony 1660  
offense and if, after taking into consideration all relevant 1661  
reports, information, and other evidence, the court finds that the 1662  
defendant is incompetent to stand trial, but the court is unable 1663  
at that time to determine whether there is a substantial 1664  
probability that the defendant will become competent to stand 1665  
trial within one year if the defendant is provided with a course 1666  
of treatment, the court shall order continuing evaluation and 1667  
treatment of the defendant for a period not to exceed four months 1668  
to determine whether there is a substantial probability that the 1669  
defendant will become competent to stand trial within one year if 1670  
the defendant is provided with a course of treatment. 1671

(b) The court order for the defendant to undergo treatment or 1672  
continuing evaluation and treatment under division (B)(1)(a) of 1673  
this section shall specify that the defendant, if determined to 1674

require mental health treatment or continuing evaluation and 1675  
treatment, either shall be committed to the department of mental 1676  
health and addiction services for treatment or continuing 1677  
evaluation and treatment at a hospital, facility, or agency, as 1678  
determined to be clinically appropriate by the department of 1679  
mental health and addiction services or shall be committed to a 1680  
facility certified by the department of mental health and 1681  
addiction services as being qualified to treat mental illness, to 1682  
a public or community mental health facility, or to a psychiatrist 1683  
or another mental health professional for treatment or continuing 1684  
evaluation and treatment. Prior to placing the defendant, the 1685  
department of mental health and addiction services shall obtain 1686  
court approval for that placement following a hearing. The court 1687  
order for the defendant to undergo treatment or continuing 1688  
evaluation and treatment under division (B)(1)(a) of this section 1689  
shall specify that the defendant, if determined to require 1690  
treatment or continuing evaluation and treatment for mental 1691  
retardation, shall receive treatment or continuing evaluation and 1692  
treatment at an institution or facility operated by the department 1693  
of developmental disabilities, at a facility certified by the 1694  
department of developmental disabilities as being qualified to 1695  
treat mental retardation, at a public or private mental 1696  
retardation facility, or by a psychiatrist or another mental 1697  
retardation professional. In any case, the order may restrict the 1698  
defendant's freedom of movement as the court considers necessary. 1699  
The prosecutor in the defendant's case shall send to the chief 1700  
clinical officer of the hospital, facility, or agency where the 1701  
defendant is placed by the department of mental health and 1702  
addiction services, or to the managing officer of the institution, 1703  
the director of the program or facility, or the person to which 1704  
the defendant is committed, copies of relevant police reports and 1705  
other background information that pertains to the defendant and is 1706  
available to the prosecutor unless the prosecutor determines that 1707



the release of any of the information in the police reports or any 1708  
of the other background information to unauthorized persons would 1709  
interfere with the effective prosecution of any person or would 1710  
create a substantial risk of harm to any person. 1711

In determining the place of commitment, the court shall 1712  
consider the extent to which the person is a danger to the person 1713  
and to others, the need for security, and the type of crime 1714  
involved and shall order the least restrictive alternative 1715  
available that is consistent with public safety and treatment 1716  
goals. In weighing these factors, the court shall give preference 1717  
to protecting public safety. 1718

(c) If the defendant is found incompetent to stand trial, if 1719  
the chief clinical officer of the hospital, facility, or agency 1720  
where the defendant is placed, or the managing officer of the 1721  
institution, the director of the program or facility, or the 1722  
person to which the defendant is committed for treatment or 1723  
continuing evaluation and treatment under division (B)(1)(b) of 1724  
this section determines that medication is necessary to restore 1725  
the defendant's competency to stand trial, and if the defendant 1726  
lacks the capacity to give informed consent or refuses medication, 1727  
the chief clinical officer of the hospital, facility, or agency 1728  
where the defendant is placed, or the managing officer of the 1729  
institution, the director of the program or facility, or the 1730  
person to which the defendant is committed for treatment or 1731  
continuing evaluation and treatment may petition the court for 1732  
authorization for the involuntary administration of medication. 1733  
The court shall hold a hearing on the petition within five days of 1734  
the filing of the petition if the petition was filed in a 1735  
municipal court or a county court regarding an incompetent 1736  
defendant charged with a misdemeanor or within ten days of the 1737  
filing of the petition if the petition was filed in a court of 1738  
common pleas regarding an incompetent defendant charged with a 1739

felony offense. Following the hearing, the court may authorize the involuntary administration of medication or may dismiss the petition.

(2) If the court finds that the defendant is incompetent to stand trial and that, even if the defendant is provided with a course of treatment, there is not a substantial probability that the defendant will become competent to stand trial within one year, the court shall order the discharge of the defendant, unless upon motion of the prosecutor or on its own motion, the court either seeks to retain jurisdiction over the defendant pursuant to section 2945.39 of the Revised Code or files an affidavit in the probate court for the civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code alleging that the defendant is a mentally ill person subject to ~~hospitalization by~~ court order or a mentally retarded person subject to institutionalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the defendant's mental condition that were prepared pursuant to section 2945.371 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 or 5123.71 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. or 5123. of the Revised Code.

(C) No defendant shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the following periods is applicable:

(1) One year, if the most serious offense with which the defendant is charged is one of the following offenses:

(a) Aggravated murder, murder, or an offense of violence for which a sentence of death or life imprisonment may be imposed;	1772 1773
(b) An offense of violence that is a felony of the first or second degree;	1774 1775
(c) A conspiracy to commit, an attempt to commit, or complicity in the commission of an offense described in division (C)(1)(a) or (b) of this section if the conspiracy, attempt, or complicity is a felony of the first or second degree.	1776 1777 1778 1779
(2) Six months, if the most serious offense with which the defendant is charged is a felony other than a felony described in division (C)(1) of this section;	1780 1781 1782
(3) Sixty days, if the most serious offense with which the defendant is charged is a misdemeanor of the first or second degree;	1783 1784 1785
(4) Thirty days, if the most serious offense with which the defendant is charged is a misdemeanor of the third or fourth degree, a minor misdemeanor, or an unclassified misdemeanor.	1786 1787 1788
(D) Any defendant who is committed pursuant to this section shall not voluntarily admit the defendant or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code.	1789 1790 1791 1792
(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to the department of mental health and addiction services or is committed to an institution or facility for the treatment of mental retardation shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical treatment or specialized habilitation treatment services if the person who supervises the treatment or the	1793 1794 1795 1796 1797 1798 1799 1800 1801 1802

continuing evaluation and treatment of the defendant ordered under 1803  
division (B)(1)(a) of this section informs the court that the 1804  
treatment or continuing evaluation and treatment cannot be 1805  
provided at the hospital or facility where the defendant is placed 1806  
by the department of mental health and addiction services or the 1807  
institution or facility to which the defendant is committed. The 1808  
chief clinical officer of the hospital or facility where the 1809  
defendant is placed by the department of mental health and 1810  
addiction services or the managing officer of the institution or 1811  
director of the facility to which the defendant is committed, or a 1812  
designee of any of those persons, may grant a defendant movement 1813  
to a medical facility for an emergency medical situation with 1814  
appropriate supervision to ensure the safety of the defendant, 1815  
staff, and community during that emergency medical situation. The 1816  
chief clinical officer of the hospital or facility where the 1817  
defendant is placed by the department of mental health and 1818  
addiction services or the managing officer of the institution or 1819  
director of the facility to which the defendant is committed shall 1820  
notify the court within twenty-four hours of the defendant's 1821  
movement to the medical facility for an emergency medical 1822  
situation under this division. 1823

(F) The person who supervises the treatment or continuing 1824  
evaluation and treatment of a defendant ordered to undergo 1825  
treatment or continuing evaluation and treatment under division 1826  
(B)(1)(a) of this section shall file a written report with the 1827  
court at the following times: 1828

(1) Whenever the person believes the defendant is capable of 1829  
understanding the nature and objective of the proceedings against 1830  
the defendant and of assisting in the defendant's defense; 1831

(2) For a felony offense, fourteen days before expiration of 1832  
the maximum time for treatment as specified in division (C) of 1833  
this section and fourteen days before the expiration of the 1834

maximum time for continuing evaluation and treatment as specified 1835  
in division (B)(1)(a) of this section, and, for a misdemeanor 1836  
offense, ten days before the expiration of the maximum time for 1837  
treatment, as specified in division (C) of this section; 1838

(3) At a minimum, after each six months of treatment; 1839

(4) Whenever the person who supervises the treatment or 1840  
continuing evaluation and treatment of a defendant ordered under 1841  
division (B)(1)(a) of this section believes that there is not a 1842  
substantial probability that the defendant will become capable of 1843  
understanding the nature and objective of the proceedings against 1844  
the defendant or of assisting in the defendant's defense even if 1845  
the defendant is provided with a course of treatment. 1846

(G) A report under division (F) of this section shall contain 1847  
the examiner's findings, the facts in reasonable detail on which 1848  
the findings are based, and the examiner's opinion as to the 1849  
defendant's capability of understanding the nature and objective 1850  
of the proceedings against the defendant and of assisting in the 1851  
defendant's defense. If, in the examiner's opinion, the defendant 1852  
remains incapable of understanding the nature and objective of the 1853  
proceedings against the defendant and of assisting in the 1854  
defendant's defense and there is a substantial probability that 1855  
the defendant will become capable of understanding the nature and 1856  
objective of the proceedings against the defendant and of 1857  
assisting in the defendant's defense if the defendant is provided 1858  
with a course of treatment, if in the examiner's opinion the 1859  
defendant remains mentally ill or mentally retarded, and if the 1860  
maximum time for treatment as specified in division (C) of this 1861  
section has not expired, the report also shall contain the 1862  
examiner's recommendation as to the least restrictive placement or 1863  
commitment alternative that is consistent with the defendant's 1864  
treatment needs for restoration to competency and with the safety 1865  
of the community. The court shall provide copies of the report to 1866

the prosecutor and defense counsel. 1867

(H) If a defendant is committed pursuant to division (B)(1) 1868  
of this section, within ten days after the treating physician of 1869  
the defendant or the examiner of the defendant who is employed or 1870  
retained by the treating facility advises that there is not a 1871  
substantial probability that the defendant will become capable of 1872  
understanding the nature and objective of the proceedings against 1873  
the defendant or of assisting in the defendant's defense even if 1874  
the defendant is provided with a course of treatment, within ten 1875  
days after the expiration of the maximum time for treatment as 1876  
specified in division (C) of this section, within ten days after 1877  
the expiration of the maximum time for continuing evaluation and 1878  
treatment as specified in division (B)(1)(a) of this section, 1879  
within thirty days after a defendant's request for a hearing that 1880  
is made after six months of treatment, or within thirty days after 1881  
being advised by the treating physician or examiner that the 1882  
defendant is competent to stand trial, whichever is the earliest, 1883  
the court shall conduct another hearing to determine if the 1884  
defendant is competent to stand trial and shall do whichever of 1885  
the following is applicable: 1886

(1) If the court finds that the defendant is competent to 1887  
stand trial, the defendant shall be proceeded against as provided 1888  
by law. 1889

(2) If the court finds that the defendant is incompetent to 1890  
stand trial, but that there is a substantial probability that the 1891  
defendant will become competent to stand trial if the defendant is 1892  
provided with a course of treatment, and the maximum time for 1893  
treatment as specified in division (C) of this section has not 1894  
expired, the court, after consideration of the examiner's 1895  
recommendation, shall order that treatment be continued, may 1896  
change the facility or program at which the treatment is to be 1897  
continued, and shall specify whether the treatment is to be 1898

continued at the same or a different facility or program. 1899

(3) If the court finds that the defendant is incompetent to stand trial, if the defendant is charged with an offense listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 2945.39, 2945.401, and 2945.402 of the Revised Code. 1900  
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(4) If the court finds that the defendant is incompetent to stand trial, if the most serious offense with which the defendant is charged is a misdemeanor or a felony other than a felony listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, the court shall dismiss the indictment, information, or complaint against the defendant. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment pursuant to Chapter 5122. or 5123. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the defendant for ten days pending civil commitment. All of the following provisions apply to persons charged with a misdemeanor or a felony other than a felony listed in division (C)(1) of this section who are committed by the probate court subsequent to the court's or prosecutor's filing of an affidavit for civil commitment under authority of this division: 1909  
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(a) The chief clinical officer of the entity, hospital, or 1930

facility, the managing officer of the institution, the director of 1931  
the program, or the person to which the defendant is committed or 1932  
admitted shall do all of the following: 1933

(i) Notify the prosecutor, in writing, of the discharge of 1934  
the defendant, send the notice at least ten days prior to the 1935  
discharge unless the discharge is by the probate court, and state 1936  
in the notice the date on which the defendant will be discharged; 1937

(ii) Notify the prosecutor, in writing, when the defendant is 1938  
absent without leave or is granted unsupervised, off-grounds 1939  
movement, and send this notice promptly after the discovery of the 1940  
absence without leave or prior to the granting of the 1941  
unsupervised, off-grounds movement, whichever is applicable; 1942

(iii) Notify the prosecutor, in writing, of the change of the 1943  
defendant's commitment or admission to voluntary status, send the 1944  
notice promptly upon learning of the change to voluntary status, 1945  
and state in the notice the date on which the defendant was 1946  
committed or admitted on a voluntary status. 1947

(b) Upon receiving notice that the defendant will be granted 1948  
unsupervised, off-grounds movement, the prosecutor either shall 1949  
re-indict the defendant or promptly notify the court that the 1950  
prosecutor does not intend to prosecute the charges against the 1951  
defendant. 1952

(I) If a defendant is convicted of a crime and sentenced to a 1953  
jail or workhouse, the defendant's sentence shall be reduced by 1954  
the total number of days the defendant is confined for evaluation 1955  
to determine the defendant's competence to stand trial or 1956  
treatment under this section and sections 2945.37 and 2945.371 of 1957  
the Revised Code or by the total number of days the defendant is 1958  
confined for evaluation to determine the defendant's mental 1959  
condition at the time of the offense charged. 1960



**Sec. 2945.39.** (A) If a defendant who is charged with an offense described in division (C)(1) of section 2945.38 of the Revised Code is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of that section or after the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, one of the following applies:

(1) The court or the prosecutor may file an affidavit in probate court for civil commitment of the defendant in the manner provided in Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may detain the defendant for ten days pending civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the prosecutor or on its own motion, the court may retain jurisdiction over the defendant if, at a hearing, the court finds both of the following by clear and convincing evidence:

(a) The defendant committed the offense with which the defendant is charged.

(b) The defendant is a mentally ill person subject to ~~hospitalization by~~ court order or a mentally retarded person subject to institutionalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law.

(C) If the court conducts a hearing as described in division (A)(2) of this section and if the court does not make both findings described in divisions (A)(2)(a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions. A dismissal of charges under this division is not a bar to further criminal proceedings based on the same conduct.

