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Committee**

**132nd General Assembly**

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**Sub. S. B. No. 268**

**Senator Wilson**

**Cosponsors: Senators Bacon, Coley, Beagle, Brown, Burke, Eklund, Hackett,  
Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, O'Brien,  
Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko**

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**A BILL**

To amend sections 3.111, 145.114, 742.114, 1707.01, 1  
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 2  
1707.161, 1707.17, 1707.19, 1707.20, 1707.21, 3  
1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 4  
1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 5  
1707.32, 1707.34, 1707.35, 1707.38, 1707.39, 6  
1707.391, 1707.40, 1707.431, 1707.44, 1707.99, 7  
1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 8  
2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 9  
3307.152, 3309.157, 4582.06, 4582.31, and 10  
5505.068 and to enact sections 1707.05, 11  
1707.051, 1707.052, 1707.053, 1707.054, 12  
1707.055, 1707.056, 1707.057, 1707.058, and 13  
1707.50 of the Revised Code to expand the 14  
increased penalties for theft in office based on 15  
the amount of property or services stolen, to 16  
include as restitution certain audit costs of 17  
the entity that suffered the loss involved in 18  
the offense, for any other offense, to allow 19  
restitution for the cost of accounting or 20  
auditing done to determine the extent of 21

economic loss, to require certain convention and 22  
visitors' bureaus to make available for 23  
inspection by the public all meeting minutes, 24  
vendor payment information, and financial 25  
information, to permit intrastate equity 26  
crowdfunding under certain circumstances, to 27  
provide for a hardship exemption from the 28  
requirement that financial statements filed 29  
under the Securities Law be audited, to replace 30  
expungement with sealing of ex parte protection 31  
orders and records under certain circumstances, 32  
and to clarify the appellate process for the 33  
court's refusal to grant certain protection 34  
orders. 35

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

**Section 1.** That sections 3.111, 145.114, 742.114, 1707.01, 36  
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 37  
1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 38  
1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 39  
1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 40  
1707.44, 1707.99, 1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 41  
2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 3307.152, 3309.157, 42  
4582.06, 4582.31, and 5505.068 be amended and sections 1707.05, 43  
1707.051, 1707.052, 1707.053, 1707.054, 1707.055, 1707.056, 44  
1707.057, 1707.058, and 1707.50 of the Revised Code be enacted 45  
to read as follows: 46

**Sec. 3.111.** (A) An elected officer of a county, township, 47  
or municipal corporation that has levied an excise lodging tax 48

under section 5739.08 or 5739.09 of the Revised Code, or a 49  
designee appointed by such elected officer, may simultaneously 50  
serve in the elected or appointed position and as a member or 51  
officer of the board of trustees of a convention and visitors' 52  
bureau organized under Chapter 1702. of the Revised Code. The 53  
simultaneous holding of the two positions shall not constitute 54  
the holding of incompatible offices or employment, 55  
notwithstanding Ohio common law or any contrary provision of the 56  
Revised Code. 57

Nothing in this section prevents a municipal corporation 58  
or chartered county from adopting a more restrictive policy 59  
regarding the simultaneous holding of the positions described in 60  
this section. 61

(B) If a person serves in two positions as authorized by 62  
division (A) of this section, the board of trustees of the 63  
convention and visitors' bureau shall do the following: 64

(1) Promptly prepare, file, and maintain the minutes of 65  
each meeting of the board of trustees and open the minutes to 66  
inspection by the public. 67

(2) Prepare and make available for inspection all records 68  
regarding financial information and vendor payments in 69  
accordance with the processes applicable to public offices under 70  
divisions (B), (C), (D), and (G) of section 149.43 of the 71  
Revised Code pertaining to public records. 72

(C) As used in this section, "record" has the meaning 73  
defined in section 149.011 of the Revised Code. 74

**Sec. 145.114.** (A) As used in this section and in section 75  
145.116 of the Revised Code: 76

(1) "Agent" means a dealer, as defined in section 1707.01 77

of the Revised Code, who is licensed under sections 1707.01 to 78  
~~1707.45~~1707.50 of the Revised Code or under comparable laws of 79  
another state or of the United States. 80

(2) "Minority business enterprise" has the same meaning as 81  
in section 122.71 of the Revised Code. 82

(3) "Ohio-qualified agent" means an agent designated as 83  
such by the public employees retirement board. 84

(4) "Ohio-qualified investment manager" means an 85  
investment manager designated as such by the public employees 86  
retirement board. 87

(5) "Principal place of business" means an office in which 88  
the agent regularly provides securities or investment advisory 89  
services and solicits, meets with, or otherwise communicates 90  
with clients. 91

(B) The public employees retirement board shall, for the 92  
purposes of this section, designate an agent as an Ohio- 93  
qualified agent if the agent meets all of the following 94  
requirements: 95

(1) The agent is subject to taxation under Chapter 5725., 96  
5726., 5733., 5747., or 5751. of the Revised Code; 97

(2) The agent is authorized to conduct business in this 98  
state; 99

(3) The agent maintains a principal place of business in 100  
this state and employs at least five residents of this state. 101

(C) The public employees retirement board shall adopt and 102  
implement a written policy to establish criteria and procedures 103  
used to select agents to execute securities transactions on 104  
behalf of the retirement system. The policy shall address each 105

of the following:	106
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	107 108
(2) The execution speed and trade settlement capabilities of the agent;	109 110
(3) The responsiveness, reliability, and integrity of the agent;	111 112
(4) The nature and value of research provided by the agent;	113 114
(5) Any special capabilities of the agent.	115
(D) (1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	116 117 118 119 120 121 122 123
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	124 125 126
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	127 128 129 130 131 132
<b>Sec. 742.114.</b> (A) As used in this section and in section	133

742.116 of the Revised Code:	134
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to <del>1707.45</del> <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	135 136 137 138
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	139 140
(3) "Ohio-qualified agent" means an agent designated as such by the board of trustees of the fund.	141 142
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the board of trustees of the fund.	143 144 145
(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.	146 147 148 149
(B) The board of trustees of the fund shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:	150 151 152 153
(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	154 155
(2) The agent is authorized to conduct business in this state;	156 157
(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.	158 159
(C) The board shall adopt and implement a written policy	160

to establish criteria and procedures used to select agents to	161
execute securities transactions on behalf of the retirement	162
system. The policy shall address each of the following:	163
(1) Commissions charged by the agent, both in the	164
aggregate and on a per share basis;	165
(2) The execution speed and trade settlement capabilities	166
of the agent;	167
(3) The responsiveness, reliability, and integrity of the	168
agent;	169
(4) The nature and value of research provided by the	170
agent;	171
(5) Any special capabilities of the agent.	172
(D) (1) The board shall, at least annually, establish a	173
policy with the goal to increase utilization by the board of	174
Ohio-qualified agents for the execution of domestic equity and	175
fixed-income trades on behalf of the retirement system, when an	176
Ohio-qualified agent offers quality, services, and safety	177
comparable to other agents otherwise available to the board and	178
meets the criteria established under division (C) of this	179
section.	180
(2) The board shall review, at least annually, the	181
performance of the agents that execute securities transactions	182
on behalf of the board.	183
(3) The board shall determine whether an agent is an Ohio-	184
qualified agent, meets the criteria established by the board	185
pursuant to division (C) of this section, and offers quality,	186
services, and safety comparable to other agents otherwise	187
available to the board. The board's determination shall be	188

final.	189
<b>Sec. 1707.01.</b> As used in this chapter:	190
(A) Whenever the context requires it, "division" or	191
"division of securities" may be read as "director of commerce"	192
or as "commissioner of securities."	193
(B) "Security" means any certificate or instrument, or any	194
oral, written, or electronic agreement, understanding, or	195
opportunity, that represents title to or interest in, or is	196
secured by any lien or charge upon, the capital, assets,	197
profits, property, or credit of any person or of any public or	198
governmental body, subdivision, or agency. It includes shares of	199
stock, certificates for shares of stock, an uncertificated	200
security, membership interests in limited liability companies,	201
voting-trust certificates, warrants and options to purchase	202
securities, subscription rights, interim receipts, interim	203
certificates, promissory notes, all forms of commercial paper,	204
evidences of indebtedness, bonds, debentures, land trust	205
certificates, fee certificates, leasehold certificates,	206
syndicate certificates, endowment certificates, interests in or	207
under profit-sharing or participation agreements, interests in	208
or under oil, gas, or mining leases, preorganization or	209
reorganization subscriptions, preorganization certificates,	210
reorganization certificates, interests in any trust or pretended	211
trust, any investment contract, any life settlement interest,	212
any instrument evidencing a promise or an agreement to pay	213
money, warehouse receipts for intoxicating liquor, and the	214
currency of any government other than those of the United States	215
and Canada, but sections 1707.01 to <del>1707.45</del> <u>1707.50</u> of the	216
Revised Code do not apply to the sale of real estate.	217
(C) (1) "Sale" has the full meaning of "sale" as applied by	218



or accepted in courts of law or equity, and includes every 219  
disposition, or attempt to dispose, of a security or of an 220  
interest in a security. "Sale" also includes a contract to sell, 221  
an exchange, an attempt to sell, an option of sale, a 222  
solicitation of a sale, a solicitation of an offer to buy, a 223  
subscription, or an offer to sell, directly or indirectly, by 224  
agent, circular, pamphlet, advertisement, or otherwise. 225

(2) "Sell" means any act by which a sale is made. 226

(3) The use of advertisements, circulars, or pamphlets in 227  
connection with the sale of securities in this state exclusively 228  
to the purchasers specified in division (D) of section 1707.03 229  
of the Revised Code is not a sale when the advertisements, 230  
circulars, and pamphlets describing and offering those 231  
securities bear a readily legible legend in substance as 232  
follows: "This offer is made on behalf of dealers licensed under 233  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, and is 234  
confined in this state exclusively to institutional investors 235  
and licensed dealers." 236

(4) The offering of securities by any person in 237  
conjunction with a licensed dealer by use of advertisement, 238  
circular, or pamphlet is not a sale if that person does not 239  
otherwise attempt to sell securities in this state. 240

(5) Any security given with, or as a bonus on account of, 241  
any purchase of securities is conclusively presumed to 242  
constitute a part of the subject of that purchase and has been 243  
"sold." 244

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 245  
person acting in a representative capacity, includes sale on 246  
behalf of such party by an agent, including a licensed dealer or 247

salesperson. 248

(D) "Person," except as otherwise provided in this 249  
chapter, means a natural person, firm, partnership, limited 250  
partnership, partnership association, syndicate, joint-stock 251  
company, unincorporated association, trust or trustee except 252  
where the trust was created or the trustee designated by law or 253  
judicial authority or by a will, and a corporation or limited 254  
liability company organized under the laws of any state, any 255  
foreign government, or any political subdivision of a state or 256  
foreign government. 257

(E) (1) "Dealer," except as otherwise provided in this 258  
chapter, means every person, other than a salesperson, who 259  
engages or professes to engage, in this state, for either all or 260  
part of the person's time, directly or indirectly, either in the 261  
business of the sale of securities for the person's own account, 262  
or in the business of the purchase or sale of securities for the 263  
account of others in the reasonable expectation of receiving a 264  
commission, fee, or other remuneration as a result of engaging 265  
in the purchase and sale of securities. "Dealer" does not mean 266  
any of the following: 267

(a) Any issuer, including any officer, director, employee, 268  
or trustee of, or member or manager of, or partner in, or any 269  
general partner of, any issuer, that sells, offers for sale, or 270  
does any act in furtherance of the sale of a security that 271  
represents an economic interest in that issuer, provided no 272  
commission, fee, or other similar remuneration is paid to or 273  
received by the issuer for the sale; 274