(D)(1) If the court conducts a hearing as described in division (A)(2) of this section and if the court makes the findings described in divisions (A)(2)(a) and (b) of this section

by clear and convincing evidence, the court shall commit the 2024  
defendant, if determined to require mental health treatment, 2025  
either to the department of mental health and addiction services 2026  
for treatment at a hospital, facility, or agency as determined 2027  
clinically appropriate by the department of mental health and 2028  
addiction services or to another medical or psychiatric facility, 2029  
as appropriate. Prior to placing the defendant, the department of 2030  
mental health and addiction services shall obtain court approval 2031  
for that placement. If the court conducts such a hearing and if it 2032  
makes those findings by clear and convincing evidence, the court 2033  
shall commit the defendant, if determined to require treatment for 2034  
mental retardation, to a facility operated by the department of 2035  
developmental disabilities, or another facility, as appropriate. 2036  
In determining the place of commitment, the court shall consider 2037  
the extent to which the person is a danger to the person and to 2038  
others, the need for security, and the type of crime involved and 2039  
shall order the least restrictive alternative available that is 2040  
consistent with public safety and the welfare of the defendant. In 2041  
weighing these factors, the court shall give preference to 2042  
protecting public safety. 2043

(2) If a court makes a commitment of a defendant under 2044  
division (D)(1) of this section, the prosecutor shall send to the 2045  
hospital, facility, or agency where the defendant is placed by the 2046  
department of mental health and addiction services or to the 2047  
defendant's place of commitment all reports of the defendant's 2048  
current mental condition and, except as otherwise provided in this 2049  
division, any other relevant information, including, but not 2050  
limited to, a transcript of the hearing held pursuant to division 2051  
(A)(2) of this section, copies of relevant police reports, and 2052  
copies of any prior arrest and conviction records that pertain to 2053  
the defendant and that the prosecutor possesses. The prosecutor 2054  
shall send the reports of the defendant's current mental condition 2055  
in every case of commitment, and, unless the prosecutor determines 2056

that the release of any of the other relevant information to 2057  
unauthorized persons would interfere with the effective 2058  
prosecution of any person or would create a substantial risk of 2059  
harm to any person, the prosecutor also shall send the other 2060  
relevant information. Upon admission of a defendant committed 2061  
under division (D)(1) of this section, the place of commitment 2062  
shall send to the board of alcohol, drug addiction, and mental 2063  
health services or the community mental health board serving the 2064  
county in which the charges against the defendant were filed a 2065  
copy of all reports of the defendant's current mental condition 2066  
and a copy of the other relevant information provided by the 2067  
prosecutor under this division, including, if provided, a 2068  
transcript of the hearing held pursuant to division (A)(2) of this 2069  
section, the relevant police reports, and the prior arrest and 2070  
conviction records that pertain to the defendant and that the 2071  
prosecutor possesses. 2072

(3) If a court makes a commitment under division (D)(1) of 2073  
this section, all further proceedings shall be in accordance with 2074  
sections 2945.401 and 2945.402 of the Revised Code. 2075

**Sec. 2945.40.** (A) If a person is found not guilty by reason 2076  
of insanity, the verdict shall state that finding, and the trial 2077  
court shall conduct a full hearing to determine whether the person 2078  
is a mentally ill person subject to ~~hospitalization by~~ court order 2079  
or a mentally retarded person subject to institutionalization by 2080  
court order. Prior to the hearing, if the trial judge believes 2081  
that there is probable cause that the person found not guilty by 2082  
reason of insanity is a mentally ill person subject to 2083  
~~hospitalization by~~ court order or mentally retarded person subject 2084  
to institutionalization by court order, the trial judge may issue 2085  
a temporary order of detention for that person to remain in effect 2086  
for ten court days or until the hearing, whichever occurs first. 2087

Any person detained pursuant to a temporary order of 2088  
detention issued under this division shall be held in a suitable 2089  
facility, taking into consideration the place and type of 2090  
confinement prior to and during trial. 2091

(B) The court shall hold the hearing under division (A) of 2092  
this section to determine whether the person found not guilty by 2093  
reason of insanity is a mentally ill person subject to 2094  
~~hospitalization by~~ court order or a mentally retarded person 2095  
subject to institutionalization by court order within ten court 2096  
days after the finding of not guilty by reason of insanity. 2097  
Failure to conduct the hearing within the ten-day period shall 2098  
cause the immediate discharge of the respondent, unless the judge 2099  
grants a continuance for not longer than ten court days for good 2100  
cause shown or for any period of time upon motion of the 2101  
respondent. 2102

(C) If a person is found not guilty by reason of insanity, 2103  
the person has the right to attend all hearings conducted pursuant 2104  
to sections 2945.37 to 2945.402 of the Revised Code. At any 2105  
hearing conducted pursuant to one of those sections, the court 2106  
shall inform the person that the person has all of the following 2107  
rights: 2108

(1) The right to be represented by counsel and to have that 2109  
counsel provided at public expense if the person is indigent, with 2110  
the counsel to be appointed by the court under Chapter 120. of the 2111  
Revised Code or under the authority recognized in division (C) of 2112  
section 120.06, division (E) of section 120.16, division (E) of 2113  
section 120.26, or section 2941.51 of the Revised Code; 2114

(2) The right to have independent expert evaluation and to 2115  
have that independent expert evaluation provided at public expense 2116  
if the person is indigent; 2117

(3) The right to subpoena witnesses and documents, to present 2118

evidence on the person's behalf, and to cross-examine witnesses 2119  
against the person; 2120

(4) The right to testify in the person's own behalf and to 2121  
not be compelled to testify; 2122

(5) The right to have copies of any relevant medical or 2123  
mental health document in the custody of the state or of any place 2124  
of commitment other than a document for which the court finds that 2125  
the release to the person of information contained in the document 2126  
would create a substantial risk of harm to any person. 2127

(D) The hearing under division (A) of this section shall be 2128  
open to the public, and the court shall conduct the hearing in 2129  
accordance with the Rules of Civil Procedure. The court shall make 2130  
and maintain a full transcript and record of the hearing 2131  
proceedings. The court may consider all relevant evidence, 2132  
including, but not limited to, any relevant psychiatric, 2133  
psychological, or medical testimony or reports, the acts 2134  
constituting the offense in relation to which the person was found 2135  
not guilty by reason of insanity, and any history of the person 2136  
that is relevant to the person's ability to conform to the law. 2137

(E) Upon completion of the hearing under division (A) of this 2138  
section, if the court finds there is not clear and convincing 2139  
evidence that the person is a mentally ill person subject to 2140  
~~hospitalization by~~ court order or a mentally retarded person 2141  
subject to institutionalization by court order, the court shall 2142  
discharge the person, unless a detainer has been placed upon the 2143  
person by the department of rehabilitation and correction, in 2144  
which case the person shall be returned to that department. 2145

(F) If, at the hearing under division (A) of this section, 2146  
the court finds by clear and convincing evidence that the person 2147  
is a mentally ill person subject to ~~hospitalization by~~ court 2148  
order, the court shall commit the person either to the department 2149

of mental health and addiction services for treatment in a 2150  
hospital, facility, or agency as determined clinically appropriate 2151  
by the department of mental health and addiction services or to 2152  
another medical or psychiatric facility, as appropriate. Prior to 2153  
placing the defendant, the department of mental health and 2154  
addiction services shall obtain court approval for that placement. 2155  
If, at the hearing under division (A) of this section, the court 2156  
determines by clear and convincing evidence that the person 2157  
requires treatment for mental retardation, it shall commit the 2158  
person to a facility operated by the department of developmental 2159  
disabilities or another facility, as appropriate. Further 2160  
proceedings shall be in accordance with sections 2945.401 and 2161  
2945.402 of the Revised Code. In determining the place of 2162  
commitment, the court shall consider the extent to which the 2163  
person is a danger to the person and to others, the need for 2164  
security, and the type of crime involved and shall order the least 2165  
restrictive alternative available that is consistent with public 2166  
safety and the welfare of the person. In weighing these factors, 2167  
the court shall give preference to protecting public safety. 2168

(G) If a court makes a commitment of a person under division 2169  
(F) of this section, the prosecutor shall send to the hospital, 2170  
facility, or agency where the person is placed by the department 2171  
of mental health and addiction services or to the defendant's 2172  
place of commitment all reports of the person's current mental 2173  
condition, and, except as otherwise provided in this division, any 2174  
other relevant information, including, but not limited to, a 2175  
transcript of the hearing held pursuant to division (A) of this 2176  
section, copies of relevant police reports, and copies of any 2177  
prior arrest and conviction records that pertain to the person and 2178  
that the prosecutor possesses. The prosecutor shall send the 2179  
reports of the person's current mental condition in every case of 2180  
commitment, and, unless the prosecutor determines that the release 2181  
of any of the other relevant information to unauthorized persons 2182

would interfere with the effective prosecution of any person or 2183  
would create a substantial risk of harm to any person, the 2184  
prosecutor also shall send the other relevant information. Upon 2185  
admission of a person committed under division (F) of this 2186  
section, the place of commitment shall send to the board of 2187  
alcohol, drug addiction, and mental health services or the 2188  
community mental health board serving the county in which the 2189  
charges against the person were filed a copy of all reports of the 2190  
person's current mental condition and a copy of the other relevant 2191  
information provided by the prosecutor under this division, 2192  
including, if provided, a transcript of the hearing held pursuant 2193  
to division (A) of this section, the relevant police reports, and 2194  
the prior arrest and conviction records that pertain to the person 2195  
and that the prosecutor possesses. 2196

(H) A person who is committed pursuant to this section shall 2197  
not voluntarily admit the person or be voluntarily admitted to a 2198  
hospital or institution pursuant to section 5122.02, 5122.15, 2199  
5123.69, or 5123.76 of the Revised Code. 2200

**Sec. 2945.401.** (A) A defendant found incompetent to stand 2201  
trial and committed pursuant to section 2945.39 of the Revised 2202  
Code or a person found not guilty by reason of insanity and 2203  
committed pursuant to section 2945.40 of the Revised Code shall 2204  
remain subject to the jurisdiction of the trial court pursuant to 2205  
that commitment, and to the provisions of this section, until the 2206  
final termination of the commitment as described in division 2207  
(J)(1) of this section. If the jurisdiction is terminated under 2208  
this division because of the final termination of the commitment 2209  
resulting from the expiration of the maximum prison term or term 2210  
of imprisonment described in division (J)(1)(b) of this section, 2211  
the court or prosecutor may file an affidavit for the civil 2212  
commitment of the defendant or person pursuant to Chapter 5122. or 2213  
5123. of the Revised Code. 2214



(B) A hearing conducted under any provision of sections 2215  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 2216  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 2217  
person who is committed pursuant to section 2945.39 or 2945.40 of 2218  
the Revised Code shall not voluntarily admit the person or be 2219  
voluntarily admitted to a hospital or institution pursuant to 2220  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 2221  
All other provisions of Chapters 5122. and 5123. of the Revised 2222  
Code regarding hospitalization or institutionalization shall apply 2223  
to the extent they are not in conflict with this chapter. A 2224  
commitment under section 2945.39 or 2945.40 of the Revised Code 2225  
shall not be terminated and the conditions of the commitment shall 2226  
not be changed except as otherwise provided in division (D)(2) of 2227  
this section with respect to a mentally retarded person subject to 2228  
institutionalization by court order or except by order of the 2229  
trial court. 2230

(C) The department of mental health and addiction services or 2231  
the institution, facility, or program to which a defendant or 2232  
person has been committed under section 2945.39 or 2945.40 of the 2233  
Revised Code shall report in writing to the trial court, at the 2234  
times specified in this division, as to whether the defendant or 2235  
person remains a mentally ill person subject to ~~hospitalization by~~ 2236  
court order or a mentally retarded person subject to 2237  
institutionalization by court order and, in the case of a 2238  
defendant committed under section 2945.39 of the Revised Code, as 2239  
to whether the defendant remains incompetent to stand trial. The 2240  
department, institution, facility, or program shall make the 2241  
reports after the initial six months of treatment and every two 2242  
years after the initial report is made. The trial court shall 2243  
provide copies of the reports to the prosecutor and to the counsel 2244  
for the defendant or person. Within thirty days after its receipt 2245  
pursuant to this division of a report from the department, 2246  
institution, facility, or program, the trial court shall hold a 2247

hearing on the continued commitment of the defendant or person or 2248  
on any changes in the conditions of the commitment of the 2249  
defendant or person. The defendant or person may request a change 2250  
in the conditions of confinement, and the trial court shall 2251  
conduct a hearing on that request if six months or more have 2252  
elapsed since the most recent hearing was conducted under this 2253  
section. 2254

(D)(1) Except as otherwise provided in division (D)(2) of 2255  
this section, when a defendant or person has been committed under 2256  
section 2945.39 or 2945.40 of the Revised Code, at any time after 2257  
evaluating the risks to public safety and the welfare of the 2258  
defendant or person, the designee of the department of mental 2259  
health and addiction services or the managing officer of the 2260  
institution or director of the facility or program to which the 2261  
defendant or person is committed may recommend a termination of 2262  
the defendant's or person's commitment or a change in the 2263  
conditions of the defendant's or person's commitment. 2264

Except as otherwise provided in division (D)(2) of this 2265  
section, if the designee of the department of mental health and 2266  
addiction services recommends on-grounds unsupervised movement, 2267  
off-grounds supervised movement, or nonsecured status for the 2268  
defendant or person or termination of the defendant's or person's 2269  
commitment, the following provisions apply: 2270

(a) If the department's designee recommends on-grounds 2271  
unsupervised movement or off-grounds supervised movement, the 2272  
department's designee shall file with the trial court an 2273  
application for approval of the movement and shall send a copy of 2274  
the application to the prosecutor. Within fifteen days after 2275  
receiving the application, the prosecutor may request a hearing on 2276  
the application and, if a hearing is requested, shall so inform 2277  
the department's designee. If the prosecutor does not request a 2278  
hearing within the fifteen-day period, the trial court shall 2279

approve the application by entering its order approving the 2280  
requested movement or, within five days after the expiration of 2281  
the fifteen-day period, shall set a date for a hearing on the 2282  
application. If the prosecutor requests a hearing on the 2283  
application within the fifteen-day period, the trial court shall 2284  
hold a hearing on the application within thirty days after the 2285  
hearing is requested. If the trial court, within five days after 2286  
the expiration of the fifteen-day period, sets a date for a 2287  
hearing on the application, the trial court shall hold the hearing 2288  
within thirty days after setting the hearing date. At least 2289  
fifteen days before any hearing is held under this division, the 2290  
trial court shall give the prosecutor written notice of the date, 2291  
time, and place of the hearing. At the conclusion of each hearing 2292  
conducted under this division, the trial court either shall 2293  
approve or disapprove the application and shall enter its order 2294  
accordingly. 2295

(b) If the department's designee recommends termination of 2296  
the defendant's or person's commitment at any time or if the 2297  
department's designee recommends the first of any nonsecured 2298  
status for the defendant or person, the department's designee 2299  
shall send written notice of this recommendation to the trial 2300  
court and to the local forensic center. The local forensic center 2301  
shall evaluate the committed defendant or person and, within 2302  
thirty days after its receipt of the written notice, shall submit 2303  
to the trial court and the department's designee a written report 2304  
of the evaluation. The trial court shall provide a copy of the 2305  
department's designee's written notice and of the local forensic 2306  
center's written report to the prosecutor and to the counsel for 2307  
the defendant or person. Upon the local forensic center's 2308  
submission of the report to the trial court and the department's 2309  
designee, all of the following apply: 2310

(i) If the forensic center disagrees with the recommendation 2311

of the department's designee, it shall inform the department's 2312  
designee and the trial court of its decision and the reasons for 2313  
the decision. The department's designee, after consideration of 2314  
the forensic center's decision, shall either withdraw, proceed 2315  
with, or modify and proceed with the recommendation. If the 2316  
department's designee proceeds with, or modifies and proceeds 2317  
with, the recommendation, the department's designee shall proceed 2318  
in accordance with division (D)(1)(b)(iii) of this section. 2319

(ii) If the forensic center agrees with the recommendation of 2320  
the department's designee, it shall inform the department's 2321  
designee and the trial court of its decision and the reasons for 2322  
the decision, and the department's designee shall proceed in 2323  
accordance with division (D)(1)(b)(iii) of this section. 2324

(iii) If the forensic center disagrees with the 2325  
recommendation of the department's designee and the department's 2326  
designee proceeds with, or modifies and proceeds with, the 2327  
recommendation or if the forensic center agrees with the 2328  
recommendation of the department's designee, the department's 2329  
designee shall work with community mental health services 2330  
providers, programs, facilities, or boards of alcohol, drug 2331  
addiction, and mental health services or community mental health 2332  
boards to develop a plan to implement the recommendation. If the 2333  
defendant or person is on medication, the plan shall include, but 2334  
shall not be limited to, a system to monitor the defendant's or 2335  
person's compliance with the prescribed medication treatment plan. 2336  
The system shall include a schedule that clearly states when the 2337  
defendant or person shall report for a medication compliance 2338  
check. The medication compliance checks shall be based upon the 2339  
effective duration of the prescribed medication, taking into 2340  
account the route by which it is taken, and shall be scheduled at 2341  
intervals sufficiently close together to detect a potential 2342  
increase in mental illness symptoms that the medication is 2343

intended to prevent. 2344

The department's designee, after consultation with the board 2345  
of alcohol, drug addiction, and mental health services or the 2346  
community mental health board serving the area, shall send the 2347  
recommendation and plan developed under division (D)(1)(b)(iii) of 2348  
this section, in writing, to the trial court, the prosecutor, and 2349  
the counsel for the committed defendant or person. The trial court 2350  
shall conduct a hearing on the recommendation and plan developed 2351  
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 2352  
and (d) and (E) to (J) of this section apply regarding the 2353  
hearing. 2354

(c) If the department's designee's recommendation is for 2355  
nonsecured status or termination of commitment, the prosecutor may 2356  
obtain an independent expert evaluation of the defendant's or 2357  
person's mental condition, and the trial court may continue the 2358  
hearing on the recommendation for a period of not more than thirty 2359  
days to permit time for the evaluation. 2360

The prosecutor may introduce the evaluation report or present 2361  
other evidence at the hearing in accordance with the Rules of 2362  
Evidence. 2363

(d) The trial court shall schedule the hearing on a 2364  
department's designee's recommendation for nonsecured status or 2365  
termination of commitment and shall give reasonable notice to the 2366  
prosecutor and the counsel for the defendant or person. Unless 2367  
continued for independent evaluation at the prosecutor's request 2368  
or for other good cause, the hearing shall be held within thirty 2369  
days after the trial court's receipt of the recommendation and 2370  
plan. 2371

(2)(a) Division (D)(1) of this section does not apply to 2372  
on-grounds unsupervised movement of a defendant or person who has 2373  
been committed under section 2945.39 or 2945.40 of the Revised 2374