(b) Any licensed attorney, public accountant, or firm of 275  
such attorneys or accountants, whose activities are incidental 276  
to the practice of the attorney's, accountant's, or firm's 277

profession;	278
(c) Any person that, for the account of others, engages in	279
the purchase or sale of securities that are issued and	280
outstanding before such purchase and sale, if a majority or more	281
of the equity interest of an issuer is sold in that transaction,	282
and if, in the case of a corporation, the securities sold in	283
that transaction represent a majority or more of the voting	284
power of the corporation in the election of directors;	285
(d) Any person that brings an issuer together with a	286
potential investor and whose compensation is not directly or	287
indirectly based on the sale of any securities by the issuer to	288
the investor;	289
(e) Any bank;	290
(f) Any person that the division of securities by rule	291
exempts from the definition of "dealer" under division (E)(1) of	292
this section.	293
(2) "Licensed dealer" means a dealer licensed under this	294
chapter.	295
(F)(1) "Salesman" or "salesperson" means every natural	296
person, other than a dealer, who is employed, authorized, or	297
appointed by a dealer to sell securities within this state.	298
(2) The general partners of a partnership, and the	299
executive officers of a corporation or unincorporated	300
association, licensed as a dealer are not salespersons within	301
the meaning of this definition, nor are clerical or other	302
employees of an issuer or dealer that are employed for work to	303
which the sale of securities is secondary and incidental; but	304
the division of securities may require a license from any such	305
partner, executive officer, or employee if it determines that	306

protection of the public necessitates the licensing.	307
(3) "Licensed salesperson" means a salesperson licensed under this chapter.	308 309
(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.	310 311
(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.	312 313 314 315 316 317
(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.	318 319 320 321
(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.	322 323 324 325 326 327 328 329 330 331
(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer	332 333 334 335

for each class of those securities shall be used as the basis 336  
for that classification or computation. 337

(L) (1) "Intangible property" means patents, copyrights, 338  
secret processes, formulas, services, good will, promotion and 339  
organization fees and expenses, trademarks, trade brands, trade 340  
names, licenses, franchises, any other assets treated as 341  
intangible according to generally accepted accounting 342  
principles, and securities, accounts receivable, or contract 343  
rights having no readily determinable value. 344

(2) "Tangible property" means all property other than 345  
intangible property and includes securities, accounts 346  
receivable, and contract rights, when the securities, accounts 347  
receivable, or contract rights have a readily determinable 348  
value. 349

(M) "Public utilities" means those utilities defined in 350  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 351  
Code; in the case of a foreign corporation, it means those 352  
utilities defined as public utilities by the laws of its 353  
domicile; and in the case of any other foreign issuer, it means 354  
those utilities defined as public utilities by the laws of the 355  
situs of its principal place of business. The term always 356  
includes railroads whether or not they are so defined as public 357  
utilities. 358

(N) "State" means any state of the United States, any 359  
territory or possession of the United States, the District of 360  
Columbia, and any province of Canada. 361

(O) "Bank" means any bank, trust company, savings and loan 362  
association, savings bank, or credit union that is incorporated 363  
or organized under the laws of the United States, any state of 364

the United States, Canada, or any province of Canada and that is 365  
subject to regulation or supervision by that country, state, or 366  
province. 367

(P) "Include," when used in a definition, does not exclude 368  
other things or persons otherwise within the meaning of the term 369  
defined. 370

(Q) (1) "Registration by description" means that the 371  
requirements of section 1707.08 of the Revised Code have been 372  
complied with. 373

(2) "Registration by qualification" means that the 374  
requirements of sections 1707.09 and 1707.11 of the Revised Code 375  
have been complied with. 376

(3) "Registration by coordination" means that there has 377  
been compliance with section 1707.091 of the Revised Code. 378  
Reference in this chapter to registration by qualification also 379  
includes registration by coordination unless the context 380  
otherwise indicates. 381

(R) "Intoxicating liquor" includes all liquids and 382  
compounds that contain more than three and two-tenths per cent 383  
of alcohol by weight and are fit for use for beverage purposes. 384

(S) "Institutional investor" means any of the following, 385  
whether acting for itself or for others in a fiduciary capacity: 386

(1) A bank or international banking institution; 387

(2) An insurance company; 388

(3) A separate account of an insurance company; 389

(4) An investment company as defined in the "Investment 390  
Company Act of 1940," 15 U.S.C. 80a-3; 391

(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	392 393 394
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	395 396 397 398 399
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	400 401
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	402 403 404
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	405 406
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	407 408 409 410 411 412 413 414 415
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	416 417
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	418 419 420

(c) An investment adviser registered under this chapter, a bank, or an insurance company.	421 422
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S) (6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	423 424 425 426 427 428
(9) An organization described in section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;	429 430 431 432 433 434
(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;	435 436 437 438
(11) A private business development company as defined in section 202(a) (22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a) (22), with total assets in excess of ten million dollars;	439 440 441 442
(12) A federal covered investment adviser acting for its own account;	443 444
(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a) (1), other than 17 C.F.R. 230.144A(a) (1) (H);	445 446
(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b) (4) (i);	447 448



(15) Any other person, other than an individual, of 449  
institutional character with total assets in excess of ten 450  
million dollars not organized for the specific purpose of 451  
evading this chapter; 452

(16) Any other person specified by rule adopted or order 453  
issued under this chapter. 454

(T) A reference to a statute of the United States or to a 455  
rule, regulation, or form promulgated by the securities and 456  
exchange commission or by another federal agency means the 457  
statute, rule, regulation, or form as it exists at the time of 458  
the act, omission, event, or transaction to which it is applied 459  
under this chapter. 460

(U) "Securities and exchange commission" means the 461  
securities and exchange commission established by the Securities 462  
Exchange Act of 1934. 463

(V) (1) "Control bid" means the purchase of or offer to 464  
purchase any equity security of a subject company from a 465  
resident of this state if either of the following applies: 466

(a) After the purchase of that security, the offeror would 467  
be directly or indirectly the beneficial owner of more than ten 468  
per cent of any class of the issued and outstanding equity 469  
securities of the issuer. 470

(b) The offeror is the subject company, there is a pending 471  
control bid by a person other than the issuer, and the number of 472  
the issued and outstanding shares of the subject company would 473  
be reduced by more than ten per cent. 474

(2) For purposes of division (V) (1) of this section, 475  
"control bid" does not include any of the following: 476

(a) A bid made by a dealer for the dealer's own account in 477  
the ordinary course of business of buying and selling 478  
securities; 479

(b) An offer to acquire any equity security solely in 480  
exchange for any other security, or the acquisition of any 481  
equity security pursuant to an offer, for the sole account of 482  
the offeror, in good faith and not for the purpose of avoiding 483  
the provisions of this chapter, and not involving any public 484  
offering of the other security within the meaning of Section 4 485  
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 486  
U.S.C.A. 77d(2), as amended; 487

(c) Any other offer to acquire any equity security, or the 488  
acquisition of any equity security pursuant to an offer, for the 489  
sole account of the offeror, from not more than fifty persons, 490  
in good faith and not for the purpose of avoiding the provisions 491  
of this chapter. 492

(W) "Offeror" means a person who makes, or in any way 493  
participates or aids in making, a control bid and includes 494  
persons acting jointly or in concert, or who intend to exercise 495  
jointly or in concert any voting rights attached to the 496  
securities for which the control bid is made and also includes 497  
any subject company making a control bid for its own securities. 498

(X) (1) "Investment adviser" means any person who, for 499  
compensation, engages in the business of advising others, either 500  
directly or through publications or writings, as to the value of 501  
securities or as to the advisability of investing in, 502  
purchasing, or selling securities, or who, for compensation and 503  
as a part of regular business, issues or promulgates analyses or 504  
reports concerning securities. 505

(2) "Investment adviser" does not mean any of the	506
following:	507
(a) Any attorney, accountant, engineer, or teacher, whose	508
performance of investment advisory services described in	509
division (X)(1) of this section is solely incidental to the	510
practice of the attorney's, accountant's, engineer's, or	511
teacher's profession;	512
(b) A publisher of any bona fide newspaper, news magazine,	513
or business or financial publication of general and regular	514
circulation;	515
(c) A person who acts solely as an investment adviser	516
representative;	517
(d) A bank holding company, as defined in the "Bank	518
Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that	519
is not an investment company;	520
(e) A bank, or any receiver, conservator, or other	521
liquidating agent of a bank;	522
(f) Any licensed dealer or licensed salesperson whose	523
performance of investment advisory services described in	524
division (X)(1) of this section is solely incidental to the	525
conduct of the dealer's or salesperson's business as a licensed	526
dealer or licensed salesperson and who receives no special	527
compensation for the services;	528
(g) Any person, the advice, analyses, or reports of which	529
do not relate to securities other than securities that are	530
direct obligations of, or obligations guaranteed as to principal	531
or interest by, the United States, or securities issued or	532
guaranteed by corporations in which the United States has a	533
direct or indirect interest, and that have been designated by	534

the secretary of the treasury as exempt securities as defined in 535  
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 536  
78c; 537

(h) Any person that is excluded from the definition of 538  
investment adviser pursuant to section 202(a)(11)(A) to (E) of 539  
the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), 540  
or that has received an order from the securities and exchange 541  
commission under section 202(a)(11)(F) of the "Investment 542  
Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that 543  
the person is not within the intent of section 202(a)(11) of the 544  
Investment Advisers Act of 1940. 545

(i) A person who acts solely as a state retirement system 546  
investment officer or as a bureau of workers' compensation chief 547  
investment officer; 548

(j) Any other person that the division designates by rule, 549  
if the division finds that the designation is necessary or 550  
appropriate in the public interest or for the protection of 551  
investors or clients and consistent with the purposes fairly 552  
intended by the policy and provisions of this chapter. 553

(Y)(1) "Subject company" means an issuer that satisfies 554  
both of the following: 555

(a) Its principal place of business or its principal 556  
executive office is located in this state, or it owns or 557  
controls assets located within this state that have a fair 558  
market value of at least one million dollars. 559

(b) More than ten per cent of its beneficial or record 560  
equity security holders are resident in this state, more than 561  
ten per cent of its equity securities are owned beneficially or 562  
of record by residents in this state, or more than one thousand 563

of its beneficial or record equity security holders are resident 564  
in this state. 565

(2) The division of securities may adopt rules to 566  
establish more specific application of the provisions set forth 567  
in division (Y)(1) of this section. Notwithstanding the 568  
provisions set forth in division (Y)(1) of this section and any 569  
rules adopted under this division, the division, by rule or in 570  
an adjudicatory proceeding, may make a determination that an 571  
issuer does not constitute a "subject company" under division 572  
(Y)(1) of this section if appropriate review of control bids 573  
involving the issuer is to be made by any regulatory authority 574  
of another jurisdiction. 575

(Z) "Beneficial owner" includes any person who directly or 576  
indirectly through any contract, arrangement, understanding, or 577  
relationship has or shares, or otherwise has or shares, the 578  
power to vote or direct the voting of a security or the power to 579  
dispose of, or direct the disposition of, the security. 580  
"Beneficial ownership" includes the right, exercisable within 581  
sixty days, to acquire any security through the exercise of any 582  
option, warrant, or right, the conversion of any convertible 583  
security, or otherwise. Any security subject to any such option, 584  
warrant, right, or conversion privilege held by any person shall 585  
be deemed to be outstanding for the purpose of computing the 586  
percentage of outstanding securities of the class owned by that 587  
person, but shall not be deemed to be outstanding for the 588  
purpose of computing the percentage of the class owned by any 589  
other person. A person shall be deemed the beneficial owner of 590  
any security beneficially owned by any relative or spouse or 591  
relative of the spouse residing in the home of that person, any 592  
trust or estate in which that person owns ten per cent or more 593  
of the total beneficial interest or serves as trustee or 594

executor, any corporation or entity in which that person owns 595  
ten per cent or more of the equity, and any affiliate or 596  
associate of that person. 597

(AA) "Offeree" means the beneficial or record owner of any 598  
security that an offeror acquires or offers to acquire in 599  
connection with a control bid. 600

(BB) "Equity security" means any share or similar 601  
security, or any security convertible into any such security, or 602  
carrying any warrant or right to subscribe to or purchase any 603  
such security, or any such warrant or right, or any other 604  
security that, for the protection of security holders, is 605  
treated as an equity security pursuant to rules of the division 606  
of securities. 607

(CC) (1) "Investment adviser representative" means a 608  
supervised person of an investment adviser, provided that the 609  
supervised person has more than five clients who are natural 610  
persons other than excepted persons defined in division (EE) of 611  
this section, and that more than ten per cent of the supervised 612  
person's clients are natural persons other than excepted persons 613  
defined in division (EE) of this section. "Investment adviser 614  
representative" does not mean any of the following: 615

(a) A supervised person that does not on a regular basis 616  
solicit, meet with, or otherwise communicate with clients of the 617  
investment adviser; 618

(b) A supervised person that provides only investment 619  
advisory services described in division (X) (1) of this section 620  
by means of written materials or oral statements that do not 621  
purport to meet the objectives or needs of specific individuals 622  
or accounts; 623

(c) Any other person that the division designates by rule, 624  
if the division finds that the designation is necessary or 625  
appropriate in the public interest or for the protection of 626  
investors or clients and is consistent with the provisions 627  
fairly intended by the policy and provisions of this chapter. 628

(2) For the purpose of the calculation of clients in 629  
division (CC)(1) of this section, a natural person and the 630  
following persons are deemed a single client: Any minor child of 631  
the natural person; any relative, spouse, or relative of the 632  
spouse of the natural person who has the same principal 633  
residence as the natural person; all accounts of which the 634  
natural person or the persons referred to in division (CC)(2) of 635  
this section are the only primary beneficiaries; and all trusts 636  
of which the natural person or persons referred to in division 637  
(CC)(2) of this section are the only primary beneficiaries. 638  
Persons who are not residents of the United States need not be 639  
included in the calculation of clients under division (CC)(1) of 640  
this section. 641

(3) If subsequent to March 18, 1999, amendments are 642  
enacted or adopted defining "investment adviser representative" 643  
for purposes of the Investment Advisers Act of 1940 or 644  
additional rules or regulations are promulgated by the 645  
securities and exchange commission regarding the definition of 646  
"investment adviser representative" for purposes of the 647  
Investment Advisers Act of 1940, the division of securities 648  
shall, by rule, adopt the substance of the amendments, rules, or 649  
regulations, unless the division finds that the amendments, 650  
rules, or regulations are not necessary for the protection of 651  
investors or in the public interest. 652

(DD) "Supervised person" means a natural person who is any 653

of the following: 654

(1) A partner, officer, or director of an investment 655  
adviser, or other person occupying a similar status or 656  
performing similar functions with respect to an investment 657  
adviser; 658

(2) An employee of an investment adviser; 659

(3) A person who provides investment advisory services 660  
described in division (X) (1) of this section on behalf of the 661  
investment adviser and is subject to the supervision and control 662  
of the investment adviser. 663

(EE) "Excepted person" means a natural person to whom any 664  
of the following applies: 665

(1) Immediately after entering into the investment 666  
advisory contract with the investment adviser, the person has at 667  
least seven hundred fifty thousand dollars under the management 668  
of the investment adviser. 669

(2) The investment adviser reasonably believes either of 670  
the following at the time the investment advisory contract is 671  
entered into with the person: 672

(a) The person has a net worth, together with assets held 673  
jointly with a spouse, of more than one million five hundred 674  
thousand dollars. 675

(b) The person is a qualified purchaser as defined in 676  
division (FF) of this section. 677

(3) Immediately prior to entering into an investment 678  
advisory contract with the investment adviser, the person is 679  
either of the following: 680



(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(FF) (1) "Qualified purchaser" means either of the following:

(a) A natural person who owns not less than five million dollars in investments as defined by rule by the division of securities;

(b) A natural person, acting for the person's own account

or accounts of other qualified purchasers, who in the aggregate 710  
owns and invests on a discretionary basis, not less than twenty- 711  
five million dollars in investments as defined by rule by the 712  
division of securities. 713

(2) If subsequent to March 18, 1999, amendments are 714  
enacted or adopted defining "qualified purchaser" for purposes 715  
of the Investment Advisers Act of 1940 or additional rules or 716  
regulations are promulgated by the securities and exchange 717  
commission regarding the definition of "qualified purchaser" for 718  
purposes of the Investment Advisers Act of 1940, the division of 719  
securities shall, by rule, adopt the amendments, rules, or 720  
regulations, unless the division finds that the amendments, 721  
rules, or regulations are not necessary for the protection of 722  
investors or in the public interest. 723

(GG) (1) "Purchase" has the full meaning of "purchase" as 724  
applied by or accepted in courts of law or equity and includes 725  
every acquisition of, or attempt to acquire, a security or an 726  
interest in a security. "Purchase" also includes a contract to 727  
purchase, an exchange, an attempt to purchase, an option to 728  
purchase, a solicitation of a purchase, a solicitation of an 729  
offer to sell, a subscription, or an offer to purchase, directly 730  
or indirectly, by agent, circular, pamphlet, advertisement, or 731  
otherwise. 732

(2) "Purchase" means any act by which a purchase is made. 733

(3) Any security given with, or as a bonus on account of, 734  
any purchase of securities is conclusively presumed to 735  
constitute a part of the subject of that purchase. 736

(HH) "Life settlement interest" means the entire interest 737  
or any fractional interest in an insurance policy or certificate 738

of insurance, or in an insurance benefit under such a policy or 739  
certificate, that is the subject of a life settlement contract. 740

For purposes of this division, "life settlement contract" 741  
means an agreement for the purchase, sale, assignment, transfer, 742  
devise, or bequest of any portion of the death benefit or 743  
ownership of any life insurance policy or contract, in return 744  
for consideration or any other thing of value that is less than 745  
the expected death benefit of the life insurance policy or 746  
contract. "Life settlement contract" includes a viatical 747  
settlement contract as defined in section 3916.01 of the Revised 748  
Code, but does not include any of the following: 749

(1) A loan by an insurer under the terms of a life 750  
insurance policy, including, but not limited to, a loan secured 751  
by the cash value of the policy; 752

(2) An agreement with a bank that takes an assignment of a 753  
life insurance policy as collateral for a loan; 754

(3) The provision of accelerated benefits as defined in 755  
section 3915.21 of the Revised Code; 756

(4) Any agreement between an insurer and a reinsurer; 757

(5) An agreement by an individual to purchase an existing 758  
life insurance policy or contract from the original owner of the 759  
policy or contract, if the individual does not enter into more 760  
than one life settlement contract per calendar year; 761

(6) The initial purchase of an insurance policy or 762  
certificate of insurance from its owner by a viatical settlement 763  
provider, as defined in section 3916.01 of the Revised Code, 764  
that is licensed under Chapter 3916. of the Revised Code. 765

(II) "State retirement system" means the public employees 766

retirement system, Ohio police and fire pension fund, state 767  
teachers retirement system, school employees retirement system, 768  
and state highway patrol retirement system. 769

(JJ) "State retirement system investment officer" means an 770  
individual employed by a state retirement system as a chief 771  
investment officer, assistant investment officer, or the person 772  
in charge of a class of assets or in a position that is 773  
substantially equivalent to chief investment officer, assistant 774  
investment officer, or person in charge of a class of assets. 775

(KK) "Bureau of workers' compensation chief investment 776  
officer" means an individual employed by the administrator of 777  
workers' compensation as a chief investment officer or in a 778  
position that is substantially equivalent to a chief investment 779  
officer. 780

**Sec. 1707.03.** (A) As used in this section, "exempt" means 781  
that, except in the case of securities the right to buy, sell, 782  
or deal in which has been suspended or revoked under an existing 783  
order of the division of securities under section 1707.13 of the 784  
Revised Code or under a cease and desist order under division 785  
(G) of section 1707.23 of the Revised Code, transactions in 786  
securities may be carried on and completed without compliance 787  
with sections 1707.08 to 1707.11 of the Revised Code. 788

(B) A sale of securities made by or on behalf of a bona 789  
fide owner, neither the issuer nor a dealer, is exempt if the 790  
sale is made in good faith and not for the purpose of avoiding 791  
this chapter and is not made in the course of repeated and 792  
successive transactions of a similar character. Any sale of 793  
securities over a stock exchange that is lawfully conducted in 794  
this state and regularly open for public patronage and that has 795  
been established and operated for a period of at least five 796

years prior to the sale at a commission not exceeding the 797  
commission regularly charged in such transactions also is 798  
exempt. 799

(C) The sale of securities by executors, administrators, 800  
receivers, trustees, or anyone acting in a fiduciary capacity is 801  
exempt, where such relationship was created by law, by a will, 802  
or by judicial authority, and where such sales are subject to 803  
approval by, or are made in pursuance to authority granted by, 804  
any court of competent jurisdiction or are otherwise authorized 805  
and lawfully made by such fiduciary. 806

(D) A sale to the issuer, to a dealer, or to an 807  
institutional investor is exempt. 808

(E) A sale in good faith, and not for the purpose of 809  
avoiding this chapter, by a pledgee of a security pledged for a 810  
bona fide debt is exempt. 811

(F) The sale at public auction by a corporation of shares 812  
of its stock because of delinquency in payment for the shares is 813  
exempt. 814

(G) (1) The giving of any conversion right with, or on 815  
account of the purchase of, any security that is exempt, is the 816  
subject matter of an exempt transaction, has been registered by 817  
description, by coordination, or by qualification, or is the 818  
subject matter of a transaction that has been registered by 819  
description is exempt. 820

(2) The giving of any subscription right, warrant, or 821  
option to purchase a security or right to receive a security 822  
upon exchange, which security is exempt at the time the right, 823  
warrant, or option to purchase or right to receive is given, is 824  
the subject matter of an exempt transaction, is registered by 825

description, by coordination, or by qualification, or is the 826  
subject matter of a transaction that has been registered by 827  
description is exempt. 828

(3) The giving of any subscription right or any warrant or 829  
option to purchase a security, which right, warrant, or option 830  
expressly provides that it shall not be exercisable except for a 831  
security that at the time of the exercise is exempt, is the 832  
subject matter of an exempt transaction, is registered by 833  
description, by coordination, or by qualification, or at such 834  
time is the subject matter of a transaction that has been 835  
registered by description is exempt. 836

(H) The sale of notes, bonds, or other evidences of 837  
indebtedness that are secured by a mortgage lien upon real 838  
estate, leasehold estate other than oil, gas, or mining 839  
leasehold, or tangible personal property, or which evidence of 840  
indebtedness is due under or based upon a conditional-sale 841  
contract, if all such notes, bonds, or other evidences of 842  
indebtedness are sold to a single purchaser at a single sale, is 843  
exempt. 844

(I) The delivery of securities by the issuer on the 845  
exercise of conversion rights, the sale of securities by the 846  
issuer on exercise of subscription rights or of warrants or 847  
options to purchase securities, the delivery of voting-trust 848  
certificates for securities deposited under a voting-trust 849  
agreement, the delivery of deposited securities on surrender of 850  
voting-trust certificates, and the delivery of final 851  
certificates on surrender of interim certificates are exempt; 852  
but the sale of securities on exercise of subscription rights, 853  
warrants, or options is not an exempt transaction unless those 854  
rights, warrants, or options when granted were the subject 855

matter of an exempt transaction under division (G) of this 856  
section or were registered by description, by coordination, or 857  
by qualification. 858

(J) The sale of securities by a bank, savings and loan 859  
association, savings bank, or credit union organized under the 860  
laws of the United States or of this state is exempt if at a 861  
profit to that seller of not more than two per cent of the total 862  
sale price of the securities. 863

(K) (1) The distribution by a corporation of its securities 864  
to its security holders as a share dividend or other 865  
distribution out of earnings or surplus is exempt. 866

(2) The exchange or distribution by the issuer of any of 867  
its securities or of the securities of any of the issuer's 868  
wholly owned subsidiaries exclusively with or to its existing 869  
security holders, if no commission or other remuneration is 870  
given directly or indirectly for soliciting the exchange, is 871  
exempt. 872

(3) The sale of preorganization subscriptions for shares 873  
of stock of a corporation prior to the incorporation of the 874  
corporation is exempt, when the sale is evidenced by a written 875  
agreement, no remuneration is given, or promised, directly or 876  
indirectly, for or in connection with the sale of those 877  
securities, and no consideration is received, directly or 878  
indirectly, by any person from the purchasers of those 879  
securities until registration by qualification, by coordination, 880  
or by description of those securities is made under this 881  
chapter. 882

(L) The issuance of securities in exchange for one or more 883  
bona fide outstanding securities, claims, or property interests, 884

not including securities sold for a consideration payable in 885  
whole or in part in cash, under a plan of reorganization, 886  
recapitalization, or refinancing approved by a court pursuant to 887  
the Bankruptcy Act of the United States or to any other federal 888  
act giving any federal court jurisdiction over such plan of 889  
reorganization, or under a plan of reorganization approved by a 890  
court of competent jurisdiction of any state of the United 891  
States is exempt. As used in this division, "reorganization," 892  
"recapitalization," and "refinancing" have the same meanings as 893  
in section 1707.04 of the Revised Code. 894

(M) A sale by a licensed dealer, acting either as 895  
principal or as agent, of securities issued and outstanding 896  
before the sale is exempt, unless the sale is of one or more of 897  
the following: 898

(1) Securities constituting the whole or a part of an 899  
unsold allotment to or subscription by a dealer as an 900  
underwriter or other participant in the distribution of those 901  
securities by the issuer, whether that distribution is direct or 902  
through an underwriter, provided that, if the issuer is such by 903  
reason of owning one-fourth or more of those securities, the 904  
dealer has knowledge of this fact or reasonable cause to believe 905  
this fact; 906