Code, who is a mentally retarded person subject to 2375  
institutionalization by court order, and who is being provided 2376  
residential habilitation, care, and treatment in a facility 2377  
operated by the department of developmental disabilities. 2378

(b) If, pursuant to section 2945.39 of the Revised Code, the 2379  
trial court commits a defendant who is found incompetent to stand 2380  
trial and who is a mentally retarded person subject to 2381  
institutionalization by court order, if the defendant is being 2382  
provided residential habilitation, care, and treatment in a 2383  
facility operated by the department of developmental disabilities, 2384  
if an individual who is conducting a survey for the department of 2385  
health to determine the facility's compliance with the 2386  
certification requirements of the medicaid program cites the 2387  
defendant's receipt of the residential habilitation, care, and 2388  
treatment in the facility as being inappropriate under the 2389  
certification requirements, if the defendant's receipt of the 2390  
residential habilitation, care, and treatment in the facility 2391  
potentially jeopardizes the facility's continued receipt of 2392  
federal medicaid moneys, and if as a result of the citation the 2393  
chief clinical officer of the facility determines that the 2394  
conditions of the defendant's commitment should be changed, the 2395  
department of developmental disabilities may cause the defendant 2396  
to be removed from the particular facility and, after evaluating 2397  
the risks to public safety and the welfare of the defendant and 2398  
after determining whether another type of placement is consistent 2399  
with the certification requirements, may place the defendant in 2400  
another facility that the department selects as an appropriate 2401  
facility for the defendant's continued receipt of residential 2402  
habilitation, care, and treatment and that is a no less secure 2403  
setting than the facility in which the defendant had been placed 2404  
at the time of the citation. Within three days after the 2405  
defendant's removal and alternative placement under the 2406  
circumstances described in division (D)(2)(b) of this section, the 2407

department of developmental disabilities shall notify the trial 2408  
court and the prosecutor in writing of the removal and alternative 2409  
placement. 2410

The trial court shall set a date for a hearing on the removal 2411  
and alternative placement, and the hearing shall be held within 2412  
twenty-one days after the trial court's receipt of the notice from 2413  
the department of developmental disabilities. At least ten days 2414  
before the hearing is held, the trial court shall give the 2415  
prosecutor, the department of developmental disabilities, and the 2416  
counsel for the defendant written notice of the date, time, and 2417  
place of the hearing. At the hearing, the trial court shall 2418  
consider the citation issued by the individual who conducted the 2419  
survey for the department of health to be prima-facie evidence of 2420  
the fact that the defendant's commitment to the particular 2421  
facility was inappropriate under the certification requirements of 2422  
the medicaid program and potentially jeopardizes the particular 2423  
facility's continued receipt of federal medicaid moneys. At the 2424  
conclusion of the hearing, the trial court may approve or 2425  
disapprove the defendant's removal and alternative placement. If 2426  
the trial court approves the defendant's removal and alternative 2427  
placement, the department of developmental disabilities may 2428  
continue the defendant's alternative placement. If the trial court 2429  
disapproves the defendant's removal and alternative placement, it 2430  
shall enter an order modifying the defendant's removal and 2431  
alternative placement, but that order shall not require the 2432  
department of developmental disabilities to replace the defendant 2433  
for purposes of continued residential habilitation, care, and 2434  
treatment in the facility associated with the citation issued by 2435  
the individual who conducted the survey for the department of 2436  
health. 2437

(E) In making a determination under this section regarding 2438  
nonsecured status or termination of commitment, the trial court 2439

shall consider all relevant factors, including, but not limited to, all of the following: 2440  
2441

(1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others; 2442  
2443  
2444

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person; 2445  
2446

(3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed; 2447  
2448  
2449  
2450

(4) The grounds upon which the state relies for the proposed commitment; 2451  
2452

(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society; 2453  
2454  
2455

(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered. 2456  
2457  
2458  
2459  
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(F) At any hearing held pursuant to division (C) or (D)(1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code. 2462  
2463  
2464  
2465

(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows: 2466  
2467

(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person 2468  
2469



remains a mentally ill person subject to ~~hospitalization by~~ court 2470  
order or a mentally retarded person subject to 2471  
institutionalization by court order; 2472

(2) For a recommendation for a change in the conditions of 2473  
the commitment to a less restrictive status, to show by clear and 2474  
convincing evidence that the proposed change represents a threat 2475  
to public safety or a threat to the safety of any person. 2476

(H) In a hearing held pursuant to division (C) or (D)(1) or 2477  
(2) of this section, the prosecutor shall represent the state or 2478  
the public interest. 2479

(I) At the conclusion of a hearing conducted under division 2480  
(D)(1) of this section regarding a recommendation from the 2481  
designee of the department of mental health and addiction 2482  
services, managing officer of the institution, or director of a 2483  
facility or program, the trial court may approve, disapprove, or 2484  
modify the recommendation and shall enter an order accordingly. 2485

(J)(1) A defendant or person who has been committed pursuant 2486  
to section 2945.39 or 2945.40 of the Revised Code continues to be 2487  
under the jurisdiction of the trial court until the final 2488  
termination of the commitment. For purposes of division (J) of 2489  
this section, the final termination of a commitment occurs upon 2490  
the earlier of one of the following: 2491

(a) The defendant or person no longer is a mentally ill 2492  
person subject to ~~hospitalization by~~ court order or a mentally 2493  
retarded person subject to institutionalization by court order, as 2494  
determined by the trial court; 2495

(b) The expiration of the maximum prison term or term of 2496  
imprisonment that the defendant or person could have received if 2497  
the defendant or person had been convicted of the most serious 2498  
offense with which the defendant or person is charged or in 2499  
relation to which the defendant or person was found not guilty by 2500

reason of insanity; 2501

(c) The trial court enters an order terminating the 2502  
commitment under the circumstances described in division 2503  
(J)(2)(a)(ii) of this section. 2504

(2)(a) If a defendant is found incompetent to stand trial and 2505  
committed pursuant to section 2945.39 of the Revised Code, if 2506  
neither of the circumstances described in divisions (J)(1)(a) and 2507  
(b) of this section applies to that defendant, and if a report 2508  
filed with the trial court pursuant to division (C) of this 2509  
section indicates that the defendant presently is competent to 2510  
stand trial or if, at any other time during the period of the 2511  
defendant's commitment, the prosecutor, the counsel for the 2512  
defendant, or the designee of the department of mental health and 2513  
addiction services or the managing officer of the institution or 2514  
director of the facility or program to which the defendant is 2515  
committed files an application with the trial court alleging that 2516  
the defendant presently is competent to stand trial and requesting 2517  
a hearing on the competency issue or the trial court otherwise has 2518  
reasonable cause to believe that the defendant presently is 2519  
competent to stand trial and determines on its own motion to hold 2520  
a hearing on the competency issue, the trial court shall schedule 2521  
a hearing on the competency of the defendant to stand trial, shall 2522  
give the prosecutor, the counsel for the defendant, and the 2523  
department's designee or the managing officer of the institution 2524  
or the director of the facility to which the defendant is 2525  
committed notice of the date, time, and place of the hearing at 2526  
least fifteen days before the hearing, and shall conduct the 2527  
hearing within thirty days of the filing of the application or of 2528  
its own motion. If, at the conclusion of the hearing, the trial 2529  
court determines that the defendant presently is capable of 2530  
understanding the nature and objective of the proceedings against 2531  
the defendant and of assisting in the defendant's defense, the 2532

trial court shall order that the defendant is competent to stand trial and shall be proceeded against as provided by law with respect to the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code and shall enter whichever of the following additional orders is appropriate:

(i) If the trial court determines that the defendant remains a mentally ill person subject to ~~hospitalization by~~ court order or a mentally retarded person subject to institutionalization by court order, the trial court shall order that the defendant's commitment to the department of mental health and addiction services or to an institution, facility, or program for the treatment of mental retardation be continued during the pendency of the trial on the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code.

(ii) If the trial court determines that the defendant no longer is a mentally ill person subject to ~~hospitalization by~~ court order or a mentally retarded person subject to institutionalization by court order, the trial court shall order that the defendant's commitment to the department of mental health and addiction services or to an institution, facility, or program for the treatment of mental retardation shall not be continued during the pendency of the trial on the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code. This order shall be a final termination of the commitment for purposes of division (J)(1)(c) of this section.

(b) If, at the conclusion of the hearing described in division (J)(2)(a) of this section, the trial court determines that the defendant remains incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the trial court shall order that the defendant continues to be incompetent to stand trial, that the defendant's commitment to the department of mental health

and addiction services or to an institution, facility, or program 2565  
for the treatment of mental retardation shall be continued, and 2566  
that the defendant remains subject to the jurisdiction of the 2567  
trial court pursuant to that commitment, and to the provisions of 2568  
this section, until the final termination of the commitment as 2569  
described in division (J)(1) of this section. 2570

**Sec. 2967.22.** Whenever it is brought to the attention of the 2571  
adult parole authority or a department of probation that a 2572  
parolee, person under a community control sanction, person under 2573  
transitional control, or releasee appears to be a mentally ill 2574  
person subject to ~~hospitalization by~~ court order, as defined in 2575  
section 5122.01 of the Revised Code, or a mentally retarded person 2576  
subject to institutionalization by court order, as defined in 2577  
section 5123.01 of the Revised Code, the parole or probation 2578  
officer, subject to the approval of the chief of the adult parole 2579  
authority, the designee of the chief of the adult parole 2580  
authority, or the chief probation officer, may file an affidavit 2581  
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 2582  
person under a community control sanction, or releasee who is 2583  
involuntarily detained under Chapter 5122. or 5123. of the Revised 2584  
Code shall receive credit against the period of parole or 2585  
community control or the term of post-release control for the 2586  
period of involuntary detention. 2587

If a parolee, person under a community control sanction, 2588  
person under transitional control, or releasee escapes from an 2589  
institution or facility within the department of mental health and 2590  
addiction services or the department of developmental 2591  
disabilities, the superintendent of the institution immediately 2592  
shall notify the chief of the adult parole authority or the chief 2593  
probation officer. Notwithstanding the provisions of section 2594  
5122.26 of the Revised Code, the procedure for the apprehension, 2595  
detention, and return of the parolee, person under a community 2596

control sanction, person under transitional control, or releasee 2597  
is the same as that provided for the apprehension, detention, and 2598  
return of persons who escape from institutions operated by the 2599  
department of rehabilitation and correction. If the escaped 2600  
parolee, person under transitional control, or releasee is not 2601  
apprehended and returned to the custody of the department of 2602  
mental health and addiction services or the department of 2603  
developmental disabilities within ninety days after the escape, 2604  
the parolee, person under transitional control, or releasee shall 2605  
be discharged from the custody of the department of mental health 2606  
and addiction services or the department of developmental 2607  
disabilities and returned to the custody of the department of 2608  
rehabilitation and correction. If the escaped person under a 2609  
community control sanction is not apprehended and returned to the 2610  
custody of the department of mental health and addiction services 2611  
or the department of developmental disabilities within ninety days 2612  
after the escape, the person under a community control sanction 2613  
shall be discharged from the custody of the department of mental 2614  
health and addiction services or the department of developmental 2615  
disabilities and returned to the custody of the court that 2616  
sentenced that person. 2617

**Sec. 5119.311.** The department of mental health and addiction 2618  
services may examine into, with or without expert assistance, the 2619  
question of the mental and physical condition of any person 2620  
committed to or involuntarily confined in any hospital for the 2621  
mentally ill, or restrained of liberty at any place within this 2622  
state by reason of alleged mental illness and may order and compel 2623  
the discharge of any such person who is not a mentally ill person 2624  
subject to ~~hospitalization by~~ court order as defined in division 2625  
(B) of section 5122.01 of the Revised Code and direct what 2626  
disposition shall be made of the person. The order of discharge 2627  
shall be signed by the director of mental health and addiction 2628

services. Upon receipt of such order by the superintendent or 2629  
other person in charge of the building in which the person named 2630  
in such order is confined, such person shall forthwith be 2631  
discharged or otherwise disposed of according to the terms of said 2632  
order, and any further or other detention of such person is 2633  
unlawful. No such order shall be made in favor of any person 2634  
committed and held for trial on a criminal charge, in confinement 2635  
by an order of a judge or court made in a criminal proceeding, or 2636  
in any case unless notice is given to the superintendent or other 2637  
person having charge of the building in which the alleged mentally 2638  
ill person is detained, and a reasonable opportunity is allowed 2639  
the person in charge to justify further detention of the person 2640  
confined. 2641

**Sec. 5120.17.** (A) As used in this section: 2642

(1) "Mental illness" means a substantial disorder of thought, 2643  
mood, perception, orientation, or memory that grossly impairs 2644  
judgment, behavior, capacity to recognize reality, or ability to 2645  
meet the ordinary demands of life. 2646

(2) "Mentally ill person subject to hospitalization" means a 2647  
mentally ill person to whom any of the following applies because 2648  
of the person's mental illness: 2649

(a) The person represents a substantial risk of physical harm 2650  
to the person as manifested by evidence of threats of, or attempts 2651  
at, suicide or serious self-inflicted bodily harm. 2652

(b) The person represents a substantial risk of physical harm 2653  
to others as manifested by evidence of recent homicidal or other 2654  
violent behavior, evidence of recent threats that place another in 2655  
reasonable fear of violent behavior and serious physical harm, or 2656  
other evidence of present dangerousness. 2657

(c) The person represents a substantial and immediate risk of 2658

serious physical impairment or injury to the person as manifested 2659  
by evidence that the person is unable to provide for and is not 2660  
providing for the person's basic physical needs because of the 2661  
person's mental illness and that appropriate provision for those 2662  
needs cannot be made immediately available in the correctional 2663  
institution in which the inmate is currently housed. 2664

(d) The person would benefit from treatment in a hospital for 2665  
the person's mental illness and is in need of treatment in a 2666  
hospital as manifested by evidence of behavior that creates a 2667  
grave and imminent risk to substantial rights of others or the 2668  
person. 2669

(3) "Psychiatric hospital" means all or part of a facility 2670  
that is operated and managed by the department of mental health 2671  
and addiction services to provide psychiatric hospitalization 2672  
services in accordance with the requirements of this section 2673  
pursuant to an agreement between the directors of rehabilitation 2674  
and correction and mental health and addiction services or, is 2675  
licensed by the department of mental health and addiction services 2676  
pursuant to section 5119.33 of the Revised Code as a psychiatric 2677  
hospital and is accredited by a health care accrediting 2678  
organization approved by the department of mental health and 2679  
addiction services and the psychiatric hospital is any of the 2680  
following: 2681

(a) Operated and managed by the department of rehabilitation 2682  
and correction within a facility that is operated by the 2683  
department of rehabilitation and correction; 2684

(b) Operated and managed by a contractor for the department 2685  
of rehabilitation and correction within a facility that is 2686  
operated by the department of rehabilitation and correction; 2687

(c) Operated and managed in the community by an entity that 2688  
has contracted with the department of rehabilitation and 2689

correction to provide psychiatric hospitalization services in 2690  
accordance with the requirements of this section. 2691

(4) "Inmate patient" means an inmate who is admitted to a 2692  
psychiatric hospital. 2693

(5) "Admitted" to a psychiatric hospital means being accepted 2694  
for and staying at least one night at the psychiatric hospital. 2695

(6) "Treatment plan" means a written statement of reasonable 2696  
objectives and goals for an inmate patient that is based on the 2697  
needs of the inmate patient and that is established by the 2698  
treatment team, with the active participation of the inmate 2699  
patient and with documentation of that participation. "Treatment 2700  
plan" includes all of the following: 2701

(a) The specific criteria to be used in evaluating progress 2702  
toward achieving the objectives and goals; 2703

(b) The services to be provided to the inmate patient during 2704  
the inmate patient's hospitalization; 2705

(c) The services to be provided to the inmate patient after 2706  
discharge from the hospital, including, but not limited to, 2707  
housing and mental health services provided at the state 2708  
correctional institution to which the inmate patient returns after 2709  
discharge or community mental health services. 2710

(7) "Mentally retarded person subject to institutionalization 2711  
by court order" has the same meaning as in section 5123.01 of the 2712  
Revised Code. 2713

(8) "Emergency transfer" means the transfer of a mentally ill 2714  
inmate to a psychiatric hospital when the inmate presents an 2715  
immediate danger to self or others and requires hospital-level 2716  
care. 2717

(9) "Uncontested transfer" means the transfer of a mentally 2718  
ill inmate to a psychiatric hospital when the inmate has the 2719



mental capacity to, and has waived, the hearing required by 2720  
division (B) of this section. 2721

(10)(a) "Independent decision-maker" means a person who is 2722  
employed or retained by the department of rehabilitation and 2723  
correction and is appointed by the chief or chief clinical officer 2724  
of mental health services as a hospitalization hearing officer to 2725  
conduct due process hearings. 2726

(b) An independent decision-maker who presides over any 2727  
hearing or issues any order pursuant to this section shall be a 2728  
psychiatrist, psychologist, or attorney, shall not be specifically 2729  
associated with the institution in which the inmate who is the 2730  
subject of the hearing or order resides at the time of the hearing 2731  
or order, and previously shall not have had any treatment 2732  
relationship with nor have represented in any legal proceeding the 2733  
inmate who is the subject of the order. 2734

(B)(1) Except as provided in division (C) of this section, if 2735  
the warden of a state correctional institution or the warden's 2736  
designee believes that an inmate should be transferred from the 2737  
institution to a psychiatric hospital, the department shall hold a 2738  
hearing to determine whether the inmate is a mentally ill person 2739  
subject to hospitalization. The department shall conduct the 2740  
hearing at the state correctional institution in which the inmate 2741  
is confined, and the department shall provide qualified 2742  
independent assistance to the inmate for the hearing. An 2743  
independent decision-maker provided by the department shall 2744  
preside at the hearing and determine whether the inmate is a 2745  
mentally ill person subject to hospitalization. 2746

(2) Except as provided in division (C) of this section, prior 2747  
to the hearing held pursuant to division (B)(1) of this section, 2748  
the warden or the warden's designee shall give written notice to 2749  
the inmate that the department is considering transferring the 2750  
inmate to a psychiatric hospital, that it will hold a hearing on 2751

the proposed transfer at which the inmate may be present, that at 2752  
the hearing the inmate has the rights described in division (B)(3) 2753  
of this section, and that the department will provide qualified 2754  
independent assistance to the inmate with respect to the hearing. 2755  
The department shall not hold the hearing until the inmate has 2756  
received written notice of the proposed transfer and has had 2757  
sufficient time to consult with the person appointed by the 2758  
department to provide assistance to the inmate and to prepare for 2759  
a presentation at the hearing. 2760

(3) At the hearing held pursuant to division (B)(1) of this 2761  
section, the department shall disclose to the inmate the evidence 2762  
that it relies upon for the transfer and shall give the inmate an 2763  
opportunity to be heard. Unless the independent decision-maker 2764  
finds good cause for not permitting it, the inmate may present 2765  
documentary evidence and the testimony of witnesses at the hearing 2766  
and may confront and cross-examine witnesses called by the 2767  
department. 2768

(4) If the independent decision-maker does not find clear and 2769  
convincing evidence that the inmate is a mentally ill person 2770  
subject to hospitalization, the department shall not transfer the 2771  
inmate to a psychiatric hospital but shall continue to confine the 2772  
inmate in the same state correctional institution or in another 2773  
state correctional institution that the department considers 2774  
appropriate. If the independent decision-maker finds clear and 2775  
convincing evidence that the inmate is a mentally ill person 2776  
subject to hospitalization, the decision-maker shall order that 2777  
the inmate be transported to a psychiatric hospital for 2778  
observation and treatment for a period of not longer than thirty 2779  
days. After the hearing, the independent decision-maker shall 2780  
submit to the department a written decision that states one of the 2781  
findings described in division (B)(4) of this section, the 2782  
evidence that the decision-maker relied on in reaching that 2783

conclusion, and, if the decision is that the inmate should be transferred, the reasons for the transfer.

(C)(1) The department may transfer an inmate to a psychiatric hospital under an emergency transfer order if the chief clinical officer of mental health services of the department or that officer's designee and either a psychiatrist employed or retained by the department or, in the absence of a psychiatrist, a psychologist employed or retained by the department determines that the inmate is mentally ill, presents an immediate danger to self or others, and requires hospital-level care.

(2) The department may transfer an inmate to a psychiatric hospital under an uncontested transfer order if both of the following apply:

(a) A psychiatrist employed or retained by the department determines all of the following apply:

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization.

(ii) The inmate requires hospital care to address the mental illness.

(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital.

(b) The inmate agrees to a transfer to a hospital.

(3) The written notice and the hearing required under divisions (B)(1) and (2) of this section are not required for an emergency transfer or uncontested transfer under division (C)(1) or (2) of this section.

(4) After an emergency transfer under division (C)(1) of this section, the department shall hold a hearing for continued hospitalization within five working days after admission of the transferred inmate to the psychiatric hospital. The department

shall hold subsequent hearings pursuant to division (F) of this 2814  
section at the same intervals as required for inmate patients who 2815  
are transported to a psychiatric hospital under division (B)(4) of 2816  
this section. 2817

(5) After an uncontested transfer under division (C)(2) of 2818  
this section, the inmate may withdraw consent to the transfer in 2819  
writing at any time. Upon the inmate's withdrawal of consent, the 2820  
hospital shall discharge the inmate, or, within five working days, 2821  
the department shall hold a hearing for continued hospitalization. 2822  
The department shall hold subsequent hearings pursuant to division 2823  
(F) of this section at the same time intervals as required for 2824  
inmate patients who are transported to a psychiatric hospital 2825  
under division (B)(4) of this section. 2826

(D)(1) If an independent decision-maker, pursuant to division 2827  
(B)(4) of this section, orders an inmate transported to a 2828  
psychiatric hospital or if an inmate is transferred pursuant to 2829  
division (C)(1) or (2) of this section, the staff of the 2830  
psychiatric hospital shall examine the inmate patient when 2831  
admitted to the psychiatric hospital as soon as practicable after 2832  
the inmate patient arrives at the hospital and no later than 2833  
twenty-four hours after the time of arrival. The attending 2834  
physician responsible for the inmate patient's care shall give the 2835  
inmate patient all information necessary to enable the patient to 2836  
give a fully informed, intelligent, and knowing consent to the 2837  
treatment the inmate patient will receive in the hospital. The 2838  
attending physician shall tell the inmate patient the expected 2839  
physical and medical consequences of any proposed treatment and 2840  
shall give the inmate patient the opportunity to consult with 2841  
another psychiatrist at the hospital and with the inmate advisor. 2842

(2) No inmate patient who is transported or transferred 2843  
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 2844  
psychiatric hospital within a facility that is operated by the 2845

department of rehabilitation and correction shall be subjected to	2846
any of the following procedures:	2847
(a) Convulsive therapy;	2848
(b) Major aversive interventions;	2849
(c) Any unusually hazardous treatment procedures;	2850
(d) Psychosurgery.	2851
(E) The department of rehabilitation and correction shall	2852
ensure that an inmate patient hospitalized pursuant to this	2853
section receives or has all of the following:	2854
(1) Receives sufficient professional care within twenty days	2855
of admission to ensure that an evaluation of the inmate patient's	2856
current status, differential diagnosis, probable prognosis, and	2857
description of the current treatment plan have been formulated and	2858
are stated on the inmate patient's official chart;	2859
(2) Has a written treatment plan consistent with the	2860
evaluation, diagnosis, prognosis, and goals of treatment;	2861
(3) Receives treatment consistent with the treatment plan;	2862
(4) Receives periodic reevaluations of the treatment plan by	2863
the professional staff at intervals not to exceed thirty days;	2864
(5) Is provided with adequate medical treatment for physical	2865
disease or injury;	2866
(6) Receives humane care and treatment, including, without	2867
being limited to, the following:	2868
(a) Access to the facilities and personnel required by the	2869
treatment plan;	2870
(b) A humane psychological and physical environment;	2871
(c) The right to obtain current information concerning the	2872
treatment program, the expected outcomes of treatment, and the	2873
expectations for the inmate patient's participation in the	2874

treatment program in terms that the inmate patient reasonably can understand; 2875  
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(d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital; 2877  
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(e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation; 2880  
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(f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department. 2882  
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(F) The department shall hold a hearing for the continued hospitalization of an inmate patient who is transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section prior to the expiration of the initial thirty-day period of hospitalization. The department shall hold any subsequent hearings, if necessary, not later than ninety days after the first thirty-day hearing and then not later than each one hundred and eighty days after the immediately prior hearing. An independent decision-maker shall conduct the hearings at the psychiatric hospital in which the inmate patient is confined. The inmate patient shall be afforded all of the rights set forth in this section for the hearing prior to transfer to the psychiatric hospital. The department may not waive a hearing for continued commitment. A hearing for continued commitment is mandatory for an inmate patient transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section unless the inmate patient has the capacity to make a reasoned choice to execute a waiver and waives the hearing in writing. An inmate patient who is transferred to a psychiatric hospital pursuant to an uncontested transfer under division (C)(2) of this section and who has scheduled hearings after withdrawal of consent for hospitalization may waive any of the scheduled hearings if the 2885  
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inmate has the capacity to make a reasoned choice and executes a written waiver of the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order that the inmate patient remain at the psychiatric hospital for continued hospitalization until the next required hearing.

If at any time prior to the next required hearing for continued hospitalization, the medical director of the hospital or the attending physician determines that the treatment needs of the inmate patient could be met equally well in an available and appropriate less restrictive state correctional institution or unit, the medical director or attending physician may discharge the inmate to that facility.

(G) An inmate patient is entitled to the credits toward the reduction of the inmate patient's stated prison term pursuant to Chapters 2967. and 5120. of the Revised Code under the same terms and conditions as if the inmate patient were in any other institution of the department of rehabilitation and correction.

(H) The adult parole authority may place an inmate patient on parole or under post-release control directly from a psychiatric hospital.

(I) If an inmate patient who is a mentally ill person subject to hospitalization is to be released from a psychiatric hospital because of the expiration of the inmate patient's stated prison term, the director of rehabilitation and correction or the

director's designee, at least fourteen days before the expiration 2938  
date, may file an affidavit under section 5122.11 or 5123.71 of 2939  
the Revised Code with the probate court in the county where the 2940  
psychiatric hospital is located or the probate court in the county 2941  
where the inmate will reside, alleging that the inmate patient is 2942  
a mentally ill person subject to ~~hospitalization~~ by court order or 2943  
a mentally retarded person subject to institutionalization by 2944  
court order, whichever is applicable. The proceedings in the 2945  
probate court shall be conducted pursuant to Chapter 5122. or 2946  
5123. of the Revised Code except as modified by this division. 2947

Upon the request of the inmate patient, the probate court 2948  
shall grant the inmate patient an initial hearing under section 2949  
5122.141 of the Revised Code or a probable cause hearing under 2950  
section 5123.75 of the Revised Code before the expiration of the 2951  
stated prison term. After holding a full hearing, the probate 2952  
court shall make a disposition authorized by section 5122.15 or 2953  
5123.76 of the Revised Code before the date of the expiration of 2954  
the stated prison term. No inmate patient shall be held in the 2955  
custody of the department of rehabilitation and correction past 2956  
the date of the expiration of the inmate patient's stated prison 2957  
term. 2958

(J) The department of rehabilitation and correction shall set 2959  
standards for treatment provided to inmate patients. 2960

(K) A certificate, application, record, or report that is 2961  
made in compliance with this section and that directly or 2962  
indirectly identifies an inmate or former inmate whose 2963  
hospitalization has been sought under this section is 2964  
confidential. No person shall disclose the contents of any 2965  
certificate, application, record, or report of that nature or any 2966  
other psychiatric or medical record or report regarding a mentally 2967  
ill inmate unless one of the following applies: 2968

(1) The person identified, or the person's legal guardian, if 2969



any, consents to disclosure, and the chief clinical officer or 2970  
designee of mental health services of the department of 2971  
rehabilitation and correction determines that disclosure is in the 2972  
best interests of the person. 2973

(2) Disclosure is required by a court order signed by a 2974  
judge. 2975

(3) An inmate patient seeks access to the inmate patient's 2976  
own psychiatric and medical records, unless access is specifically 2977  
restricted in the treatment plan for clear treatment reasons. 2978

(4) Hospitals and other institutions and facilities within 2979  
the department of rehabilitation and correction may exchange 2980  
psychiatric records and other pertinent information with other 2981  
hospitals, institutions, and facilities of the department, but the 2982  
information that may be released about an inmate patient is 2983  
limited to medication history, physical health status and history, 2984  
summary of course of treatment in the hospital, summary of 2985  
treatment needs, and a discharge summary, if any. 2986

(5) An inmate patient's family member who is involved in 2987  
planning, providing, and monitoring services to the inmate patient 2988  
may receive medication information, a summary of the inmate 2989  
patient's diagnosis and prognosis, and a list of the services and 2990  
personnel available to assist the inmate patient and family if the 2991  
attending physician determines that disclosure would be in the 2992  
best interest of the inmate patient. No disclosure shall be made 2993  
under this division unless the inmate patient is notified of the 2994  
possible disclosure, receives the information to be disclosed, and 2995  
does not object to the disclosure. 2996

(6) The department of rehabilitation and correction may 2997  
exchange psychiatric hospitalization records, other mental health 2998  
treatment records, and other pertinent information with county 2999  
sheriffs' offices, hospitals, institutions, and facilities of the 3000

department of mental health and addiction services and with 3001  
community mental health services providers and boards of alcohol, 3002  
drug addiction, and mental health services with which the 3003  
department of mental health and addiction services has a current 3004  
agreement for patient care or services to ensure continuity of 3005  
care. Disclosure under this division is limited to records 3006  
regarding a mentally ill inmate's medication history, physical 3007  
health status and history, summary of course of treatment, summary 3008  
of treatment needs, and a discharge summary, if any. No office, 3009  
department, agency, provider, or board shall disclose the records 3010  
and other information unless one of the following applies: 3011

(a) The mentally ill inmate is notified of the possible 3012  
disclosure and consents to the disclosure. 3013

(b) The mentally ill inmate is notified of the possible 3014  
disclosure, an attempt to gain the consent of the inmate is made, 3015  
and the office, department, agency, or board documents the attempt 3016  
to gain consent, the inmate's objections, if any, and the reasons 3017  
for disclosure in spite of the inmate's objections. 3018

(7) Information may be disclosed to staff members designated 3019  
by the director of rehabilitation and correction for the purpose 3020  
of evaluating the quality, effectiveness, and efficiency of 3021  
services and determining if the services meet minimum standards. 3022

The name of an inmate patient shall not be retained with the 3023  
information obtained during the evaluations. 3024

(L) The director of rehabilitation and correction may adopt 3025  
rules setting forth guidelines for the procedures required under 3026  
divisions (B), (C)(1), and (C)(2) of this section. 3027

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 3028  
the Revised Code: 3029

(A) "Mental illness" means a substantial disorder of thought, 3030

mood, perception, orientation, or memory that grossly impairs 3031  
judgment, behavior, capacity to recognize reality, or ability to 3032  
meet the ordinary demands of life. 3033

(B) "Mentally ill person subject to ~~hospitalization by~~ court 3034  
order" means a mentally ill person who, because of the person's 3035  
illness: 3036

(1) Represents a substantial risk of physical harm to self as 3037  
manifested by evidence of threats of, or attempts at, suicide or 3038  
serious self-inflicted bodily harm; 3039

(2) Represents a substantial risk of physical harm to others 3040  
as manifested by evidence of recent homicidal or other violent 3041  
behavior, evidence of recent threats that place another in 3042  
reasonable fear of violent behavior and serious physical harm, or 3043  
other evidence of present dangerousness; 3044

(3) Represents a substantial and immediate risk of serious 3045  
physical impairment or injury to self as manifested by evidence 3046  
that the person is unable to provide for and is not providing for 3047  
the person's basic physical needs because of the person's mental 3048  
illness and that appropriate provision for those needs cannot be 3049  
made immediately available in the community; or 3050

(4) Would benefit from treatment ~~in a hospital~~ for the 3051  
person's mental illness and is in need of such treatment as 3052  
manifested by evidence of behavior that creates a grave and 3053  
imminent risk to substantial rights of others or the person; 3054

(5)(a) Would benefit from treatment as manifested by evidence 3055  
of behavior that indicates all of the following: 3056

(i) The person is unlikely to survive safely in the community 3057  
without supervision, based on a clinical determination. 3058

(ii) The person has a history of lack of compliance with 3059  
treatment for mental illness and one of the following applies: 3060

(I) At least twice within the thirty-six months prior to the 3061  
filing of an affidavit seeking court-ordered treatment of the 3062  
person under section 5122.111 of the Revised Code, the lack of 3063  
compliance has been a significant factor in necessitating 3064  
hospitalization in a hospital or receipt of services in a forensic 3065  
or other mental health unit of a correctional facility, provided 3066  
that the thirty-six-month period shall be extended by the length 3067  
of any hospitalization or incarceration of the person that 3068  
occurred within the thirty-six-month period. 3069

(II) Within the forty-eight months prior to the filing of an 3070  
affidavit seeking court-ordered treatment of the person under 3071  
section 5122.111 of the Revised Code, the lack of compliance 3072  
resulted in one or more acts of serious violent behavior toward 3073  
self or others or threats of, or attempts at, serious physical 3074  
harm to self or others, provided that the forty-eight-month period 3075  
shall be extended by the length of any hospitalization or 3076  
incarceration of the person that occurred within the 3077  
forty-eight-month period. 3078

(iii) The person, as a result of the person's mental illness, 3079  
is unlikely to voluntarily participate in necessary treatment. 3080