(2) Any class of shares issued by a corporation when the 907  
number of beneficial owners of that class is less than twenty- 908  
five, with the record owner of securities being deemed the 909  
beneficial owner for this purpose, in the absence of actual 910  
knowledge to the contrary; 911

(3) Securities that within one year were purchased outside 912  
this state or within one year were transported into this state, 913  
if the dealer has knowledge or reasonable cause to believe, 914



before the sale of those securities, that within one year they 915  
were purchased outside this state or within one year were 916  
transported into this state; but such a sale of those securities 917  
is exempt if any of the following occurs: 918

(a) A recognized securities manual contains the names of 919  
the issuer's officers and directors, a balance sheet of the 920  
issuer as of a date within eighteen months, and a profit and 921  
loss statement for either the fiscal year preceding that date or 922  
the most recent year of operations; 923

(b) Those securities, or securities of the same class, 924  
within one year were registered or qualified under section 925  
1707.09 or 1707.091 of the Revised Code, and that registration 926  
or qualification is in full force and effect; 927

(c) The sale is made by a licensed dealer on behalf of the 928  
bona fide owner of those securities in accordance with division 929  
(B) of this section; 930

(d) Those securities were transported into Ohio in a 931  
transaction of the type described in division (L), (K), or (I) 932  
of this section, or in a transaction registered under division 933  
(A) of section 1707.06 of the Revised Code. 934

(N) For the purpose of this division and division (M) of 935  
this section, "underwriter" means any person who has purchased 936  
from an issuer with a view to, or sells for an issuer in 937  
connection with, the distribution of any security, or who 938  
participates directly or indirectly in any such undertaking or 939  
in the underwriting thereof, but "underwriter" does not include 940  
a person whose interest is limited to a discount, commission, or 941  
profit from the underwriter or from a dealer that is not in 942  
excess of the customary distributors' or sellers' discount, 943

commission, or profit; and "issuer" includes any person or any 944  
group of persons acting in concert in the sale of such 945  
securities, owning beneficially one-fourth or more of the 946  
outstanding securities of the class involved in the transactions 947  
in question, with the record owner of securities being deemed 948  
the beneficial owner for this purpose, in the absence of actual 949  
knowledge to the contrary. 950

(O) (1) The sale of any equity security is exempt if all 951  
the following conditions are satisfied: 952

(a) The sale is by the issuer of the security. 953

(b) The total number of purchasers in this state of all 954  
securities issued or sold by the issuer in reliance upon this 955  
exemption during the period of one year ending with the date of 956  
the sale does not exceed ten. A sale of securities registered 957  
under this chapter or sold pursuant to an exemption under this 958  
chapter other than this exemption shall not be integrated with a 959  
sale pursuant to this exemption in computing the number of 960  
purchasers under this exemption. 961

(c) No advertisement, article, notice, or other 962  
communication published in any newspaper, magazine, or similar 963  
medium or broadcast over television or radio is used in 964  
connection with the sale, but the use of an offering circular or 965  
other communication delivered by the issuer to selected 966  
individuals does not destroy this exemption. 967

(d) The issuer reasonably believes after reasonable 968  
investigation that the purchaser is purchasing for investment. 969

(e) The aggregate commission, discount, and other 970  
remuneration, excluding legal, accounting, and printing fees, 971  
paid or given directly or indirectly does not exceed ten per 972

cent of the initial offering price.	973
(f) Any such commission, discount, or other remuneration	974
for sales in this state is paid or given only to dealers or	975
salespersons registered pursuant to this chapter.	976
(2) For the purposes of division (O) (1) of this section,	977
each of the following is deemed to be a single purchaser of a	978
security: husband and wife, a child and its parent or guardian	979
when the parent or guardian holds the security for the benefit	980
of the child, a corporation, a limited liability company, a	981
partnership, an association or other unincorporated entity, a	982
joint-stock company, or a trust, but only if the corporation,	983
limited liability company, partnership, association, entity,	984
joint-stock company, or trust was not formed for the purpose of	985
purchasing the security.	986
(3) As used in division (O) (1) of this section, "equity	987
security" means any stock or similar security of a corporation	988
or any membership interest in a limited liability company; or	989
any security convertible, with or without consideration, into	990
such a security, or carrying any warrant or right to subscribe	991
to or purchase such a security; or any such warrant or right; or	992
any other security that the division considers necessary or	993
appropriate, by such rules as it may prescribe in the public	994
interest or for the protection of investors, to treat as an	995
equity security.	996
(P) The sale of securities representing interests in or	997
under profit-sharing or participation agreements relating to oil	998
or gas wells located in this state, or representing interests in	999
or under oil or gas leases of real estate situated in this	1000
state, is exempt if the securities are issued by an individual,	1001
partnership, limited partnership, partnership association,	1002

syndicate, pool, trust or trust fund, or other unincorporated 1003  
association and if each of the following conditions is complied 1004  
with: 1005

(1) The beneficial owners of the securities do not, and 1006  
will not after the sale, exceed five natural persons; 1007

(2) The securities constitute or represent interests in 1008  
not more than one oil or gas well; 1009

(3) A certificate or other instrument in writing is 1010  
furnished to each purchaser of the securities at or before the 1011  
consummation of the sale, disclosing the maximum commission, 1012  
compensation for services, cost of lease, and expenses with 1013  
respect to the sale of such interests and with respect to the 1014  
promotion, development, and management of the oil or gas well, 1015  
and the total of that commission, compensation, costs, and 1016  
expenses does not exceed twenty-five per cent of the aggregate 1017  
interests in the oil or gas well, exclusive of any landowner's 1018  
rental or royalty; 1019

(4) The sale is made in good faith and not for the purpose 1020  
of avoiding this chapter. 1021

(Q) The sale of any security is exempt if all of the 1022  
following conditions are satisfied: 1023

(1) The provisions of section 5 of the Securities Act of 1024  
1933 do not apply to the sale by reason of an exemption under 1025  
section 4 (2) of that act. 1026

(2) The aggregate commission, discount, and other 1027  
remuneration, excluding legal, accounting, and printing fees, 1028  
paid or given directly or indirectly does not exceed ten per 1029  
cent of the initial offering price. 1030

(3) Any such commission, discount, or other remuneration 1031  
for sales in this state is paid or given only to dealers or 1032  
salespersons registered under this chapter. 1033

(4) The issuer or dealer files with the division of 1034  
securities, not later than sixty days after the sale, a report 1035  
setting forth the name and address of the issuer, the total 1036  
amount of the securities sold under this division, the number of 1037  
persons to whom the securities were sold, the price at which the 1038  
securities were sold, and the commissions or discounts paid or 1039  
given. 1040

(5) The issuer pays a filing fee of one hundred dollars 1041  
for the first filing and fifty dollars for every subsequent 1042  
filing during each calendar year. 1043

(R) A sale of a money order, travelers' check, or other 1044  
instrument for the transmission of money by a person qualified 1045  
to engage in such business under Chapter 1315. of the Revised 1046  
Code is exempt. 1047

(S) A sale by a licensed dealer of securities that are in 1048  
the process of registration under the Securities Act of 1933, 1049  
unless exempt under that act, and that are in the process of 1050  
registration, if registration is required under this chapter, is 1051  
exempt, provided that no sale of that nature shall be 1052  
consummated prior to the registration by description or 1053  
qualification of the securities. 1054

(T) The execution by a licensed dealer of orders for the 1055  
purchase of any security is exempt, provided that the dealer 1056  
acts only as agent for the purchaser, has made no solicitation 1057  
of the order to purchase the security, has no interest in the 1058  
distribution of the security, and delivers to the purchaser 1059

written confirmation of the transaction that clearly itemizes 1060  
the dealer's commission. "Solicitation," as used in this 1061  
division, means solicitation of the order for the specific 1062  
security purchased and does not include general solicitations or 1063  
advertisements of any kind. 1064

(U) The sale insofar as the security holders of a person 1065  
are concerned, where, pursuant to statutory provisions of the 1066  
jurisdiction under which that person is organized or pursuant to 1067  
provisions contained in its articles of incorporation, 1068  
certificate of incorporation, partnership agreement, declaration 1069  
of trust, trust indenture, or similar controlling instrument, 1070  
there is submitted to the security holders, for their vote or 1071  
consent, (1) a plan or agreement for a reclassification of 1072  
securities of that person that involves the substitution of a 1073  
security of that person for another security of that person, (2) 1074  
a plan or agreement of merger or consolidation or a similar plan 1075  
or agreement of acquisition in which the securities of that 1076  
person held by the security holders will become or be exchanged 1077  
for securities of any other person, or (3) a plan or agreement 1078  
for a combination as defined in division (Q) of section 1701.01 1079  
of the Revised Code or a similar plan or agreement for the 1080  
transfer of assets of that person to another person in 1081  
consideration of the issuance of securities of any person, is 1082  
exempt if, with respect to any of the foregoing transactions, 1083  
either of the following conditions is satisfied: 1084

(a) The securities to be issued to the security holders 1085  
are effectively registered under sections 6 to 8 of the 1086  
Securities Act of 1933 and offered and sold in compliance with 1087  
section 5 of that act; 1088

(b) At least twenty days prior to the date on which a 1089

meeting of the security holders is held or the earliest date on 1090  
which corporate action may be taken when no meeting is held, 1091  
there is submitted to the security holders, by that person, or 1092  
by the person whose securities are to be issued in the 1093  
transaction, information substantially equivalent to the 1094  
information that would be required to be included in a proxy 1095  
statement or information statement prepared by or on behalf of 1096  
the management of an issuer subject to section 14(a) or 14(c) of 1097  
the Securities Exchange Act of 1934. 1098

(V) The sale of any security is exempt if the division by 1099  
rule finds that registration is not necessary or appropriate in 1100  
the public interest or for the protection of investors. 1101

(W) Any offer or sale of securities made in reliance on 1102  
the exemptions provided by Rule 505 of Regulation D made 1103  
pursuant to the Securities Act of 1933 and the conditions and 1104  
definitions provided by Rules 501 to 503 thereunder is exempt if 1105  
the offer or sale satisfies all of the following conditions: 1106

(1) No commission or other remuneration is given, directly 1107  
or indirectly, to any person for soliciting or selling to any 1108  
person in this state in reliance on the exemption under this 1109  
division, except to dealers licensed in this state. 1110

(2) (a) Unless the cause for disqualification is waived 1111  
under division (W) (2) (b) of this section, no exemption under 1112  
this section is available for the securities of an issuer unless 1113  
the issuer did not know and in the exercise of reasonable care 1114  
could not have known that any of the following applies to any of 1115  
the persons described in Rule 262(a) to (c) of Regulation A 1116  
under the Securities Act of 1933: 1117

(i) The person has filed an application for registration 1118

or qualification that is the subject of an effective order 1119  
entered against the issuer, its officers, directors, general 1120  
partners, controlling persons or affiliates thereof, pursuant to 1121  
the law of any state within five years before the filing of a 1122  
notice required under division (W) (3) of this section denying 1123  
effectiveness to, or suspending or revoking the effectiveness 1124  
of, the registration statement. 1125

(ii) The person has been convicted of any offense in 1126  
connection with the offer, sale, or purchase of any security or 1127  
franchise, or any felony involving fraud or deceit, including, 1128  
but not limited to, forgery, embezzlement, fraud, theft, or 1129  
conspiracy to defraud. 1130

(iii) The person is subject to an effective administrative 1131  
order or judgment that was entered by a state securities 1132  
administrator within five years before the filing of a notice 1133  
required under division (W) (3) of this section and that 1134  
prohibits, denies, or revokes the use of any exemption from 1135  
securities registration, prohibits the transaction of business 1136  
by the person as a dealer, or is based on fraud, deceit, an 1137  
untrue statement of a material fact, or an omission to state a 1138  
material fact. 1139

(iv) The person is subject to any order, judgment, or 1140  
decree of any court entered within five years before the filing 1141  
of a notice required under division (W) (3) of this section, 1142  
temporarily, preliminarily, or permanently restraining or 1143  
enjoining the person from engaging in or continuing any conduct 1144  
or practice in connection with the offer, sale, or purchase of 1145  
any security, or the making of any false filing with any state. 1146

(b) (i) Any disqualification under this division involving 1147  
a dealer may be waived if the dealer is or continues to be 1148



licensed in this state as a dealer after notifying the 1149  
commissioner of the act or event causing disqualification. 1150

(ii) The commissioner may waive any disqualification under 1151  
this paragraph upon a showing of good cause that it is not 1152  
necessary under the circumstances that use of the exemption be 1153  
denied. 1154

(3) Not later than five business days before the earlier 1155  
of the date on which the first use of an offering document or 1156  
the first sale is made in this state in reliance on the 1157  
exemption under this division, there is filed with the 1158  
commissioner a notice comprised of offering material in 1159  
compliance with the requirements of Rule 502 of Regulation D 1160  
under the Securities Act of 1933 and a fee of one hundred 1161  
dollars. Material amendments to the offering document shall be 1162  
filed with the commissioner not later than the date of their 1163  
first use in this state. 1164

(4) The aggregate commission, discount, and other 1165  
remuneration paid or given, directly or indirectly, does not 1166  
exceed twelve per cent of the initial offering price, excluding 1167  
legal, accounting, and printing fees. 1168

(X) Any offer or sale of securities made in reliance on 1169  
the exemption provided in Rule 506 of Regulation D under the 1170  
Securities Act of 1933, and in accordance with Rules 501 to 503 1171  
of Regulation D under the Securities Act of 1933, is exempt 1172  
provided that all of the following apply: 1173

(1) The issuer makes a notice filing with the division on 1174  
form D of the securities and exchange commission within fifteen 1175  
days of the first sale in this state; 1176

(2) Any commission, discount, or other remuneration for 1177

sales of securities in this state is paid or given only to 1178  
dealers or salespersons licensed under this chapter; 1179

(3) The issuer pays a filing fee of one hundred dollars to 1180  
the division; however, no filing fee shall be required to file 1181  
amendments to the form D of the securities and exchange 1182  
commission. 1183

(Y) The offer or sale of securities by an issuer is exempt 1184  
provided that all of the following apply: 1185

(1) The sale of securities is made only to persons who 1186  
are, or who the issuer reasonably believes are, accredited 1187  
investors as defined in Rule 501 of Regulation D under the 1188  
Securities Act of 1933. 1189

(2) The issuer reasonably believes that all purchasers are 1190  
purchasing for investment and not with a view to or for sale in 1191  
connection with a distribution of the security. Any resale of a 1192  
security sold in reliance on this exemption within twelve months 1193  
of sale shall be presumed to be with a view to distribution and 1194  
not for investment, except a resale to which any of the 1195  
following applies: 1196

(a) The resale is pursuant to a registration statement 1197  
effective under section 1707.09 or 1707.091 of the Revised Code. 1198

(b) The resale is to an accredited investor, as defined in 1199  
Rule 501 of Regulation D under the Securities Act of 1933. 1200

(c) The resale is to an institutional investor pursuant to 1201  
the exemptions under division (B) or (D) of this section. 1202

(3) The exemption under this division is not available to 1203  
an issuer that is in the development stage and that either has 1204  
no specific business plan or purpose or has indicated that its 1205

business plan is to engage in a merger or acquisition with an 1206  
unidentified company or companies, or other entities or persons. 1207

(4) The exemption under this division is not available to 1208  
an issuer, if the issuer, any of the issuer's predecessors, any 1209  
affiliated issuer, any of the issuer's directors, officers, 1210  
general partners, or beneficial owners of ten per cent or more 1211  
of any class of its equity securities, any of the issuer's 1212  
promoters presently connected with the issuer in any capacity, 1213  
any underwriter of the securities to be offered, or any partner, 1214  
director, or officer of such underwriter: 1215

(a) Within the past five years, has filed a registration 1216  
statement that is the subject of a currently effective 1217  
registration stop order entered by any state securities 1218  
administrator or the securities and exchange commission; 1219

(b) Within the past five years, has been convicted of any 1220  
criminal offense in connection with the offer, purchase, or sale 1221  
of any security, or involving fraud or deceit; 1222

(c) Is currently subject to any state or federal 1223  
administrative enforcement order or judgment, entered within the 1224  
past five years, finding fraud or deceit in connection with the 1225  
purchase or sale of any security; 1226

(d) Is currently subject to any order, judgment, or decree 1227  
of any court of competent jurisdiction, entered within the past 1228  
five years, that temporarily, preliminarily, or permanently 1229  
restrains or enjoins the party from engaging in or continuing to 1230  
engage in any conduct or practice involving fraud or deceit in 1231  
connection with the purchase or sale of any security. 1232

(5) Division (Y)(4) of this section is inapplicable if any 1233  
of the following applies: 1234

(a) The party subject to the disqualification is licensed 1235  
or registered to conduct securities business in the state in 1236  
which the order, judgment, or decree creating the 1237  
disqualification was entered against the party described in 1238  
division (Y) (4) of this section. 1239

(b) Before the first offer is made under this exemption, 1240  
the state securities administrator, or the court or regulatory 1241  
authority that entered the order, judgment, or decree, waives 1242  
the disqualification. 1243

(c) The issuer did not know and, in the exercise of 1244  
reasonable care based on reasonable investigation, could not 1245  
have known that a disqualification from the exemption existed 1246  
under division (Y) (4) of this section. 1247

(6) A general announcement of the proposed offering may be 1248  
made by any means; however, the general announcement shall 1249  
include only the following information, unless additional 1250  
information is specifically permitted by the division by rule: 1251

(a) The name, address, and telephone number of the issuer 1252  
of the securities; 1253

(b) The name, a brief description, and price of any 1254  
security to be issued; 1255

(c) A brief description of the business of the issuer; 1256

(d) The type, number, and aggregate amount of securities 1257  
being offered; 1258

(e) The name, address, and telephone number of the person 1259  
to contact for additional information; and 1260

(f) A statement indicating all of the following: 1261

(i) Sales will only be made to accredited investors as 1262  
defined in Rule 501 of Regulation D under the Securities Act of 1263  
1933; 1264

(ii) No money or other consideration is being solicited or 1265  
will be accepted by way of this general announcement; 1266

(iii) The securities have not been registered with or 1267  
approved by any state securities administrator or the securities 1268  
and exchange commission and are being offered and sold pursuant 1269  
to an exemption from registration. 1270

(7) The issuer, in connection with an offer, may provide 1271  
information in addition to the general announcement described in 1272  
division (Y)(6) of this section, provided that either of the 1273  
following applies: 1274

(a) The information is delivered through an electronic 1275  
database that is restricted to persons that are accredited 1276  
investors as defined in Rule 501 of Regulation D under the 1277  
Securities Act of 1933. 1278

(b) The information is delivered after the issuer 1279  
reasonably believes that the prospective purchaser is an 1280  
accredited investor as defined in Rule 501 of Regulation D under 1281  
the Securities Act of 1933. 1282

(8) No telephone solicitation shall be done, unless prior 1283  
to placing the telephone call, the issuer reasonably believes 1284  
that the prospective purchaser to be solicited is an accredited 1285  
investor as defined in Rule 501 of Regulation D under the 1286  
Securities Act of 1933. 1287

(9) Dissemination of the general announcement described in 1288  
division (Y)(6) of this section to persons that are not 1289  
accredited investors, as defined in Rule 501 of Regulation D 1290

under the Securities Act of 1933, does not disqualify the issuer 1291  
from claiming an exemption under this division. 1292

(10) The issuer shall file with the division notice of the 1293  
offering of securities within fifteen days after notice of the 1294  
offering is made or a general announcement is made in this 1295  
state. The filing shall be on forms adopted by the division and 1296  
shall include a copy of the general announcement, if one is made 1297  
regarding the proposed offering, and copies of any offering 1298  
materials, circulars, or prospectuses. A filing fee of one 1299  
hundred dollars also shall be included. 1300

(Z) The offer or sale of securities by an OhioInvests 1301  
issuer under sections 1707.05 to 1707.058 of the Revised Code is 1302  
exempt. 1303

**Sec. 1707.04.** (A) The division of securities may consider 1304  
and conduct hearings upon any plan of reorganization, 1305  
recapitalization, or refinancing of a corporation organized 1306  
under the laws of this state, or having its principal place of 1307  
business within this state, when such plan is proposed by such 1308  
corporation or by any of its shareholders or creditors and 1309  
contains a proposal to issue securities in exchange for one or 1310  
more bona fide outstanding securities, claims, or property 1311  
interests, or partly in such exchange or partly for cash. The 1312  
division may also approve the terms of such issuance and 1313  
exchange and the fairness of such terms, after a hearing upon 1314  
such fairness at which all persons to whom it is proposed to 1315  
issue securities in such exchange have the right to appear, if 1316  
application for such a hearing is made by such corporation, by 1317  
the holders of a majority in amount of its debts, or by the 1318  
holders of a majority in amount of any outstanding class of 1319  
securities issued by it. Notice in person or by mail of the time 1320

and place of such hearing shall be given to all persons to whom 1321  
it is proposed to issue such securities, and evidence 1322  
satisfactory to the division that such notice has been given 1323  
shall be filed with the division. Securities issued in 1324  
accordance with a plan so approved by the division are exempt 1325  
from sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code, 1326  
relating to registration or qualification of securities or the 1327  
registration of transactions therein. 1328

(B) "Reorganization," "recapitalization," and 1329  
"refinancing," as used in this section, include the following: 1330

(1) A readjustment by modification of the terms of 1331  
securities by agreement; 1332

(2) A readjustment by the exchange of securities by the 1333  
issuer for others of its securities; 1334

(3) The exchange of securities by the issuer for 1335  
securities of another issuer; 1336

(4) The acquisition of assets of a person, directly or 1337  
indirectly, partly or wholly in consideration for securities 1338  
distributed or to be distributed as part of the same 1339  
transaction, directly or indirectly, to holders of securities 1340  
issued by such person or secured by assets of such person; 1341

(5) A merger or consolidation. 1342

(C) Upon filing an application with the division under 1343  
this section, the applicant shall pay to the division a filing 1344  
fee of one hundred dollars and shall deposit with the division 1345  
such sum, not in excess of one thousand dollars, as the division 1346  
requires for the purpose of defraying the costs of the hearing 1347  
provided for in this section and of any investigation which the 1348  
division may make in connection herewith. 1349

**Sec. 1707.042.** (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner permitted by law.

(C) Any person who makes or opposes a control bid is subject to the liabilities and penalties applicable to a seller, and an offeree is entitled to the remedies applicable to a purchaser, as set forth in sections 1707.41 to ~~1707.45~~ 1707.50



of the Revised Code. 1379

(D) In case any provision or application of any provision 1380  
of this section is for any reason held to be illegal or invalid, 1381  
such illegality or invalidity shall not affect any legal and 1382  
valid provision or application of this section. 1383

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of 1384  
the Revised Code: 1385

(A) "OhioInvests issuer" means an entity organized under 1386  
the laws of this state, other than a general partnership, that 1387  
meets all of the following requirements: 1388

(1) The entity satisfies the requirements of 17 C.F.R. 1389  
230.147A. 1390

(2) The entity meets at least one of the following 1391  
conditions: 1392

(a) The principal office of the entity is located in this 1393  
state. 1394

(b) As of the last day of the most recent semiannual 1395  
fiscal period of the entity, at least eighty per cent, as 1396  
described under 17 C.F.R. 230.147A, of the entity's assets were 1397  
located in this state. 1398

(c) (i) The entity derived at least eighty per cent, or 1399  
other threshold permitted under 17 C.F.R. 230.147A, of the 1400  
entity's gross revenues from the operation of a business in this 1401  
state during the previous fiscal year, if the OhioInvests 1402  
offering begins during the first six months of the entity's 1403  
fiscal year, or during the twelve months ending on the last day 1404  
of the sixth month of the entity's current fiscal year, if the 1405  
OhioInvests offering begins following the last day. 1406

(ii) Division (A)(2)(c)(i) of this section does not apply to any entity whose gross revenue during the most recent period of twelve months did not exceed five thousand dollars. 1407  
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(3) As to itself or any other person, the entity does not attempt to limit any liability under, or avoid any prohibition in, this chapter. 1410  
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(4) The entity is not any of the following: 1413

(a) Engaged in the business of investing, reinvesting, owning, holding, or trading in securities, except that the entity may hold securities of one class in an entity that is not itself engaged in the business of investing, reinvesting, owning, holding, or trading in securities; 1414  
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(b) Subject to the reporting requirement of 15 U.S.C. 78m and 78o(d); 1419  
1420

(c) Issuing fractional undivided interests in oil or gas rights, or a similar interest in other mineral rights, or engaging primarily in petroleum, gas, or hydraulic fracturing exploration, production, mining, or other extractive industries; 1421  
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(d) Issuing life settlement interests; 1425