(iv) In view of the person's treatment history and current 3081  
behavior, the person is in need of treatment in order to prevent a 3082  
relapse or deterioration that would be likely to result in 3083  
substantial risk of serious harm to the person or others. 3084

(b) An individual who meets only the criteria described in 3085  
division (B)(5)(a) of this section is not subject to 3086  
hospitalization. 3087

(C)(1) "Patient" means, subject to division (C)(2) of this 3088  
section, a person who is admitted either voluntarily or 3089  
involuntarily to a hospital or other place under section 2945.39, 3090  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 3091

finding of not guilty by reason of insanity or incompetence to 3092  
stand trial or under this chapter, who is under observation or 3093  
receiving treatment in such place. 3094

(2) "Patient" does not include a person admitted to a 3095  
hospital or other place under section 2945.39, 2945.40, 2945.401, 3096  
or 2945.402 of the Revised Code to the extent that the reference 3097  
in this chapter to patient, or the context in which the reference 3098  
occurs, is in conflict with any provision of sections 2945.37 to 3099  
2945.402 of the Revised Code. 3100

(D) "Licensed physician" means a person licensed under the 3101  
laws of this state to practice medicine or a medical officer of 3102  
the government of the United States while in this state in the 3103  
performance of the person's official duties. 3104

(E) "Psychiatrist" means a licensed physician who has 3105  
satisfactorily completed a residency training program in 3106  
psychiatry, as approved by the residency review committee of the 3107  
American medical association, the committee on post-graduate 3108  
education of the American osteopathic association, or the American 3109  
osteopathic board of neurology and psychiatry, or who on July 1, 3110  
1989, has been recognized as a psychiatrist by the Ohio state 3111  
medical association or the Ohio osteopathic association on the 3112  
basis of formal training and five or more years of medical 3113  
practice limited to psychiatry. 3114

(F) "Hospital" means a hospital or inpatient unit licensed by 3115  
the department of mental health and addiction services under 3116  
section 5119.33 of the Revised Code, and any institution, 3117  
hospital, or other place established, controlled, or supervised by 3118  
the department under Chapter 5119. of the Revised Code. 3119

(G) "Public hospital" means a facility that is tax-supported 3120  
and under the jurisdiction of the department of mental health and 3121  
addiction services. 3122

(H) "Community mental health services provider" means an 3123  
agency, association, corporation, individual, or program that 3124  
provides community mental health services that are certified by 3125  
the director of mental health and addiction services under section 3126  
5119.36 of the Revised Code. 3127

(I) "Licensed clinical psychologist" means a person who holds 3128  
a current valid psychologist license issued under section 4732.12 3129  
of the Revised Code, and in addition, meets the educational 3130  
requirements set forth in division (B) of section 4732.10 of the 3131  
Revised Code and has a minimum of two years' full-time 3132  
professional experience, or the equivalent as determined by rule 3133  
of the state board of psychology, at least one year of which shall 3134  
be a predoctoral internship, in clinical psychological work in a 3135  
public or private hospital or clinic or in private practice, 3136  
diagnosing and treating problems of mental illness or mental 3137  
retardation under the supervision of a psychologist who is 3138  
licensed or who holds a diploma issued by the American board of 3139  
professional psychology, or whose qualifications are substantially 3140  
similar to those required for licensure by the state board of 3141  
psychology when the supervision has occurred prior to enactment of 3142  
laws governing the practice of psychology. 3143

(J) "Health officer" means any public health physician; 3144  
public health nurse; or other person authorized by or designated 3145  
by a city health district; a general health district; or a board 3146  
of alcohol, drug addiction, and mental health services to perform 3147  
the duties of a health officer under this chapter. 3148

(K) "Chief clinical officer" means the medical director of a 3149  
hospital, or a community mental health services provider, or a 3150  
board of alcohol, drug addiction, and mental health services, or, 3151  
if there is no medical director, the licensed physician 3152  
responsible for the treatment a hospital or community mental 3153  
health services provider provides. The chief clinical officer may 3154

delegate to the attending physician responsible for a patient's 3155  
care the duties imposed on the chief clinical officer by this 3156  
chapter. Within a community mental health services provider, the 3157  
chief clinical officer shall be designated by the governing body 3158  
of the services provider and shall be a licensed physician or 3159  
licensed clinical psychologist who supervises diagnostic and 3160  
treatment services. A licensed physician or licensed clinical 3161  
psychologist designated by the chief clinical officer may perform 3162  
the duties and accept the responsibilities of the chief clinical 3163  
officer in the chief clinical officer's absence. 3164

(L) "Working day" or "court day" means Monday, Tuesday, 3165  
Wednesday, Thursday, and Friday, except when such day is a 3166  
holiday. 3167

(M) "Indigent" means unable without deprivation of 3168  
satisfaction of basic needs to provide for the payment of an 3169  
attorney and other necessary expenses of legal representation, 3170  
including expert testimony. 3171

(N) "Respondent" means the person whose detention, 3172  
commitment, hospitalization, continued hospitalization or 3173  
commitment, or discharge is being sought in any proceeding under 3174  
this chapter. 3175

(O) "Ohio protection and advocacy system" has the same 3176  
meaning as in section 5123.60 of the Revised Code. 3177

(P) "Independent expert evaluation" means an evaluation 3178  
conducted by a licensed clinical psychologist, psychiatrist, or 3179  
licensed physician who has been selected by the respondent or the 3180  
respondent's counsel and who consents to conducting the 3181  
evaluation. 3182

(Q) "Court" means the probate division of the court of common 3183  
pleas. 3184

(R) "Expunge" means: 3185

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;	3186 3187
(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;	3188 3189 3190
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;	3191 3192 3193
(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.	3194 3195 3196
(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:	3197 3198
(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;	3199 3200 3201 3202 3203
(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.	3204 3205 3206
When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.	3207 3208 3209 3210 3211 3212 3213 3214
(T) "Admission" to a hospital or other place means that a	3215



patient is accepted for and stays at least one night at the 3216  
hospital or other place. 3217

(U) "Prosecutor" means the prosecuting attorney, village 3218  
solicitor, city director of law, or similar chief legal officer 3219  
who prosecuted a criminal case in which a person was found not 3220  
guilty by reason of insanity, who would have had the authority to 3221  
prosecute a criminal case against a person if the person had not 3222  
been found incompetent to stand trial, or who prosecuted a case in 3223  
which a person was found guilty. 3224

(V)(1) "Treatment plan" means a written statement of 3225  
reasonable objectives and goals for an individual established by 3226  
the treatment team, with specific criteria to evaluate progress 3227  
towards achieving those objectives. ~~The~~ 3228

(2) The active participation of the patient in establishing 3229  
the objectives and goals shall be documented. The treatment plan 3230  
shall be based on patient needs and include services to be 3231  
provided to the patient while the patient is hospitalized ~~and,~~ 3232  
after the patient is discharged, or in an outpatient setting. The 3233  
treatment plan shall address services to be provided ~~upon~~ 3234  
discharge, including. In the establishment of the treatment plan, 3235  
consideration should be given to the availability of services, 3236  
which may include but are not limited to housing, financial, and 3237  
vocational services all of the following: 3238

(a) Community psychiatric supportive treatment; 3239

(b) Assertive community treatment; 3240

(c) Medications; 3241

(d) Individual or group therapy; 3242

(e) Peer support services; 3243

(f) Financial services; 3244

(g) Housing or supervised living services; 3245

<u>(h) Alcohol or substance abuse treatment;</u>	3246
<u>(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.</u>	3247 3248 3249 3250
<u>(3) If the person subject to the treatment plan has executed an advanced directive for mental health treatment, the treatment team shall consider any directions included in such advanced directive in developing the treatment plan.</u>	3251 3252 3253 3254
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	3255 3256
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	3257 3258
<u>(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.</u>	3259 3260
<b>Sec. 5122.03.</b> A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except that when:	3261 3262 3263 3264 3265
(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient; or	3266 3267 3268 3269
(B) The chief clinical officer of the hospital, within three court days from the receipt of the request for release, files or causes to be filed with the court of the county where the patient is hospitalized or of the county where the patient is a resident, an affidavit under section 5122.11 of the Revised Code. Release may be postponed until the hearing held under section 5122.141 of	3270 3271 3272 3273 3274 3275

the Revised Code. A telephone communication within three court 3276  
days from the receipt of the request for release from the chief 3277  
clinical officer to the court, indicating that the required 3278  
affidavit has been mailed, is sufficient compliance with the time 3279  
limit for filing such affidavit. 3280

Unless the patient is released within three days from the 3281  
receipt of the request by the chief clinical officer, the request 3282  
shall serve as a request for an initial hearing under section 3283  
5122.141 of the Revised Code. If the court finds that the patient 3284  
is a mentally ill person subject to ~~hospitalization by~~ court 3285  
order, all provisions of this chapter with respect to involuntary 3286  
hospitalization apply to such person. 3287

Judicial proceedings for hospitalization shall not be 3288  
commenced with respect to a voluntary patient except pursuant to 3289  
this section. 3290

Sections 5121.30 to 5121.56 of the Revised Code apply to 3291  
persons received in a hospital operated by the department of 3292  
mental health and addiction services on a voluntary application. 3293

The chief clinical officer of the hospital shall provide 3294  
reasonable means and arrangements for informing patients of their 3295  
rights to release as provided in this section and for assisting 3296  
them in making and presenting requests for release or for a 3297  
hearing under section 5122.141 of the Revised Code. 3298

Before a patient is released from a public hospital, the 3299  
chief clinical officer shall, when possible, notify the board of 3300  
the patient's county of residence of the patient's pending release 3301  
after the chief clinical officer has informed the patient that the 3302  
board will be so notified. 3303

**Sec. 5122.05.** (A) The chief clinical officer of a hospital 3304  
may, and the chief clinical officer of a public hospital in all 3305

cases of psychiatric medical emergencies, shall receive for 3306  
observation, diagnosis, care, and treatment any person whose 3307  
admission is applied for under any of the following procedures: 3308

(1) Emergency procedure, as provided in section 5122.10 of 3309  
the Revised Code; 3310

(2) Judicial procedure as provided in sections 2945.38, 3311  
2945.39, 2945.40, 2945.401, 2945.402, and 5122.11 to 5122.15 of 3312  
the Revised Code. 3313

Upon application for such admission, the chief clinical 3314  
officer of a hospital immediately shall notify the board of the 3315  
patient's county of residence. To assist the hospital in 3316  
determining whether the patient is subject to involuntary 3317  
hospitalization and whether alternative services are available, 3318  
the board or an agency the board designates promptly shall assess 3319  
the patient unless the board or agency already has performed such 3320  
assessment, or unless the commitment is pursuant to section 3321  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 3322  
Code. 3323

(B) No person who is being treated by spiritual means through 3324  
prayer alone, in accordance with a recognized religious method of 3325  
healing, may be involuntarily committed unless the court has 3326  
determined that the person represents a substantial risk of 3327  
impairment or injury to self or others; 3328

(C) Any person who is involuntarily detained in a hospital or 3329  
otherwise is in custody under this chapter, immediately upon being 3330  
taken into custody, shall be informed and provided with a written 3331  
statement that the person may do any of the following: 3332

(1) Immediately make a reasonable number of telephone calls 3333  
or use other reasonable means to contact an attorney, a licensed 3334  
physician, or a licensed clinical psychologist, to contact any 3335  
other person or persons to secure representation by counsel, or to 3336

obtain medical or psychological assistance, and be provided 3337  
assistance in making calls if the assistance is needed and 3338  
requested; 3339

(2) Retain counsel and have independent expert evaluation of 3340  
the person's mental condition and, if the person is unable to 3341  
obtain an attorney or independent expert evaluation, be 3342  
represented by court-appointed counsel or have independent expert 3343  
evaluation of the person's mental condition, or both, at public 3344  
expense if the person is indigent; 3345

(3) Have a hearing to determine whether or not the person is 3346  
a mentally ill person subject to ~~hospitalization by~~ court order. 3347

**Sec. 5122.10.** Any psychiatrist, licensed clinical 3348  
psychologist, licensed physician, health officer, parole officer, 3349  
police officer, or sheriff may take a person into custody, or the 3350  
chief of the adult parole authority or a parole or probation 3351  
officer with the approval of the chief of the authority may take a 3352  
parolee, an offender under a community control sanction or a 3353  
post-release control sanction, or an offender under transitional 3354  
control into custody and may immediately transport the parolee, 3355  
offender on community control or post-release control, or offender 3356  
under transitional control to a hospital or, notwithstanding 3357  
section 5119.33 of the Revised Code, to a general hospital not 3358  
licensed by the department of mental health and addiction services 3359  
where the parolee, offender on community control or post-release 3360  
control, or offender under transitional control may be held for 3361  
the period prescribed in this section, if the psychiatrist, 3362  
licensed clinical psychologist, licensed physician, health 3363  
officer, parole officer, police officer, or sheriff has reason to 3364  
believe that the person is a mentally ill person subject to 3365  
~~hospitalization by~~ court order under division (B) of section 3366  
5122.01 of the Revised Code, and represents a substantial risk of 3367

physical harm to self or others if allowed to remain at liberty 3368  
pending examination. 3369

A written statement shall be given to such hospital by the 3370  
transporting psychiatrist, licensed clinical psychologist, 3371  
licensed physician, health officer, parole officer, police 3372  
officer, chief of the adult parole authority, parole or probation 3373  
officer, or sheriff stating the circumstances under which such 3374  
person was taken into custody and the reasons for the 3375  
psychiatrist's, licensed clinical psychologist's, licensed 3376  
physician's, health officer's, parole officer's, police officer's, 3377  
chief of the adult parole authority's, parole or probation 3378  
officer's, or sheriff's belief. This statement shall be made 3379  
available to the respondent or the respondent's attorney upon 3380  
request of either. 3381

Every reasonable and appropriate effort shall be made to take 3382  
persons into custody in the least conspicuous manner possible. A 3383  
person taking the respondent into custody pursuant to this section 3384  
shall explain to the respondent: the name and professional 3385  
designation and affiliation of the person taking the respondent 3386  
into custody; that the custody-taking is not a criminal arrest; 3387  
and that the person is being taken for examination by mental 3388  
health professionals at a specified mental health facility 3389  
identified by name. 3390

If a person taken into custody under this section is 3391  
transported to a general hospital, the general hospital may admit 3392  
the person, or provide care and treatment for the person, or both, 3393  
notwithstanding section 5119.33 of the Revised Code, but by the 3394  
end of twenty-four hours after arrival at the general hospital, 3395  
the person shall be transferred to a hospital as defined in 3396  
section 5122.01 of the Revised Code. 3397

A person transported or transferred to a hospital or 3398

community mental health services provider under this section shall 3399  
be examined by the staff of the hospital or services provider 3400  
within twenty-four hours after arrival at the hospital or services 3401  
provider. If to conduct the examination requires that the person 3402  
remain overnight, the hospital or services provider shall admit 3403  
the person in an unclassified status until making a disposition 3404  
under this section. After the examination, if the chief clinical 3405  
officer of the hospital or services provider believes that the 3406  
person is not a mentally ill person subject to ~~hospitalization by~~ 3407  
court order, the chief clinical officer shall release or discharge 3408  
the person immediately unless a court has issued a temporary order 3409  
of detention applicable to the person under section 5122.11 of the 3410  
Revised Code. After the examination, if the chief clinical officer 3411  
believes that the person is a mentally ill person subject to 3412  
~~hospitalization by~~ court order, the chief clinical officer may 3413  
detain the person for not more than three court days following the 3414  
day of the examination and during such period admit the person as 3415  
a voluntary patient under section 5122.02 of the Revised Code or 3416  
file an affidavit under section 5122.11 of the Revised Code. If 3417  
neither action is taken and a court has not otherwise issued a 3418  
temporary order of detention applicable to the person under 3419  
section 5122.11 of the Revised Code, the chief clinical officer 3420  
shall discharge the person at the end of the three-day period 3421  
unless the person has been sentenced to the department of 3422  
rehabilitation and correction and has not been released from the 3423  
person's sentence, in which case the person shall be returned to 3424  
that department. 3425

**Sec. 5122.11.** Proceedings for ~~the hospitalization of a~~ 3426  
mentally ill person subject to court order pursuant to sections 3427  
5122.11 to 5122.15 of the Revised Code shall be commenced by the 3428  
filing of an affidavit in the manner ~~and form~~ prescribed by the 3429  
department of mental health and addiction services and in a form 3430

prescribed in section 5122.111 of the Revised Code, by any person 3431  
or persons with the probate court in the county where the mentally 3432  
ill person subject to court order resides, either on reliable 3433  
information or actual knowledge, whichever is determined to be 3434  
proper by the court. This section does not apply to the 3435  
hospitalization of a person pursuant to section 2945.39, 2945.40, 3436  
2945.401, or 2945.402 of the Revised Code. 3437