(e) Engaged as a substantial part of its business in the purchase, sale, or development of commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; purchasing, selling, or holding for investment commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; or otherwise making investments; 1426  
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(f) A commodity pool, equipment leasing program, or a real estate investment trust. 1433  
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(B) "OhioInvests offering" means an offer, or an offer and sale, of securities by an OhioInvests issuer that is exempt from registration under section 1707.051 of the Revised Code. 1435  
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(C) "OhioInvests portal" means a web site that is operated by a portal operator for the offer or sale of securities of an OhioInvests issuer and meets all of the following requirements: 1438  
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(1) When conducting an OhioInvests offering, it implements steps to limit web site access to residents of only this state in accordance with 17 C.F.R. 230.147A. 1441  
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(2) It does not allow an OhioInvests offering to be viewed by a prospective purchaser until both of the following occur: 1444  
1445

(a) The portal operator verifies, through its exercise of reasonable steps, such as using a third-party verification service or as otherwise approved by the division of securities, that the prospective purchaser is a resident of this state. 1446  
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(b) The prospective purchaser makes an affirmative acknowledgment, electronically through the portal, of the following: 1450  
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"I am an Ohio resident. 1453

The securities and investment opportunities listed on this web site involve high-risk, speculative business ventures. If I choose to invest in any securities or investment opportunity listed on this web site, I may lose all of my investment, and I can afford such a loss. 1454  
1455  
1456  
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1458

The securities and investment opportunities listed on this web site have not been reviewed or approved by any state or federal securities commission or division or other regulatory authority, and no such person or authority has confirmed the 1459  
1460  
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1462

accuracy or determined the adequacy of any disclosure made to 1463  
prospective investors relating to any offering. 1464

If I choose to invest in any securities or investment 1465  
opportunity listed on this web site, I understand that the 1466  
securities I will acquire may be difficult to transfer or sell, 1467  
that there is no ready market for the sale of such securities, 1468  
that it may be difficult or impossible for me to sell or 1469  
otherwise dispose of this investment at any price, and that, 1470  
accordingly, I may be required to hold this investment 1471  
indefinitely." 1472

(3) It does not contain the word "OhioInvests" in its 1473  
internet address. 1474

(D) "Portal operator" means an entity, including an 1475  
issuer, that is authorized to do business in this state, is 1476  
licensed with the division of securities under section 1707.054 1477  
of the Revised Code or is a licensed dealer, and satisfies any 1478  
other conditions determined by the division. 1479

(E) "Executive management" includes executive officers, 1480  
directors, governors, and managers. 1481

**Sec. 1707.051.** Subject to section 1707.058 of the Revised 1482  
Code, the offer, sale, and issuance of securities is exempt from 1483  
the requirements of sections 1707.08 to 1707.11 of the Revised 1484  
Code if all of the following conditions are met: 1485

(A) The issuer is an OhioInvests issuer on the date that 1486  
its securities are first offered for sale in the offering and 1487  
continuously through the closing of the offering. 1488

(B) The offering meets the requirements of the federal 1489  
exemption for intrastate offerings in 17 C.F.R. 230.147A. 1490

<u>(C) The offering expires not more than twelve months after</u>	1491
<u>the offering commences.</u>	1492
<u>(D) In any twelve-month period, the issuer does not raise</u>	1493
<u>more than five million dollars, either in cash or other</u>	1494
<u>consideration, in connection with one or more OhioInvests</u>	1495
<u>offerings.</u>	1496
<u>(E) The issuer uses at least eighty per cent of the net</u>	1497
<u>proceeds of the offering in connection with the operation of its</u>	1498
<u>business in this state.</u>	1499
<u>(F) No single purchaser purchases more than ten thousand</u>	1500
<u>dollars in the aggregate in a twelve-month period of securities</u>	1501
<u>in connection with OhioInvests offerings unless the purchaser is</u>	1502
<u>an accredited investor, as defined in Rule 501 of Regulation D</u>	1503
<u>under the Securities Act of 1933. An accredited investor may</u>	1504
<u>purchase from all OhioInvests offerings in a twelve-month period</u>	1505
<u>up to ten thousand dollars or such greater amount that does not</u>	1506
<u>exceed ten per cent of the accredited investor's annual income</u>	1507
<u>or net worth, whichever is less.</u>	1508
<u>(G) The sale of the securities is conducted exclusively</u>	1509
<u>through an OhioInvests portal.</u>	1510
<u>(H) (1) Subject to division (H) (2) of this section, an</u>	1511
<u>investor may cancel the investment commitment for any reason for</u>	1512
<u>a period of time specified in the issuer's offering materials,</u>	1513
<u>which period shall be at least five business days after the date</u>	1514
<u>of commitment.</u>	1515
<u>(2) During the forty-eight hours prior to the deadline</u>	1516
<u>identified in the issuer's offering materials, an investment</u>	1517
<u>commitment may not be canceled.</u>	1518
<u>(I) The issuer requires the portal operator to do all of</u>	1519

the following: 1520

(1) Provide or make available to each prospective purchaser through the OhioInvests portal the following, as applicable: 1521

(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in existence for that period; 1522  
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(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the commencement of the offering for the issuer's most recently completed fiscal year, or such shorter portion the issuer was in existence during that period, and the year-to-date period, or inception-to-date period, if shorter, corresponding with the more recent balance sheet. 1527  
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(2) Make available to each prospective purchaser through the OhioInvests portal a printable or downloadable disclosure document that meets the requirements of section 1707.052 of the Revised Code; 1536  
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(3) Obtain from each prospective purchaser through the OhioInvests portal the certification described in section 1707.053 of the Revised Code, in either written or electronic form. 1540  
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(J) All of the following apply: 1544

(1) All payments for the purchase of securities are held in escrow until the aggregate capital deposited into escrow from all purchasers is equal to or greater than the stated minimum offering amount. 1545  
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(2) The escrow agent used is a bank, trust company, savings bank, savings association, or credit union authorized to do business in this state. 1549  
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(3) Prior to the execution of the escrow agreement between the issuer and the escrow agent, the escrow agent conducts a search of the issuer and its executive management, as provided to the escrow agent by the portal operator, against the specially designated nationals list maintained by the office of foreign assets control of the United States department of the treasury. 1552  
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(4) The escrow agent is only responsible to act at the direction of the party establishing the escrow account and does not have a duty or liability, contractual or otherwise, to an investor or other person except as set forth in the applicable escrow agreement or other contract. 1559  
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(5) If the minimum offering amount is not raised by the expiration date stipulated in the disclosure document provided to the purchasers, all purchasers will receive a return of all their subscription funds. 1564  
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(K) Not less than ten days before the beginning of an offering of securities in reliance on the exemption provided under this section, the issuer provides all of the following to the division of securities: 1568  
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(1) A notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption provided under this section; 1572  
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(2) A copy of the disclosure document described in section 1707.052 of the Revised Code that will be provided to prospective purchasers in connection with the offering; 1575  
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1577

<u>(3) A filing fee of fifty dollars.</u>	1578
<u>(4) Any other information that the division requires from the issuer or portal for the protection of investors and to enable the division to determine that the sale of securities is entitled to an exemption.</u>	1579 1580 1581 1582
<u>(L) The issuer and the portal operator engage in solicitation and advertising of the OhioInvests offering only if all of the following apply:</u>	1583 1584 1585
<u>(1) The advertisement contains disclaiming language that clearly states all of the following:</u>	1586 1587
<u>(a) The advertisement is not the offer and is for informational purposes only;</u>	1588 1589
<u>(b) The offering is being made in reliance on the exemption provided under this section;</u>	1590 1591
<u>(c) The offering is directed only to residents of this state;</u>	1592 1593
<u>(d) All offers and sales are made through an OhioInvests portal.</u>	1594 1595
<u>(2) In addition to the items listed in division (L)(1) of this section, the advertisement contains not more than the following:</u>	1596 1597 1598
<u>(a) The name and contact information of the issuer;</u>	1599
<u>(b) A brief description of the general type of business conducted by the issuer;</u>	1600 1601
<u>(c) The minimum offering amount the issuer is attempting to raise through its offering;</u>	1602 1603
<u>(d) A description of how the issuer will use the funds</u>	1604



<u>raised through the offering;</u>	1605
<u>(e) The duration that the offering will remain open;</u>	1606
<u>(f) The issuer's logo;</u>	1607
<u>(g) The OhioInvests portal through which the offering is</u> <u>being made.</u>	1608 1609
<u>(3) The advertisement complies with all applicable state</u> <u>and federal laws.</u>	1610 1611
<u>(M) Meets such other requirements as the division may, by</u> <u>rule, prescribe for the protection of investors and in the</u> <u>public interest.</u>	1612 1613 1614
<u><b>Sec. 1707.052.</b> The disclosure document provided to each</u> <u>prospective purchaser through an OhioInvests portal shall</u> <u>contain all of the following:</u>	1615 1616 1617
<u>(A) The following information regarding the OhioInvests</u> <u>issuer:</u>	1618 1619
<u>(1) The type of entity it is;</u>	1620
<u>(2) The address and telephone number of its principal</u> <u>office;</u>	1621 1622
<u>(3) Its formation history for the previous five years;</u>	1623
<u>(4) The identity of all persons owning more than ten per</u> <u>cent of any class of equity interest in the issuer;</u>	1624 1625
<u>(5) The identity of its members, executive management, and</u> <u>any other persons occupying a similar status or performing</u> <u>similar functions in the name of and on behalf of the issuer,</u> <u>including their titles and their relevant experience;</u>	1626 1627 1628 1629
<u>(6) The material facts of its business plan and capital</u>	1630

<u>structure;</u>	1631
<u>(7) Any material risks to the issuer and its business</u>	1632
<u>plan;</u>	1633
<u>(8) Its intended use of the offering proceeds, including</u>	1634
<u>any amounts to be paid, as compensation or otherwise, to an</u>	1635
<u>owner, member, person in executive management, or other person</u>	1636
<u>occupying a similar status or performing similar functions on</u>	1637
<u>behalf of the issuer.</u>	1638
<u>(B) The following information regarding the securities</u>	1639
<u>being offered:</u>	1640
<u>(1) The terms and conditions of the securities and a</u>	1641
<u>description of any outstanding securities of the issuer;</u>	1642
<u>(2) The minimum and maximum amount of securities being</u>	1643
<u>offered;</u>	1644
<u>(3) Either of the following:</u>	1645
<u>(a) The percentage economic ownership of the issuer</u>	1646
<u>represented by the offered securities, assuming the minimum and,</u>	1647
<u>if applicable, maximum number of securities being offered is</u>	1648
<u>sold;</u>	1649
<u>(b) The valuation of the issuer implied by the price of</u>	1650
<u>the offered securities.</u>	1651
<u>(4) The price per share, unit, or interest of the</u>	1652
<u>securities;</u>	1653
<u>(5) Any restrictions on transfer of the securities;</u>	1654
<u>(6) A statement that any future issuance of securities</u>	1655
<u>might dilute the value of the securities being offered;</u>	1656
<u>(7) The date on which the offering will expire.</u>	1657

(C) The identity of and consideration payable to a person 1658  
who has been or will be retained by the issuer to assist the 1659  
issuer in conducting the offering and sale of the securities, 1660  
including a portal operator. This requirement does not apply to 1661  
persons acting primarily as accountants or attorneys and 1662  
employees whose primary job responsibilities involve operating 1663  
the business of the issuer rather than assisting the issuer in 1664  
raising capital. 1665

(D) A description of any pending material litigation, 1666  
legal proceedings, or regulatory action involving the issuer or 1667  
any members, persons in executive management, or other persons 1668  
occupying a similar status or performing similar functions in 1669  
the name of and on behalf of the issuer; 1670

(E) A copy of the escrow agreement between the escrow 1671  
agent, the issuer, and, if applicable, the portal operator; 1672

(F) A statement that the securities have not been 1673  
registered under federal or state securities law and that the 1674  
securities are subject to limitations on resale; 1675

(G) A statement, printed in boldface type of the minimum 1676  
size of ten points, as follows: "IN MAKING AN INVESTMENT 1677  
DECISION, PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE 1678  
ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND 1679  
RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY 1680  
ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER 1681  
REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES 1682  
HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF 1683  
THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL 1684  
OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON 1685  
TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD 1686  
EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE 1687

STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION 1688  
THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED 1689  
TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE 1690  
PERIOD OF TIME." 1691

(H) All material information necessary in order to make 1692  
the statements made, in light of the circumstances under which 1693  
they were made, not misleading and such other information as the 1694  
division may require. 1695

Sec. 1707.053. The certification obtained by the portal 1696  
operator from each prospective purchaser through an OhioInvests 1697  
portal shall, at a minimum, state the following: 1698

"I UNDERSTAND AND ACKNOWLEDGE THAT: 1699

If I make an investment in an offering through this 1700  
OhioInvests portal, it is very likely that I am investing in a 1701  
high-risk, speculative business venture that could result in the 1702  
complete loss of my investment, and I need to be able to afford 1703  
such a loss. 1704

This offering has not been reviewed or approved by any 1705  
state or federal securities commission or division or other 1706  
regulatory authority and that no such person or authority has 1707  
confirmed the accuracy or determined the adequacy of any 1708  
disclosure made to me relating to this offering. 1709

If I make an investment in an offering through this 1710  
OhioInvests portal, it is very likely that the investment will 1711  
be difficult to transfer or sell and, accordingly, I may be 1712  
required to hold the investment indefinitely. 1713

By entering into this transaction with the company, I am 1714  
affirmatively representing myself as being an Ohio resident at 1715  
the time that this contract is formed, and if this 1716

representation is subsequently shown to be false, the contract 1717  
is void." 1718

**Sec. 1707.054.** (A) No person other than a dealer licensed 1719  
under this chapter shall offer or sell securities pursuant to an 1720  
OhioInvests offering or otherwise act as a portal operator 1721  
unless the person is licensed as a portal operator by the 1722  
division of securities or is transacting business through a 1723  
portal operator licensed by the division. Application for a 1724  
portal operator's license shall be made in accordance with this 1725  
section and by filing with the division of securities the 1726  
information, materials, and forms specified in rules adopted by 1727  
the division, along with all of the following: 1728

(1) An application in the form prescribed by the division 1729  
and all applicable schedules and supplemental information; 1730

(2) A copy of the articles of incorporation or other 1731  
documents that indicate the entity's form of organization; 1732

(3) The filing fee as prescribed in section 1707.17 of the 1733  
Revised Code. 1734

(B) If the division approves the entity as a portal 1735  
operator, the division shall issue a license certificate to the 1736  
entity. 1737

**Sec. 1707.055.** No portal operator that is not also a 1738  
licensed dealer shall do any of the following: 1739

(A) Offer investment advice or recommendations, or solicit 1740  
the purchase or sale of securities. For purposes of this 1741  
division, a portal operator shall not be considered to be 1742  
offering investment advice or recommendations merely because it 1743  
selects, or may perform due diligence with respect to, issuers 1744  
or offerings to be listed or merely because it provides general 1745

investor educational materials. 1746

(B) Provide transaction-based compensation for securities sold under this chapter to employees, agents, or other persons unless the employees, agents, or other persons are licensed under this chapter and permitted to receive such compensation. 1747  
1748  
1749  
1750

(C) Charge a fee to the issuer for an offering of securities on an OhioInvests portal unless the fee is one of the following: 1751  
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1753

(1) A fixed amount for each offering; 1754

(2) A variable amount based on the length of time that the securities are offered on the portal; 1755  
1756

(3) A combination of such fixed or variable amounts. 1757

(D) Hold, manage, possess, or otherwise handle purchaser funds or securities, unless the portal operator is the issuer. 1758  
1759

(E) No portal operator shall allow its officers, directors, or partners, or any person occupying similar status or performing similar function, to have a financial interest in an OhioInvests issuer using the services of the portal operator, or receive a financial interest in the OhioInvests issuer as compensation for services provided to, or for the benefit of, the OhioInvests issuer, in connection with the offer and sale of its securities. 1760  
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**Sec. 1707.056.** (A) Each portal operator shall do all of the following: 1768  
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(1) Provide the division of securities with read-only access to the administrative sections of its OhioInvests portal; 1770  
1771

(2) Upon the written request of the division, furnish to 1772

the division any of the records required to be maintained and 1773  
preserved under section 1707.057 of the Revised Code. 1774

(3) Take reasonable efforts to verify that no purchaser 1775  
exceeds the purchase limitations set forth in division (F) of 1776  
section 1707.051 of the Revised Code. 1777

(B) (1) A portal operator shall not disclose, except to the 1778  
division of securities, personal information without the written 1779  
or electronic consent of the prospective purchaser or purchaser. 1780  
For purposes of division (B) of this section, "personal 1781  
information" means information provided to a portal operator by 1782  
a prospective purchaser or purchaser that identifies, or can be 1783  
used to identify, the prospective purchaser or purchaser. 1784

(2) Division (B) (1) of this section does not apply with 1785  
respect to records required to be furnished to the division 1786  
under division (A) (2) of this section, the disclosure of 1787  
personal information to an OhioInvests issuer relating to its 1788  
OhioInvests offering, or the disclosure of personal information 1789  
to the extent required or authorized under other law. 1790

**Sec. 1707.057.** (A) Each portal operator shall maintain and 1791  
preserve, for a period of at least five years from either the 1792  
date of the closing or date of the termination of the securities 1793  
offering, all of the following: 1794

(1) The name of each issuer whose securities have been 1795  
listed on its OhioInvests portal and the full name, residential 1796  
address, social security number, date of birth, and copy of a 1797  
state-issued identification of all owners with greater than ten 1798  
per cent voting equity in the issuer; 1799

(2) Copies of all offering materials that have been 1800  
displayed on its OhioInvests portal; 1801

- (3) The names and other personal information of each purchaser who has registered at its OhioInvests portal; 1802  
1803
- (4) Any agreements and contracts between the portal operator and an issuer; 1804  
1805
- (5) Any information used to establish that a prospective purchaser or purchaser of securities through its OhioInvests portal is a resident of this state and that an issuer whose securities are listed on the portal has its principal office in this state; 1806  
1807  
1808  
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1810
- (6) Any other records the division requires by rule to be maintained and preserved. 1811  
1812
- (B)(1) The records described in division (A) of this section shall be maintained and preserved in a manner, including by any electronic storage media, that does all of the following: 1813  
1814  
1815
- (a) Permits the immediate location of any particular document; 1816  
1817
- (b) Retains the documents exclusively in a nonrewriteable, nonerasable format; 1818  
1819
- (c) Verifies automatically the quality and accuracy of the storage recording process; 1820  
1821
- (d) Serializes the originals; 1822
- (e) Allows indexes and records preserved to be downloaded to an acceptable medium. 1823  
1824
- (2) If the records retention system commingles records required to be retained under this section with other records, the division of securities may review all of the commingled records. 1825  
1826  
1827  
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(C) Notwithstanding divisions (A) and (B) of this section, 1829  
the failure of a portal operator that is not the issuer to 1830  
comply with those divisions does not affect the OhioInvests 1831  
issuers' exemption from registration under section 1707.051 of 1832  
the Revised Code. 1833

**Sec. 1707.058.** (A) As used in this section, "affiliated 1834  
party" means any of the following: 1835

(1) Any predecessor to the issuer; 1836

(2) Any affiliated issuer; 1837

(3) Any director, executive officer, other officer 1838  
participating in the offering, general partner, or managing 1839  
member of the issuer; 1840

(4) Any beneficial owner of twenty per cent or more of the 1841  
issuer's outstanding voting equity securities, calculated on the 1842  
basis of voting power; 1843

(5) Any promoter connected with the issuer in any capacity 1844  
at the time of the sale; 1845

(6) Any investment manager of an issuer that is a pooled 1846  
investment fund; 1847

(7) Any general partner or managing member of any 1848  
investment manager participating in the offering; 1849

(8) Any director, executive officer, or other officer 1850  
participating in the offering of any investment manager or 1851  
general partner or managing member of the investment manager 1852  
participating in the offering. 1853

(B) The exemption from registration provided under section 1854  
1707.051 of the Revised Code is not available with respect to an 1855

offer, sale, and issuance of securities if the issuer of the 1856  
securities or any affiliated party: 1857

(1) Has been convicted, within ten years before the 1858  
offering of any felony or misdemeanor: 1859

(a) In connection with the purchase or sale of any 1860  
security; 1861

(b) Involving the making of any false filing with the 1862  
securities and exchange commission or a state securities 1863  
commissioner; or 1864

(c) Arising out of the conduct of the business of an 1865  
underwriter, broker, dealer, municipal securities dealer, 1866  
investment adviser, or paid solicitor of purchasers of 1867  
securities. 1868

(2) Is subject to any order, judgment, or decree of any 1869  
court of competent jurisdiction, entered within five years 1870  
before the sale, that, at the time of the sale, restrains or 1871  
enjoins the person from engaging or continuing to engage in any 1872  
conduct or practice: 1873

(a) In connection with the purchase or sale of any 1874  
security; 1875

(b) Involving the making of any false filing with the 1876  
securities and exchange commission or a state securities 1877  
commissioner; or 1878

(c) Arising out of the conduct of the business of an 1879  
underwriter, broker, dealer, municipal securities dealer, 1880  
investment adviser, or paid solicitor of purchasers of 1881  
securities. 1882

(3) Is subject to a final order of the securities and 1883

exchange commission; a state securities commission or an agency 1884  
or officer of a state performing like functions; a state 1885  
authority that supervises or examines banks, savings 1886  
associations, or credit unions; a state insurance commission or 1887  
an agency or officer of a state performing like functions; an 1888  
appropriate federal banking agency; the United States commodity 1889  
futures trading commission; or the national credit union 1890  
administration that: 1891

(a) At the time of the offering, bars the person from 1892  
associating with an entity regulated by the commission, 1893  
authority, agency, or officer; engaging in the business of 1894  
securities, insurance, or banking; or engaging in savings 1895  
association or credit union activities; or 1896

(b) Constitutes a final order based on a violation of any 1897  
law or regulation that prohibits fraudulent, manipulative, or 1898  
deceptive conduct entered within ten years before the offering. 1899

(4) Is subject to an order of the securities and exchange 1900  
commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c), 80b- 1901  
3(e), or 80b-3(f), or an order of a state securities commission 1902  
or an agency or officer of a state performing like functions, 1903  
that, at the time of the offering, does any of the following: 1904

(a) Suspends or revokes the person's license or 1905  
registration as a broker, dealer, municipal securities dealer, 1906  
or investment adviser; 1907

(b) Places limitations on the activities, functions, or 1908  
operations of the person; 1909

(c) Bars the person from being associated with any entity 1910  
or from participating in the offering of any penny stock. 1911

(5) Is subject to any order of the securities exchange 1912

commission, or an order of a state securities commission or an 1913  
agency or officer of a state performing like functions, entered 1914  
within ten years before the sale, that, at the time of the sale, 1915  
orders the person to cease and desist from committing or causing 1916  
a violation or future violation of any of the following: 1917

(a) Any scienter-based antifraud provision of the federal 1918  
securities laws, including, but not limited to, 15 U.S.C. 77q(a) 1919  
(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R. 240.10b-5 or 1920  
any other regulation adopted thereunder; 1921

(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of 1922  
the Revised Code, or any state securities law that requires the 1923  
registration of securities; 1924

(c) Any state securities law requiring state registration 1925  
as a broker dealer, investment adviser, agent, salesperson, 1926  
investment adviser, or OhioInvests portal; 1927

(d) Any state securities law involving fraudulent, 1928  
manipulative, or deceptive conduct. 1929

(6) Is suspended or expelled from membership in, or 1930  
suspended or barred from association with a member of, a 1931  
registered national securities exchange or a registered national 1932  
or affiliated securities association for any act or omission to 1933  
act constituting conduct inconsistent with just and equitable 1934  
principles of trade; 1935

(7) Has filed as a registrant or issuer, or was or was 1936  
named as an underwriter in, any registration statement or 1937  
Regulation A offering statement filed with the securities and 1938  
exchange commission or a state securities commissioner that, 1939  
within five years before the sale, was the subject of a refusal 1940  
order, stop order, or order suspending the Regulation A 1941

<u>exemption;</u>	1942
<u>(8) Is, at the time of the sale, the subject of an</u>	1943
<u>investigation or proceeding to determine whether a stop order or</u>	1944
<u>a suspension order of the type described in division (B)(7) of</u>	1945
<u>this section should be issued;</u>	1946
<u>(9) Is subject to a United States postal service false</u>	1947
<u>representation order entered within five years before the</u>	1948
<u>offering;</u>	1949
<u>(10) Is, at the time of the offering, subject to a</u>	1950
<u>temporary restraining order or preliminary injunction with</u>	1951
<u>respect to conduct alleged by the United States postal service</u>	1952
<u>to constitute a scheme or device for obtaining money or property</u>	1953
<u>through the mail by means of false representations.</u>	1954
<u>(C) Division (B) of this section does not apply:</u>	1955
<u>(1) With respect to any conviction, order, judgment,</u>	1956
<u>decree, suspension, expulsion, or bar that occurred or was</u>	1957
<u>issued before the effective date of this section;</u>	1958
<u>(2) Upon a showing of good cause and without prejudice to</u>	1959
<u>any other action by the securities and exchange commission or a</u>	1960
<u>state securities commissioner, if the division determines that</u>	1961
<u>it is not necessary under the circumstance that an exemption be</u>	1962
<u>denied;</u>	1963
<u>(3) If, before the relevant offering, the court of</u>	1964
<u>regulatory authority that entered the relevant order, judgment,</u>	1965
<u>or decree advises in writing that the disqualification under</u>	1966
<u>division (B) of this section should not arise as a consequence</u>	1967
<u>of the order, judgment, or decree, whether the advice is</u>	1968
<u>contained in the relevant judgment, order, or decree or</u>	1969
<u>separately to the securities and exchange commission or a state</u>	1970