The affidavit shall contain an allegation setting forth the 3438  
specific category or categories under division (B) of section 3439  
5122.01 of the Revised Code upon which the jurisdiction of the 3440  
court is based and a statement of alleged facts sufficient to 3441  
indicate probable cause to believe that the person is a mentally 3442  
ill person subject to ~~hospitalization by~~ court order. The 3443  
affidavit may be accompanied, or the court may require that the 3444  
affidavit be accompanied, by a certificate of a psychiatrist, or a 3445  
certificate signed by a licensed clinical psychologist and a 3446  
certificate signed by a licensed physician stating that the person 3447  
who issued the certificate has examined the person and is of the 3448  
opinion that the person is a mentally ill person subject to 3449  
~~hospitalization by~~ court order, or shall be accompanied by a 3450  
written statement by the applicant, under oath, that the person 3451  
has refused to submit to an examination by a psychiatrist, or by a 3452  
licensed clinical psychologist and licensed physician. 3453

Upon receipt of the affidavit, if a judge of the court or a 3454  
referee who is an attorney at law appointed by the court has 3455  
probable cause to believe that the person named in the affidavit 3456  
is a mentally ill person subject to ~~hospitalization by~~ court 3457  
order, the judge or referee may issue a temporary order of 3458  
detention ordering any health or police officer or sheriff to take 3459  
into custody and transport the person to a hospital or other place 3460  
designated in section 5122.17 of the Revised Code, or may set the 3461  
matter for further hearing. If a temporary order of detention is 3462



issued and the person is transported to a hospital or other 3463  
designated place, the court that issued the order shall retain 3464  
jurisdiction over the case as it relates to the person's 3465  
outpatient treatment, notwithstanding that the hospital or other 3466  
designated place to which the person is transported is outside the 3467  
territorial jurisdiction of the court. 3468

The person may be observed and treated until the hearing 3469  
provided for in section 5122.141 of the Revised Code. If no such 3470  
hearing is held, the person may be observed and treated until the 3471  
hearing provided for in section 5122.15 of the Revised Code. 3472

Sec. 5122.111. To initiate proceedings for court-ordered 3473  
treatment of a person under section 5122.11 of the Revised Code, a 3474  
person or persons shall file an affidavit with the probate court 3475  
that is identical in form and content to the following: 3476

AFFIDAVIT OF MENTAL ILLNESS 3477

The State of Ohio 3479

..... County, ss. 3480

..... Court 3481

..... 3482  
the undersigned, residing at 3483

..... 3484  
says, that he/she has information to believe or has actual 3485  
knowledge that

..... 3486  
(Please specify specific category(ies) below with an X.) 3487

[ ] Represents a substantial risk of physical harm to self as 3488  
manifested by evidence of threats of, or attempts at, suicide or 3489  
serious self-inflicted bodily harm; 3490

[ ] Represents a substantial risk of physical harm to others as 3491  
manifested by evidence of recent homicidal or other violent 3492

behavior or evidence of recent threats that place another in 3493  
reasonable fear of violent behavior and serious physical harm or 3494  
other evidence of present dangerousness; 3495

[ ] Represents a substantial and immediate risk of serious 3496  
physical impairment or injury to self as manifested by evidence of 3497  
being unable to provide for and of not providing for basic 3498  
physical needs because of mental illness and that appropriate 3499  
provision for such needs cannot be made immediately available in 3500  
the community; 3501

[ ] Would benefit from treatment for mental illness and is in need 3502  
of such treatment as manifested by evidence of behavior that 3503  
creates a grave and imminent risk to substantial rights of others 3504  
or the person; or 3505

[ ] Would benefit from treatment as manifested by evidence of 3506  
behavior that indicates all of the following: 3507

(a) The person is unlikely to survive safely in the community 3508  
without supervision, based on a clinical determination. 3509

(b) The person has a history of lack of compliance with treatment 3510  
for mental illness and one of the following applies: 3511

(i) At least twice within the thirty-six months prior to the 3512  
filing of an affidavit seeking court-ordered treatment of the 3513  
person under section 5122.111 of the Revised Code, the lack of 3514  
compliance has been a significant factor in necessitating 3515  
hospitalization in a hospital or receipt of services in a forensic 3516  
or other mental health unit of a correctional facility, provided 3517  
that the thirty-six-month period shall be extended by the length 3518  
of any hospitalization or incarceration of the person that 3519  
occurred within the thirty-six-month period. 3520

(ii) Within the forty-eight months prior to the filing of an 3521  
affidavit seeking court-ordered treatment of the person under 3522  
section 5122.111 of the Revised Code, the lack of compliance 3523

resulted in one or more acts of serious violent behavior toward 3524  
self or others or threats of, or attempts at, serious physical 3525  
harm to self or others, provided that the forty-eight-month period 3526  
shall be extended by the length of any hospitalization or 3527  
incarceration of the person that occurred within the 3528  
forty-eight-month period. 3529

(c) The person, as a result of mental illness, is unlikely to 3530  
voluntarily participate in necessary treatment. 3531

(d) In view of the person's treatment history and current 3532  
behavior, the person is in need of treatment in order to prevent a 3533  
relapse or deterioration that would be likely to result in 3534  
substantial risk of serious harm to the person or others. 3535

..... 3536

(Name of the party filing the affidavit) further says that the 3537  
facts supporting this belief are as follows:

..... 3538

..... 3539

..... 3540

..... 3541

..... 3542

..... 3543

These facts being sufficient to indicate probable cause that the 3544

above said person is a mentally ill person subject to 3545

court order. 3546

Name of Patient's Last Physician or Licensed Clinical Psychologist 3547

..... 3548

Address of Patient's Last Physician or Licensed Clinical 3549

Psychologist

..... 3550

..... 3551

The name and address of respondent's legal guardian, spouse, and 3552  
adult next of kin are: 3553

<u>Name</u>	<u>Kinship</u>	<u>Address</u>	
.....	<u>Legal Guardian</u>	.....	3554
			3555
		.....	3556
		.....	3557
			3558
.....	<u>Spouse</u>	.....	3559
		.....	3560
			3561
.....	<u>Adult Next of Kin</u>	.....	3562
		.....	3563
			3564
.....	<u>Adult Next of Kin</u>	.....	3565
		.....	3566

The following constitutes additional information that may be 3567  
necessary for the purpose of determining residence: 3568

..... 3569  
..... 3570  
..... 3571  
..... 3572  
..... 3573

Dated this ..... day of ....., 20... 3574

..... 3575

<u>Signature of the party filing the affidavit</u>	3576
<u>Sworn to before me and signed in my presence on the day and year above dated.</u>	3577
	3578
.....	3579
<u>Signature of Probate Judge</u>	3580
.....	3581
<u>Signature of Deputy Clerk</u>	3582
<u>WAIVER</u>	3583
<u>I, the undersigned party filing the affidavit hereby waive the issuing and service of notice of the hearing on said affidavit, and voluntarily enter my appearance herein.</u>	3584
	3585
	3586
<u>Dated this ..... day of ....., 20...</u>	3587
.....	3588
<u>Signature of the party filing the affidavit</u>	3589
<b>Sec. 5122.13.</b> <del>Upon</del> <u>Within two business days after</u> receipt of the affidavit required by section 5122.11 of the Revised Code, the <u>probate</u> court shall refer the affidavit to the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates to assist the court	3591
	3592
	3593
	3594
	3595

in determining whether the respondent is subject to 3596  
~~hospitalization~~ court-ordered treatment and whether ~~alternative~~ 3597  
~~services~~ alternatives to hospitalization are available, unless the 3598  
services provider or board has already performed such screening. 3599  
The board or services provider shall review the allegations of the 3600  
affidavit and other information relating to whether or not the 3601  
person named in the affidavit or statement is a mentally ill 3602  
person subject to ~~hospitalization by~~ court order, and the 3603  
availability of appropriate treatment alternatives. 3604

The person who conducts the investigation shall promptly make 3605  
a report to the court, in writing, in open court or in chambers, 3606  
as directed by the court and a full record of the report shall be 3607  
made by the court. The report is not admissible as evidence for 3608  
the purpose of establishing whether or not the respondent is a 3609  
mentally ill person subject to ~~hospitalization by~~ court order, but 3610  
shall be considered by the court in its determination of an 3611  
appropriate placement for any person after that person is found to 3612  
be a mentally ill person subject to ~~hospitalization~~ court order. 3613

The court, prior to the hearing under section 5122.141 of the 3614  
Revised Code, shall release a copy of the investigative report to 3615  
the respondent's counsel. 3616

Nothing in this section precludes a judge or referee from 3617  
issuing a temporary order of detention pursuant to section 5122.11 3618  
of the Revised Code. 3619

**Sec. 5122.141.** (A) A respondent who is involuntarily placed 3620  
in a hospital or other place as designated in section 5122.10 or 3621  
5122.17 of the Revised Code, or with respect to whom proceedings 3622  
have been instituted under section 5122.11 of the Revised Code, 3623  
shall be afforded a hearing to determine whether or not the 3624  
respondent is a mentally ill person subject to ~~hospitalization by~~ 3625  
court order. The hearing shall be conducted pursuant to section 3626

5122.15 of the Revised Code, and the respondent shall have the 3627  
right to counsel as provided in that section. 3628

(B) The hearing shall be conducted within five court days 3629  
from the day on which the respondent is detained or an affidavit 3630  
is filed, whichever occurs first, in a physical setting not likely 3631  
to have a harmful effect on the respondent, and may be conducted 3632  
in a hospital in or out of the county. On the motion of the 3633  
respondent, ~~his~~ the respondent's counsel, the chief clinical 3634  
officer, or on its own motion, and for good cause shown, the court 3635  
may order a continuance of the hearing. The continuance may be for 3636  
no more than ten days from the day on which the respondent is 3637  
detained or on which an affidavit is filed, whichever occurs 3638  
first. Failure to conduct the hearing within this time shall 3639  
effect an immediate discharge of the respondent. If the 3640  
proceedings are not reinstated within thirty days, all records 3641  
of the proceedings shall be expunged. 3642

(C) If the court does not find that the respondent is a 3643  
mentally ill person subject to ~~hospitalization by~~ court order, it 3644  
shall order ~~his~~ the respondent's immediate discharge, and shall 3645  
expunge all record of the proceedings during this period. 3646

(D) If the court finds that the respondent is a mentally ill 3647  
person subject to ~~hospitalization by~~ court order, the court may 3648  
issue an interim order of detention ordering any health or police 3649  
officer or sheriff to take into custody and transport such person 3650  
to a hospital or other place designated in section 5122.17 of the 3651  
Revised Code, where the respondent may be observed and treated. 3652

(E) A respondent or ~~his~~ a respondent's counsel, after 3653  
obtaining the consent of the respondent, may waive the hearing 3654  
provided for in this section. In such case, unless the person has 3655  
been discharged, a mandatory full hearing shall be held by the 3656  
thirtieth day after the original involuntary detention of the 3657  
respondent. Failure to conduct the mandatory full hearing within 3658

this time limit shall result in the immediate discharge of the 3659  
respondent. 3660

(F) Where possible, the initial hearing shall be held before 3661  
the respondent is taken into custody. 3662

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 3663  
manner consistent with this chapter and with due process of law. 3664  
The hearings shall be conducted by a judge of the probate court or 3665  
a referee designated by a judge of the probate court and may be 3666  
conducted in or out of the county in which the respondent is held. 3667  
Any referee designated under this division shall be an attorney. 3668

(1) With the consent of the respondent, the following shall 3669  
be made available to counsel for the respondent: 3670

(a) All relevant documents, information, and evidence in the 3671  
custody or control of the state or prosecutor; 3672

(b) All relevant documents, information, and evidence in the 3673  
custody or control of the hospital in which the respondent 3674  
currently is held, or in which the respondent has been held 3675  
pursuant to this chapter; 3676

(c) All relevant documents, information, and evidence in the 3677  
custody or control of any hospital, facility, or person not 3678  
included in division (A)(1)(a) or (b) of this section. 3679

(2) The respondent has the right to attend the hearing and to 3680  
be represented by counsel of the respondent's choice. The right to 3681  
attend the hearing may be waived only by the respondent or counsel 3682  
for the respondent after consultation with the respondent. 3683

(3) If the respondent is not represented by counsel, is 3684  
absent from the hearing, and has not validly waived the right to 3685  
counsel, the court shall appoint counsel immediately to represent 3686  
the respondent at the hearing, reserving the right to tax costs of 3687  
appointed counsel to the respondent, unless it is shown that the 3688



respondent is indigent. If the court appoints counsel, or if the 3689  
court determines that the evidence relevant to the respondent's 3690  
absence does not justify the absence, the court shall continue the 3691  
case. 3692

(4) The respondent shall be informed that the respondent may 3693  
retain counsel and have independent expert evaluation. If the 3694  
respondent is unable to obtain an attorney, the respondent shall 3695  
be represented by court-appointed counsel. If the respondent is 3696  
indigent, court-appointed counsel and independent expert 3697  
evaluation shall be provided as an expense under section 5122.43 3698  
of the Revised Code. 3699

(5) The hearing shall be closed to the public, unless counsel 3700  
for the respondent, with the permission of the respondent, 3701  
requests that the hearing be open to the public. 3702

(6) If the hearing is closed to the public, the court, for 3703  
good cause shown, may admit persons who have a legitimate interest 3704  
in the proceedings. If the respondent, the respondent's counsel, 3705  
or the designee of the director or of the chief clinical officer 3706  
objects to the admission of any person, the court shall hear the 3707  
objection and any opposing argument and shall rule upon the 3708  
admission of the person to the hearing. 3709

(7) The affiant under section 5122.11 of the Revised Code 3710  
shall be subject to subpoena by either party. 3711

(8) The court shall examine the sufficiency of all documents 3712  
filed and shall inform the respondent, if present, and the 3713  
respondent's counsel of the nature and content of the documents 3714  
and the reason for which the respondent is being detained, or for 3715  
which the respondent's placement is being sought. 3716

(9) The court shall receive only reliable, competent, and 3717  
material evidence. 3718

(10) Unless proceedings are initiated pursuant to section 3719

5120.17 or 5139.08 of the Revised Code, an attorney that the board 3720  
designates shall present the case demonstrating that the 3721  
respondent is a mentally ill person subject to ~~hospitalization by~~ 3722  
court order. The attorney shall offer evidence of the diagnosis, 3723  
prognosis, record of treatment, if any, and less restrictive 3724  
treatment plans, if any. In proceedings pursuant to section 3725  
5120.17 or 5139.08 of the Revised Code, the attorney general shall 3726  
designate an attorney who shall present the case demonstrating 3727  
that the respondent is a mentally ill person subject to 3728  
~~hospitalization by~~ court order. The attorney shall offer evidence 3729  
of the diagnosis, prognosis, record of treatment, if any, and less 3730  
restrictive treatment plans, if any. 3731

(11) The respondent or the respondent's counsel has the right 3732  
to subpoena witnesses and documents and to examine and 3733  
cross-examine witnesses. 3734

(12) The respondent has the right, but shall not be 3735  
compelled, to testify, and shall be so advised by the court. 3736

(13) On motion of the respondent or the respondent's counsel 3737  
for good cause shown, or on the court's own motion, the court may 3738  
order a continuance of the hearing. 3739

(14) If the respondent is represented by counsel and the 3740  
respondent's counsel requests a transcript and record, or if the 3741  
respondent is not represented by counsel, the court shall make and 3742  
maintain a full transcript and record of the proceeding. If the 3743  
respondent is indigent and the transcript and record is made, a 3744  
copy shall be provided to the respondent upon request and be 3745  
treated as an expense under section 5122.43 of the Revised Code. 3746

(15) To the extent not inconsistent with this chapter, the 3747  
Rules of Civil Procedure are applicable. 3748

(B) Unless, upon completion of the hearing the court finds by 3749  
clear and convincing evidence that the respondent is a mentally 3750

ill person subject to ~~hospitalization by~~ court order, it shall 3751  
order the respondent's discharge immediately. 3752

(C) If, upon completion of the hearing, the court finds by 3753  
clear and convincing evidence that the respondent is a mentally 3754  
ill person subject to ~~hospitalization by~~ court order, the court 3755  
shall order the respondent for a period not to exceed ninety days 3756  
to any of the following: 3757

(1) A hospital operated by the department of mental health 3758  
and addiction services if the respondent is committed pursuant to 3759  
section 5139.08 of the Revised Code; 3760

(2) A nonpublic hospital; 3761

(3) The veterans' administration or other agency of the 3762  
United States government; 3763

(4) A board of alcohol, drug addiction, and mental health 3764  
services or services provider the board designates; 3765

(5) Receive private psychiatric or psychological care and 3766  
treatment; 3767

(6) Any other suitable facility or person consistent with the 3768  
diagnosis, prognosis, and treatment needs of the respondent. A 3769  
jail or other local correctional facility is not a suitable 3770  
facility. 3771

(D) Any order made pursuant to division (C)(2), (3), (5), or 3772  
(6) of this section shall be conditioned upon the receipt by the 3773  
court of consent by the hospital, facility, agency, or person to 3774  
accept the respondent and may include a requirement that a person 3775  
or entity described in division (C)(2), (3), (5), or (6) of this 3776  
section inform the board of alcohol, drug addiction, and mental 3777  
health services or community mental health services provider the 3778  
board designates about the progress of the respondent with the 3779  
treatment plan. 3780

(E) In determining the ~~place~~ entity or person to which, ~~or~~ 3781  
~~the person with whom,~~ the respondent is to be committed under 3782  
division (C) of this section, the court shall consider the 3783  
diagnosis, prognosis, preferences of the respondent and the 3784  
projected treatment plan for the respondent and shall order the 3785  
implementation of the least restrictive alternative available and 3786  
consistent with treatment goals. If the court determines that the 3787  
least restrictive alternative available that is consistent with 3788  
treatment goals is inpatient hospitalization, the court's order 3789  
shall so state. 3790

(F) During ~~such~~ the ninety-day period the ~~hospital; facility;~~ 3791  
~~board of alcohol, drug addiction, and mental health services;~~ 3792  
~~services provider the board designates;~~ entity or person shall 3793  
examine and treat the individual respondent. If the respondent is 3794  
receiving treatment in an outpatient setting, or receives 3795  
treatment in an outpatient setting during a subsequent period of 3796  
continued commitment under division (H) of this section, the 3797  
entity or person to whom the respondent is committed shall 3798  
determine the appropriate outpatient treatment for the respondent. 3799  
If, at any time prior to the expiration of the ninety-day period, 3800  
it is determined by the ~~hospital, facility, board, services~~ 3801  
~~provider,~~ entity or person that the respondent's treatment needs 3802  
could be equally well met in an available and appropriate less 3803  
restrictive ~~environment~~ setting, both of the following apply: 3804

(1) The respondent shall be released from the care of the 3805  
~~hospital, services provider, facility,~~ entity or person 3806  
immediately and shall be referred to the court together with a 3807  
report of the findings and recommendations of the ~~hospital,~~ 3808  
~~services provider, facility,~~ entity or person; ~~and~~ 3809

(2) The ~~hospital, services provider, facility,~~ entity or 3810  
person shall notify the respondent's counsel or the attorney 3811  
designated by a board of alcohol, drug addiction, and mental 3812

health services or, if the respondent was committed to a board or 3813  
a services provider designated by the board, it shall place the 3814  
respondent in the least restrictive ~~environment~~ setting available 3815  
consistent with treatment goals and notify the court and the 3816  
respondent's counsel of the placement. 3817

The court shall dismiss the case or order placement in the 3818  
least restrictive ~~environment~~ setting. 3819

(G)(1) Except as provided in ~~divisions~~ division (G)(2) and 3820  
(~~3~~) of this section, any person ~~who has been committed under this~~ 3821  
~~section, or~~ for whom proceedings for ~~hospitalization~~ treatment 3822  
have been commenced pursuant to section 5122.11 of the Revised 3823  
Code, may apply at any time for voluntary admission or treatment 3824  
to the ~~hospital, facility, or services provider that the board~~ 3825  
~~designates,~~ entity or person to which the person was committed. 3826  
Upon admission as a voluntary patient the chief clinical officer 3827  
of the ~~hospital, services provider, or other facility,~~ entity or 3828  
the person immediately shall notify the court, the patient's 3829  
counsel, and the attorney designated by the board, if the attorney 3830  
has entered the proceedings, in writing of that fact, and, upon 3831  
receipt of the notice, the court shall dismiss the case. 3832

(2) A person who is found incompetent to stand trial or not 3833  
guilty by reason of insanity and who is committed pursuant to 3834  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 3835  
Code shall not voluntarily commit the person pursuant to this 3836  
section until after the final termination of the commitment, as 3837  
described in division (J) of section 2945.401 of the Revised Code. 3838

(H) If, at the end of the first ninety-day period or any 3839  
subsequent period of continued commitment, there has been no 3840  
disposition of the case, either by discharge or voluntary 3841  
admission or treatment, the ~~hospital, facility, board, services~~ 3842  
~~provider,~~ entity or person shall discharge the patient 3843  
immediately, unless at least ten days before the expiration of the 3844

period the attorney the board designates or the prosecutor files 3845  
with the court an application for continued commitment. The 3846  
application of the attorney or the prosecutor shall include a 3847  
written report containing the diagnosis, prognosis, past 3848  
treatment, a list of alternative treatment settings and plans, and 3849  
identification of the treatment setting that is the least 3850  
restrictive consistent with treatment needs. The attorney the 3851  
board designates or the prosecutor shall file the written report 3852  
at least three days prior to the full hearing. A copy of the 3853  
application and written report shall be provided to the 3854  
respondent's counsel immediately. 3855

The court shall hold a full hearing on applications for 3856  
continued commitment at the expiration of the first ninety-day 3857  
period and at least every two years after the expiration of the 3858  
first ninety-day period. 3859

Hearings following any application for continued commitment 3860  
are mandatory and may not be waived. 3861

For a respondent who is ordered to receive treatment in an 3862  
outpatient setting, if at any time after the first ninety-day 3863  
period the entity or person to whom the respondent was ordered 3864  
determines that the respondent has demonstrated voluntary consent 3865  
for treatment, that entity or person shall immediately notify the 3866  
respondent, the respondent's counsel, the attorney designated by 3867  
the board, and the court. The entity or person shall submit to the 3868  
court a report of the findings and recommendations. The court may 3869  
dismiss the case upon review of the facts. 3870

Upon request of a person who is involuntarily committed under 3871  
this section, or the person's counsel, that is made more than one 3872  
hundred eighty days after the person's last full hearing, 3873  
mandatory or requested, the court shall hold a full hearing on the 3874  
person's continued commitment. Upon the application of a person 3875  
involuntarily committed under this section, supported by an 3876

affidavit of a psychiatrist or licensed clinical psychologist, 3877  
alleging that the person no longer is a mentally ill person 3878  
subject to ~~hospitalization by~~ court order, the court for good 3879  
cause shown may hold a full hearing on the person's continued 3880  
commitment prior to the expiration of one hundred eighty days 3881  
after the person's last full hearing. Section 5122.12 of the 3882  
Revised Code applies to all hearings on continued commitment. 3883

If the court, after a hearing for continued commitment finds 3884  
by clear and convincing evidence that the respondent is a mentally 3885  
ill person subject to ~~hospitalization by~~ court order, the court 3886  
may order continued commitment at places or to persons specified 3887  
in division (C) of this section. 3888

(I) Unless the admission is pursuant to section 5120.17 or 3889  
5139.08 of the Revised Code, the chief clinical officer of the 3890  
~~hospital or services provider~~ entity admitting a respondent 3891  
pursuant to a judicial proceeding, within ten working days of the 3892  
admission, shall make a report of the admission to the board of 3893  
alcohol, drug addiction, and mental health services serving the 3894  
respondent's county of residence. 3895

(J) A referee appointed by the court may make all orders that 3896  
a judge may make under this section and sections 5122.11 and 3897  
5122.141 of the Revised Code, except an order of contempt of 3898  
court. The orders of a referee take effect immediately. Within 3899  
fourteen days of the making of an order by a referee, a party may 3900  
file written objections to the order with the court. The filed 3901  
objections shall be considered a motion, shall be specific, and 3902  
shall state their grounds with particularity. Within ten days of 3903  
the filing of the objections, a judge of the court shall hold a 3904  
hearing on the objections and may hear and consider any testimony 3905  
or other evidence relating to the respondent's mental condition. 3906  
At the conclusion of the hearing, the judge may ratify, rescind, 3907  
or modify the referee's order. 3908

(K) An order of the court under division (C), (H), or (J) of this section is a final order. 3909  
3910

(L) Before a board, or a services provider the board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or services provider shall do all of the following: 3911  
3912  
3913  
3914

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting; 3915  
3916  
3917  
3918

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed; 3919  
3920  
3921  
3922

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible; 3923  
3924  
3925

(4) Immediately notify the board's designated attorney and the respondent's attorney. 3926  
3927

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement. 3928  
3929  
3930

(M) Before a board, or a services provider the board designates, may move a respondent from one residential placement to another, the board or services provider shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent. 3931  
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(N) The entity or person to whom the respondent was ordered 3938



for treatment in an outpatient setting may submit a report to the 3939  
court indicating that the respondent has either failed to comply 3940  
with the treatment plan or begun to demonstrate signs of 3941  
decompensation that may be grounds for hospitalization. On receipt 3942  
of the report, the court shall promptly schedule a hearing to 3943  
review the case. The court shall conduct the hearing in a manner 3944  
consistent with this chapter and due process of law. The board 3945  
shall receive notice of the hearing and the board and entity or 3946  
person treating the respondent shall submit a report to the court 3947  
with a plan for appropriate alternative treatment, if any, or 3948  
recommend that the court discontinue the court-ordered treatment. 3949  
The court shall consider available and appropriate alternative 3950  
placements but shall not impose criminal sanctions that result in 3951  
confinement in a jail or other local correctional facility based 3952  
on the respondent's failure to comply with the treatment plan. The 3953  
court may not order the respondent to a more restrictive placement 3954  
unless the criteria specified in division (L) of this section are 3955  
met and may not order the respondent to an inpatient setting 3956  
unless the court determines by clear and convincing evidence 3957  
presented by the board that the respondent meets the criteria 3958  
specified in divisions (A) and (B)(1), (2), (3), or (4) of section 3959  
5122.01 of the Revised Code. 3960

**Sec. 5122.19.** Every person transported to a hospital or 3961  
community mental health services provider pursuant to sections 3962  
5122.11 to 5122.16 of the Revised Code, shall be examined by the 3963  
staff of the hospital or services provider as soon as practicable 3964  
after arrival at the hospital or services provider. Such an 3965  
examination shall be held within twenty-four hours after the time 3966  
of arrival, and if the chief clinical officer fails after such an 3967  
examination to certify that in the chief clinical officer's 3968  
opinion the person is a mentally ill person subject to 3969  
~~hospitalization by~~ court order, the person shall be immediately 3970

released. 3971

**Sec. 5122.21.** (A) The chief clinical officer shall as 3972  
frequently as practicable, and at least once every thirty days, 3973  
examine or cause to be examined every patient, and, whenever the 3974  
chief clinical officer determines that the conditions justifying 3975  
involuntary hospitalization or commitment no longer obtain, shall 3976  
discharge the patient not under indictment or conviction for crime 3977  
and immediately make a report of the discharge to the department 3978  
of mental health and addiction services. The chief clinical 3979  
officer may discharge a patient who is under an indictment, a 3980  
sentence of imprisonment, a community control sanction, or a 3981  
post-release control sanction or on parole ten days after written 3982  
notice of intent to discharge the patient has been given by 3983  
personal service or certified mail, return receipt requested, to 3984  
the court having criminal jurisdiction over the patient. Except 3985  
when the patient was found not guilty by reason of insanity and 3986  
the defendant's commitment is pursuant to section 2945.40 of the 3987  
Revised Code, the chief clinical officer has final authority to 3988  
discharge a patient who is under an indictment, a sentence of 3989  
imprisonment, a community control sanction, or a post-release 3990  
control sanction or on parole. 3991

(B) After a finding pursuant to section 5122.15 of the 3992  
Revised Code that a person is a mentally ill person subject to 3993  
~~hospitalization by~~ court order, the chief clinical officer of the 3994  
hospital or community mental health services provider to which the 3995  
person is ordered or to which the person is transferred under 3996  
section 5122.20 of the Revised Code, may grant a discharge without 3997  
the consent or authorization of any court. 3998

Upon discharge, the chief clinical officer shall notify the 3999  
court that caused the judicial hospitalization of the discharge 4000  
from the hospital. 4001

Sec. 5122.27. The chief clinical officer of the hospital or 4002  
the chief clinical officer's designee shall assure that all 4003  
patients hospitalized or committed pursuant to this chapter shall: 4004

(A) Receive, within twenty days of their admission sufficient 4005  
professional care to assure that an evaluation of current status, 4006  
differential diagnosis, probable prognosis, and description of the 4007  
current treatment plan is stated on the official chart; 4008

(B) Have a written treatment plan consistent with the 4009  
evaluation, diagnosis, prognosis, and goals which shall be 4010  
provided, upon request of the patient or patient's counsel, to the 4011  
patient's counsel and to any private physician or licensed 4012  
clinical psychologist designated by the patient or the patient's 4013  
counsel or to the Ohio protection and advocacy system; 4014

(C) Receive treatment consistent with the treatment plan. The 4015  
department of mental health and addiction services shall set 4016  
standards for treatment provided to such patients, consistent 4017  
wherever possible with standards set by the joint commission. 4018

(D) Receive periodic reevaluations of the treatment plan by 4019  
the professional staff at intervals not to exceed ninety days; 4020

(E) Be provided with adequate medical treatment for physical 4021  
disease or injury; 4022

(F) Receive humane care and treatment, including without 4023  
limitation, the following: 4024

(1) The least restrictive environment consistent with the 4025  
treatment plan; 4026

(2) The necessary facilities and personnel required by the 4027  
treatment plan; 4028

(3) A humane psychological and physical environment; 4029

(4) The right to obtain current information concerning the 4030

patient's treatment program and expectations in terms that the 4031  
patient can reasonably understand; 4032

(5) Participation in programs designed to afford the patient 4033  
substantial opportunity to acquire skills to facilitate return to 4034  
the community or to terminate an involuntary commitment; 4035

(6) The right to be free from unnecessary or excessive 4036  
medication; 4037

(7) Freedom from restraints or isolation unless it is stated 4038  
in a written order by the chief clinical officer or the chief 4039  
clinical officer's designee, or the patient's individual physician 4040  
or psychologist in a private or general hospital. 4041

If the chief clinical officer of the hospital is unable to 4042  
provide the treatment required by divisions (C), (E), and (F) of 4043  
this section for any patient hospitalized pursuant to Chapter 4044  
5122. of the Revised Code, the chief clinical officer shall 4045  
immediately notify the patient, the court, the Ohio protection and 4046  
advocacy system, the director of mental health and addiction 4047  
services, and the patient's counsel and legal guardian, if known. 4048  
If within ten days after receipt of such notification by the 4049  
director, the director is unable to effect a transfer of the 4050  
patient, pursuant to section 5122.20 of the Revised Code, to a 4051  
hospital, community mental health services provider, or other 4052  
medical facility where treatment is available, or has not received 4053  
an order of the court to the contrary, the involuntary commitment 4054  
of any patient hospitalized pursuant to Chapter 5122. of the 4055  
Revised Code and defined as a mentally ill person subject to 4056  
~~hospitalization by~~ court order under division (B)(4) of section 4057  
5122.01 of the Revised Code shall automatically be terminated. 4058

**Sec. 5122.30.** Any person detained pursuant to this chapter or 4059  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 4060  
Code shall be entitled to the writ of habeas corpus upon proper 4061

petition by self or by a friend to any court generally empowered 4062  
to issue the writ of habeas corpus in the county in which the 4063  
person is detained. 4064

No person may bring a petition for a writ of habeas corpus 4065  
that alleges that a person involuntarily detained pursuant to this 4066  
chapter no longer is a mentally ill person subject to 4067  
~~hospitalization by~~ court order unless the person shows that the 4068  
release procedures of division (H) of section 5122.15 of the 4069  
Revised Code are inadequate or unavailable. 4070

**Sec. 5122.31.** (A) All certificates, applications, records, 4071  
and reports made for the purpose of this chapter and sections 4072  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 4073  
Code, other than court journal entries or court docket entries, 4074  
and directly or indirectly identifying a patient or former patient 4075  
or person whose hospitalization or commitment has been sought 4076  
under this chapter, shall be kept confidential and shall not be 4077  
disclosed by any person except: 4078

(1) If the person identified, or the person's legal guardian, 4079  
if any, or if the person is a minor, the person's parent or legal 4080  
guardian, consents, and if the disclosure is in the best interests 4081  
of the person, as may be determined by the court for judicial 4082  
records and by the chief clinical officer for medical records; 4083

(2) When disclosure is provided for in this chapter or 4084  
Chapters 340. or 5119. of the Revised Code or in accordance with 4085  
other provisions of state or federal law authorizing such 4086  
disclosure; 4087

(3) That hospitals, boards of alcohol, drug addiction, and 4088  
mental health services, and community mental health services 4089  
providers may release necessary medical information to insurers 4090  
and other third-party payers, including government entities 4091  
responsible for processing and authorizing payment, to obtain 4092

payment for goods and services furnished to the patient; 4093

(4) Pursuant to a court order signed by a judge; 4094

(5) That a patient shall be granted access to the patient's 4095  
own psychiatric and medical records, unless access specifically is 4096  
restricted in a patient's treatment plan for clear treatment 4097  
reasons; 4098

(6) That hospitals and other institutions and facilities 4099  
within the department of mental health and addiction services may 4100  
exchange psychiatric records and other pertinent information with 4101  
other hospitals, institutions, and facilities of the department, 4102  
and with community mental health services providers and boards of 4103  
alcohol, drug addiction, and mental health services with which the 4104  
department has a current agreement for patient care or services. 4105  
Records and information that may be released pursuant to this 4106  
division shall be limited to medication history, physical health 4107  
status and history, financial status, summary of course of 4108  
treatment in the hospital, summary of treatment needs, and a 4109  
discharge summary, if any. 4110

(7) That hospitals within the department and other 4111  
institutions and facilities within the department may exchange 4112  
psychiatric records and other pertinent information with payers 4113  
and other providers of treatment and health services if the 4114  
purpose of the exchange is to facilitate continuity of care for a 4115  
patient or for the emergency treatment of an individual; 4116

(8) That a patient's family member who is involved in the 4117  
provision, planning, and monitoring of services to the patient may 4118  
receive medication information, a summary of the patient's 4119  
diagnosis and prognosis, and a list of the services and personnel 4120  
available to assist the patient and the patient's family, if the 4121  
patient's treating physician determines that the disclosure would 4122  
be in the best interests of the patient. No such disclosure shall 4123

be made unless the patient is notified first and receives the 4124  
information and does not object to the disclosure. 4125

(9) That community mental health services providers may 4126  
exchange psychiatric records and certain other information with 4127  
the board of alcohol, drug addiction, and mental health services 4128  
and other services providers in order to provide services to a 4129  
person involuntarily committed to a board. Release of records 4130  
under this division shall be limited to medication history, 4131  
physical health status and history, financial status, summary of 4132  
course of treatment, summary of treatment needs, and discharge 4133  
summary, if any. 4134

(10) That information may be disclosed to the executor or the 4135  
administrator of an estate of a deceased patient when the 4136  
information is necessary to administer the estate; 4137

(11) That records in the possession of the Ohio historical 4138  
society may be released to the closest living relative of a 4139  
deceased patient upon request of that relative; 4140

(12) That records pertaining to the patient's diagnosis, 4141  
course of treatment, treatment needs, and prognosis shall be 4142  
disclosed and released to the appropriate prosecuting attorney if 4143  
the patient was committed pursuant to section 2945.38, 2945.39, 4144  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 4145  
attorney designated by the board for proceedings pursuant to 4146  
involuntary commitment under this chapter. 4147

(13) That the department of mental health and addiction 4148  
services may exchange psychiatric hospitalization records, other 4149  
mental health treatment records, and other pertinent information 4150  
with the department of rehabilitation and correction and with the 4151  
department of youth services to ensure continuity of care for 4152  
inmates or offenders who are receiving mental health services in 4153  
an institution of the department of rehabilitation and correction 4154

or the department of youth services and may exchange psychiatric 4155  
hospitalization records, other mental health treatment records, 4156  
and other pertinent information with boards of alcohol, drug 4157  
addiction, and mental health services and community mental health 4158  
services providers to ensure continuity of care for inmates or 4159  
offenders who are receiving mental health services in an 4160  
institution and are scheduled for release within six months. The 4161  
department shall not disclose those records unless the inmate or 4162  
offender is notified, receives the information, and does not 4163  
object to the disclosure. The release of records under this 4164  
division is limited to records regarding an inmate's or offender's 4165  
medication history, physical health status and history, summary of 4166  
course of treatment, summary of treatment needs, and a discharge 4167  
summary, if any. 4168

(B) Before records are disclosed pursuant to divisions 4169  
(A)(3), (6), and (9) of this section, the custodian of the records 4170  
shall attempt to obtain the patient's consent for the disclosure. 4171  
No person shall reveal the contents of a medical record of a 4172  
patient except as authorized by law. 4173

(C) The managing officer of a hospital who releases necessary 4174  
medical information under division (A)(3) of this section to allow 4175  
an insurance carrier or other third party payor to comply with 4176  
section 5121.43 of the Revised Code shall neither be subject to 4177  
criminal nor civil liability. 4178

**Sec. 5122.311.** (A) Notwithstanding any provision of the 4179  
Revised Code to the contrary, if, on or after April 8, 2004, an 4180  
individual is found by a court to be a mentally ill person subject 4181  
to ~~hospitalization by~~ court order or becomes an involuntary 4182  
patient other than one who is a patient only for purposes of 4183  
observation, the probate judge who made the adjudication or the 4184  
chief clinical officer of the hospital, community mental health 4185



services provider, or facility in which the person is an 4186  
involuntary patient shall notify the ~~bureau of criminal~~ 4187  
~~identification and investigation~~ office of the attorney general, 4188  
on the form described in division (C) of this section, of the 4189  
identity of the individual. The notification shall be transmitted 4190  
by the judge or the chief clinical officer not later than seven 4191  
days after the adjudication or commitment. 4192

(B) The ~~bureau of criminal identification and investigation~~ 4193  
office of the attorney general shall compile and maintain the 4194  
notices it receives under division (A) of this section and the 4195  
notices shall ~~use them~~ be used for the purpose of conducting 4196  
incompetency records checks pursuant to section 311.41 of the 4197  
Revised Code. The notices and the information they contain are 4198  
confidential, except as provided in this division, and are not 4199  
public records. 4200

(C) The attorney general, by rule adopted under Chapter 119. 4201  
of the Revised Code, shall prescribe and make available to all 4202  
probate judges and all chief clinical officers a form to be used 4203  
by them for the purpose of making the notifications required by 4204  
division (A) of this section. 4205

**Sec. 5122.34.** (A) Persons, including, but not limited to, 4206  
boards of alcohol, drug addiction, and mental health services and 4207  
community mental health services providers, acting in good faith, 4208  
either upon actual knowledge or information thought by them to be 4209  
reliable, who procedurally or physically assist in the 4210  
hospitalization or discharge, determination of appropriate 4211  
placement, court-ordered treatment, or in judicial proceedings of 4212  
a person under this chapter, do not come within any criminal 4213  
provisions, and are free from any liability to the person 4214  
hospitalized or receiving court-ordered treatment or to any other 4215  
person. 4216

(B) Regardless of whether any affirmative action has been 4217  
taken under this chapter with respect to a mental health client or 4218  
patient and except as otherwise provided in section 2305.51 of the 4219  
Revised Code, no person shall be liable for any harm that results 4220  
to any other person as a result of failing to disclose any 4221  
confidential information about the mental health client or 4222  
patient, or failing to otherwise attempt to protect such other 4223  
person from harm by such client or patient. 4224

(C) This section applies to expert witnesses who testify at 4225  
hearings under this chapter. 4226

(D) The immunity from liability conferred by this section is 4227  
in addition to and not in limitation of any immunity conferred by 4228  
any other section of the Revised Code or by judicial precedent. 4229

**Sec. 5122.43.** (A) Costs, fees, and expenses of all 4230  
proceedings held under this chapter shall be paid as follows: 4231

(1) To police and health officers, other than sheriffs or 4232  
their deputies, the same fees allowed to constables, to be paid 4233  
upon the approval of the probate judge; 4234

(2) To sheriffs or their deputies, the same fees allowed for 4235  
similar services in the court of common pleas; 4236

(3) To physicians or licensed clinical psychologists acting 4237  
as expert witnesses and to other expert witnesses designated by 4238  
the court, an amount determined by the court; 4239

(4) To other witnesses, the same fees and mileage as for 4240  
attendance at the court of common pleas, to be paid upon the 4241  
approval of the probate judge; 4242

(5) To a person, other than the sheriff or the sheriff's 4243  
deputies, for taking a mentally ill person to a hospital or 4244  
removing a mentally ill person from a hospital, the actual 4245  
necessary expenses incurred, specifically itemized, and approved 4246

by the probate judge; 4247

(6) To assistants who convey mentally ill persons to the 4248  
hospital when authorized by the probate judge, a fee set by the 4249  
probate court, provided the assistants are not drawing a salary 4250  
from the state or any political subdivision of the state, and 4251  
their actual necessary expenses incurred, provided that the 4252  
expenses are specifically itemized and approved by the probate 4253  
judge; 4254

(7) To an attorney appointed by the probate division for an 4255  
indigent who allegedly is a mentally ill person pursuant to any 4256  
section of this chapter or a person suffering from alcohol and 4257  
other drug abuse and who may be ordered under sections 5119.91 to 4258  
5119.98 of the Revised Code to undergo treatment, the fees that 4259  
are determined by the probate division. When those indigent 4260  
persons are before the court, all filing and recording fees shall 4261  
be waived. 4262

(8) To a referee who is appointed to conduct proceedings 4263  
under this chapter that involve a respondent whose domicile is or, 4264  
before the respondent's hospitalization, was not the county in 4265  
which the proceedings are held, compensation as fixed by the 4266  
probate division, but not more than the compensation paid for 4267  
similar proceedings for respondents whose domicile is in the 4268  
county in which the proceedings are held; 4269

(9) To a court reporter appointed to make a transcript of 4270  
proceedings under this chapter, the compensation and fees allowed 4271  
in other cases under section 2101.08 of the Revised Code. 4272

(B) A county shall pay for the costs, fees, and expenses 4273  
described in division (A) of this section with money appropriated 4274  
pursuant to section 2101.11 of the Revised Code. A county may seek 4275  
reimbursement from the department of mental health and addiction 4276  
services by submitting a request and certification by the county 4277

auditor of the costs, fees, and expenses to the department within 4278  
two months of the date the costs, fees, and expenses are incurred 4279  
by the county. 4280

Each fiscal year, based on past allocations, historical 4281  
utilization, and other factors the department considers 4282  
appropriate, the department shall allocate for each county an 4283  
amount for reimbursements under this section. The total of all the 4284  
allocations shall equal the amount appropriated for the fiscal 4285  
year to the department specifically for the purposes of this 4286  
section. 4287

On receipt, the department shall review each request for 4288  
reimbursement and prepare a voucher for the amount of the costs, 4289  
fees, and expenses incurred by the county, provided that the total 4290  
amount of money paid to all counties in each fiscal year shall not 4291  
exceed the total amount of moneys specifically appropriated to the 4292  
department for these purposes. 4293

The department's total reimbursement to each county shall be 4294  
the lesser of the full amount requested or the amount allocated 4295  
for the county under this division. In addition, the department 4296  
shall distribute any surplus remaining from the money appropriated 4297  
for the fiscal year to the department for the purposes of this 4298  
section as follows to counties whose full requests exceed their 4299  
allocations: 4300

(1) If the surplus is sufficient to reimburse such counties 4301  
the full amount of their requests, each such county shall receive 4302  
the full amount of its request; 4303

(2) If the surplus is insufficient, each such county shall 4304  
receive a percentage of the surplus determined by dividing the 4305  
difference between the county's full request and its allocation by 4306  
the difference between the total of the full requests of all such 4307  
counties and the total of the amounts allocated for all such 4308

counties. 4309

The department may adopt rules in accordance with Chapter 4310  
119. of the Revised Code to implement the payment of costs, fees, 4311  
and expenses under this section. 4312

**Sec. 5139.54.** (A) Notwithstanding any other provision for 4313  
determining when a child shall be released or discharged from the 4314  
legal custody of the department of youth services, including 4315  
jurisdictional provisions in section 2152.22 of the Revised Code, 4316  
the release authority, for medical reasons, may release a child 4317  
upon supervised release or discharge the child from the custody of 4318  
the department when any of the following applies: 4319

(1) The child is terminally ill or otherwise in imminent 4320  
danger of death. 4321

(2) The child is incapacitated due to injury, disease, 4322  
illness, or other medical condition and is no longer a threat to 4323  
public safety. 4324

(3) The child appears to be a mentally ill person subject to 4325  
~~hospitalization by~~ court order, as defined in section 5122.01 of 4326  
the Revised Code, or a mentally retarded person subject to 4327  
institutionalization by court order, as defined in section 5123.01 4328  
of the Revised Code. 4329

(B) When considering whether to release or discharge a child 4330  
under this section for medical reasons, the release authority may 4331  
request additional medical information about the child or may ask 4332  
the department to conduct additional medical examinations. 4333

(C) The release authority shall determine the appropriate 4334  
level of supervised release for a child released under this 4335  
section. The terms and conditions of the release may require 4336  
periodic medical reevaluations as appropriate. Upon granting a 4337  
release or discharge under this section, the release authority 4338

shall give notice of the release and its terms and conditions or 4339  
of the discharge to the court that committed the child to the 4340  
custody of the department. 4341

(D) The release authority shall submit annually to the 4342  
director of youth services a report that includes all of the 4343  
following information for the previous calendar year: 4344

(1) The number of children the release authority considered 4345  
for medical release or discharge; 4346

(2) The nature of the injury, disease, illness, or other 4347  
medical condition of each child considered for medical release or 4348  
discharge; 4349

(3) The decision made by the release authority for each 4350  
child, including the reasons for denying medical release or 4351  
discharge or for granting it; 4352

(4) The number of children on medical release who were 4353  
returned to a secure facility or whose supervised release was 4354  
revoked. 4355

**Sec. 5305.22.** (A) Any real estate or interest in real estate 4356  
coming to a person by purchase, inheritance, or otherwise, after 4357  
the spouse of the person is adjudged a mentally ill person subject 4358  
to ~~hospitalization by~~ court order and admitted to either a 4359  
hospital for persons with mental illness in this or any other 4360  
state of the United States or the psychiatric department of any 4361  
hospital of the United States, may be conveyed by the person while 4362  
the person's spouse who is a mentally ill person subject to 4363  
~~hospitalization by~~ court order remains a patient of that hospital, 4364  
free and clear from any dower right or expectancy of the person's 4365  
spouse who is a mentally ill person subject to ~~hospitalization by~~ 4366  
court order. Dower shall not attach to any real estate so acquired 4367  
and conveyed during the time described in this section in favor of 4368

such spouse who is a mentally ill person subject to 4369  
~~hospitalization by~~ court order. The indorsement upon the 4370  
instrument of conveyance, by the superintendent of the hospital to 4371  
which the spouse was admitted, that the spouse of the person 4372  
conveying the real estate is a mentally ill person subject to 4373  
~~hospitalization by~~ court order who has been admitted to that 4374  
hospital, stating when received in that hospital and signed 4375  
officially by the superintendent, shall be sufficient evidence of 4376  
the fact that the spouse of the person conveying the real estate 4377  
is a mentally ill person subject to ~~hospitalization by~~ court 4378  
order. This indorsement shall be a part of the instrument of 4379  
conveyance. 4380

(B) As used in this section, "mentally ill person subject to 4381  
~~hospitalization by~~ court order" has the same meaning as in section 4382  
5122.01 of the Revised Code. 4383

**Sec. 5907.06.** (A) A mentally ill person subject to 4384  
~~hospitalization by~~ court order whose mental condition causes the 4385  
person to be dangerous to the community shall not be admitted to a 4386  
veterans' home. If a mentally ill person subject to 4387  
~~hospitalization by~~ court order, through misrepresentation as to 4388  
the person's condition, is sent to a home, the person shall be 4389  
returned to, and the expense of the return shall be borne by, the 4390  
county from which the person came. 4391

(B) As used in this section, "mentally ill person subject to 4392  
~~hospitalization by~~ court order" has the same meaning as in section 4393  
5122.01 of the Revised Code. 4394

**Sec. 5907.09.** (A) When the affidavit referred to in section 4395  
5907.08 of the Revised Code is filed, the probate judge shall 4396  
forthwith determine whether the resident is a mentally ill person 4397  
subject to ~~hospitalization by~~ court order. Insofar as applicable, 4398

the laws governing in cases of admission to a state hospital for 4399  
persons with mental illness shall apply. The probate judge shall 4400  
have the same authority, and may receive and order paid the same 4401  
fees and costs, as the probate judge would have in the county in 4402  
which the veteran was a resident at the time of entering the 4403  
veterans' home. 4404

(B) As used in this section, "mentally ill person subject to 4405  
~~hospitalization by court order~~" has the same meaning as in section 4406  
5122.01 of the Revised Code. 4407

**Section 2.** That existing sections 2101.16, 2151.011, 2151.23, 4408  
2923.125, 2923.1213, 2923.13, 2945.37, 2945.38, 2945.39, 2945.40, 4409  
2945.401, 2967.22, 5119.311, 5120.17, 5122.01, 5122.03, 5122.05, 4410  
5122.10, 5122.11, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 4411  
5122.27, 5122.30, 5122.31, 5122.311, 5122.34, 5122.43, 5139.54, 4412  
5305.22, 5907.06, and 5907.09 of the Revised Code are hereby 4413  
repealed. 4414

**Section 3.** The amendments to divisions (B)(49) and (50) of 4415  
section 2151.011 of the Revised Code by H.B. 59 of the 130th 4416  
General Assembly, which appear in this act are to take effect on 4417  
July 1, 2014, are not accelerated by their inclusion in this act. 4418