<u>securities commissioner or their staff; or</u>	1971
<u>(4) If the issuer establishes to the division that it did</u>	1972
<u>not know and, in the exercise of reasonable care, could not have</u>	1973
<u>known that a disqualification existed under division (B) of this</u>	1974
<u>section.</u>	1975
<u>(D) For purposes of division (B) of this section, events</u>	1976
<u>relating to any affiliated issuer that occurred before the</u>	1977
<u>affiliation arose will not be considered disqualifying if the</u>	1978
<u>affiliated entity is not either of the following:</u>	1979
<u>(1) In control of the issuer;</u>	1980
<u>(2) Under common control with the issuer by a third party</u>	1981
<u>that was in control of the affiliated entity at the time of the</u>	1982
<u>events.</u>	1983
<b>Sec. 1707.10.</b> Any securities required by sections 1707.01	1984
to <del>1707.45</del> <u>1707.50</u> , inclusive, of the Revised Code, to be	1985
registered by qualification before being sold in this state may	1986
be offered for sale and sold preliminary to and pending their	1987
full qualification, where the division of securities is	1988
satisfied that the issuer is solvent and of good business repute	1989
and that such preliminary offering will not deceive or tend to	1990
deceive the public; but no such preliminary offering shall be	1991
made until the division consents thereto in writing, and such	1992
consent shall be on condition that within thirty days from the	1993
date thereof, or within such further time as the division	1994
allows, there is filed in the office of the division application	1995
under such sections for the full qualification of said	1996
securities, or for a registration of such securities by	1997
description if, within such time, such securities become	1998
entitled to registration by description; and the entire proceeds	1999

of the sale of such securities, without deduction for 2000  
commissions or other charges, shall be segregated or deposited 2001  
in escrow in such manner and for such time as the division 2002  
directs. 2003

No applicant which is an issuer not a resident of this 2004  
state shall be entitled to the benefit of this section unless 2005  
there shall also be on file with the division a consent to 2006  
service as provided in section 1707.11 of the Revised Code. 2007

At the time of filing the statement prescribed in this 2008  
section, the applicant shall pay to the division the filing fee 2009  
prescribed by section 1707.09 of the Revised Code; and upon 2010  
receipt of notice of the division's favorable action on the 2011  
application, the applicant shall pay to the division the 2012  
registration fee prescribed by such section for the 2013  
qualification of securities. 2014

If the dealer is unable to complete such qualification or 2015  
such registration by description, or if the division, acting 2016  
upon more complete information furnished or obtained from its 2017  
examination, does not finally register such security by 2018  
description or qualification, the issuer or dealer who has sold 2019  
it or offered it for sale shall withdraw the security from the 2020  
market and return or tender to purchasers of the security, 2021  
within such time as the division specifies, the amounts paid for 2022  
it by them. 2023

**Sec. 1707.13.** The division of securities may suspend the 2024  
registration by description or by qualification of any 2025  
securities, or the right of any dealers or of the issuer, or of 2026  
both, to buy, sell, or deal in any particular security whether 2027  
it is registered, qualified, or exempt or even though 2028  
transactions in it are registered or exempt, if the division 2029

finds that the issuer has violated sections 1707.01 to 2030  
~~1707.45~~1707.50, inclusive, of the Revised Code, or any lawful 2031  
order or requirement of the division, has fraudulently conducted 2032  
its business, or has been engaged in or is engaged or about to 2033  
engage in deceptive or fraudulent acts, practices, or 2034  
transactions; that such security is being disposed of or 2035  
purchased on grossly unfair terms, in such manner as to deceive 2036  
or defraud or as to tend to deceive or defraud purchasers or 2037  
sellers, or in disregard of the lawful rules and regulations of 2038  
the division applicable to such security or to transactions 2039  
therein; or, in the case of securities being sold under a 2040  
registration or qualification, that the issuer is insolvent. 2041  
Notice of such suspension shall be mailed by the division to the 2042  
issuer and to all licensed dealers concerned. Such notice shall 2043  
specify the particular security whose registration is being 2044  
suspended and shall set a date, not more than ten days later 2045  
than the date of the order of suspension, for a hearing on the 2046  
continuation or revocation of such suspension. For good cause 2047  
the division may continue such hearing on application of any 2048  
interested party. In conducting such hearing the division shall 2049  
have all the authority and powers set forth in section 1707.23 2050  
of the Revised Code. Following such hearing the division shall 2051  
either confirm or revoke such suspension. No such suspension 2052  
shall invalidate any sale of securities made prior thereto; and 2053  
the rights of persons defrauded by any sale shall in no wise be 2054  
impaired. 2055

If the issuer of a security refuses to permit an 2056  
examination to be made by the division of its books, records, 2057  
and property, or refuses to furnish the division any information 2058  
which it may lawfully require under sections 1707.01 to 2059  
~~1707.45~~1707.50, inclusive, of the Revised Code, such refusal is 2060



a sufficient ground for the division to suspend the registration 2061  
by description or by qualification of such security, or the 2062  
right of any dealers or of the issuer, or of both, to buy, sell, 2063  
or deal in such security. 2064

If any interested party desires an investigation at a 2065  
place other than the office of the division, such person may be 2066  
required by the division to advance sufficient funds to pay the 2067  
actual expenses of such investigation. 2068

Whenever the division determines, upon hearing, that any 2069  
application for qualification was made, or that any securities 2070  
or any transaction was registered by description, by a person 2071  
who knew that untrue statements were contained in such 2072  
application or description, the division may proceed under 2073  
sections 1707.19, 1707.23, and 1707.44 of the Revised Code, or 2074  
any of them, against the person who filed such application or 2075  
such registration by description. 2076

**Sec. 1707.161.** (A) No person shall act as an investment 2077  
adviser representative, unless one of the following applies: 2078

(1) The person is licensed as an investment adviser 2079  
representative by the division of securities. 2080

(2) The person is a natural person who is licensed as an 2081  
investment adviser by the division, and does not act as an 2082  
investment adviser representative for another investment 2083  
adviser; however, a natural person who is licensed as an 2084  
investment adviser by the division may act as an investment 2085  
adviser representative for another investment adviser if the 2086  
natural person also is licensed by the division, or is properly 2087  
excepted from licensure, as an investment adviser representative 2088  
of the other investment adviser. 2089

(3) The person is employed by or associated with an investment adviser registered under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place of business in this state.

(4) The person is employed by or associated with an investment adviser that is excepted from licensure pursuant to division (A) (3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B) (3) of section 1707.141 of the Revised Code.

(B) (1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment advisers and notice.

(2) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both an investment adviser and an investment adviser representative.

(3) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a salesperson and an investment adviser representative.

(4) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a

dealer and an investment adviser representative. 2119

(C) An investment adviser representative's license issued 2120  
under this section shall not be effective during any period when 2121  
the investment adviser representative is not employed by or 2122  
associated with an investment adviser that is licensed by the 2123  
division or that is in compliance with the notice filing 2124  
requirements of division (B) of section 1707.141 of the Revised 2125  
Code. Notice of the commencement and termination of the 2126  
employment or association of an investment adviser 2127  
representative licensed under this section shall be given to the 2128  
division within thirty days after the commencement or 2129  
termination by either of the following: 2130

(1) The investment adviser, in the case of an investment 2131  
adviser representative licensed under this section and employed 2132  
by or associated with, or formerly employed by or associated 2133  
with, an investment adviser licensed under section 1707.141 of 2134  
the Revised Code; 2135

(2) The investment adviser representative, in the case of 2136  
an investment adviser representative licensed under this section 2137  
and employed by or associated with, or formerly employed by or 2138  
associated with, an investment adviser that is subject to the 2139  
notice filings requirements of division (B) of section 1707.141 2140  
of the Revised Code. 2141

(D) (1) Application for an investment adviser 2142  
representative license shall be made in accordance with this 2143  
section and by filing with the division the information, 2144  
materials, and forms specified in rules adopted by the division. 2145

(2) The division shall by rule require an applicant to 2146  
pass an examination designated by the division or achieve a 2147

specified professional designation. 2148

(3) Prior to issuing the investment adviser representative 2149  
license, the division may require the applicant to reimburse the 2150  
division for the actual expenses incurred in investigating the 2151  
applicant. An itemized statement of any such expenses that the 2152  
applicant is required to pay shall be furnished to the applicant 2153  
by the division. 2154

(E) If the division finds that the applicant is of good 2155  
business repute, appears to be qualified to act as an investment 2156  
adviser representative, and has complied with sections 1707.01 2157  
to ~~1707.45~~1707.50 of the Revised Code and the rules adopted 2158  
under those sections by the division, the division, upon payment 2159  
of the fees prescribed by division (B) of section 1707.17 of the 2160  
Revised Code, shall issue to the applicant a license authorizing 2161  
the applicant to act as an investment adviser representative for 2162  
the investment adviser, or investment advisers that are under 2163  
common ownership or control, named in the application. 2164

**Sec. 1707.17.** (A) (1) The license of every dealer in and 2165  
salesperson of securities shall expire on the thirty-first day 2166  
of December of each year, and may be renewed upon the filing 2167  
with the division of securities of an application for renewal, 2168  
and the payment of the fee prescribed in this section. The 2169  
division shall give notice, without unreasonable delay, of its 2170  
action on any application for renewal of a dealer's or 2171  
salesperson's license. 2172

(2) The license of every investment adviser and investment 2173  
adviser representative licensed under section 1707.141 or 2174  
1707.161 of the Revised Code shall expire on the thirty-first 2175  
day of December of each year. The licenses may be renewed upon 2176  
the filing with the division of an application for renewal, and 2177

the payment of the fee prescribed in division (B) of this 2178  
section. The division shall give notice, without unreasonable 2179  
delay, of its action on any application for renewal. 2180

(3) An investment adviser required to make a notice filing 2181  
under division (B) of section 1707.141 of the Revised Code 2182  
annually shall file with the division the notice filing and the 2183  
fee prescribed in division (B) of this section, no later than 2184  
the thirty-first day of December of each year. 2185

(4) The license of every state retirement system 2186  
investment officer licensed under section 1707.163 of the 2187  
Revised Code and the license of a bureau of workers' 2188  
compensation chief investment officer issued under section 2189  
1707.165 of the Revised Code shall expire on the thirtieth day 2190  
of June of each year. The licenses may be renewed on the filing 2191  
with the division of an application for renewal, and the payment 2192  
of the fee prescribed in division (B) of this section. The 2193  
division shall give notice, without unreasonable delay, of its 2194  
action on any application for renewal. 2195

(5) The license of every portal operator licensed under 2196  
section 1707.054 of the Revised Code shall expire on the thirty- 2197  
first day of December of each year. The license may be renewed 2198  
upon the filing with the division an application for renewal, 2199  
and payment of the fee prescribed in division (B) of this 2200  
section. The division shall give notice, without unreasonable 2201  
delay, of its action on any application for renewal. 2202

(B) (1) The fee for each dealer's license, and for each 2203  
annual renewal thereof, shall be two hundred dollars. 2204

(2) The fee for each salesperson's license, and for each 2205  
annual renewal thereof, shall be sixty dollars. 2206

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be one hundred dollars. 2207  
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(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be one hundred dollars. 2209  
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(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be thirty-five dollars. 2212  
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(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 2215  
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(7) The fee for a bureau of workers' compensation chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 2218  
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(8) The fee for a portal operator license, and for each annual renewal thereof, shall be one hundred dollars. 2221  
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(C) A dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, ~~or~~ state retirement system investment officer's, or portal operator's license may be issued at any time for the remainder of the calendar year. In that event, the annual fee shall not be reduced. 2223  
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(D) The division may, by rule or order, waive, in whole or in part, any of the fee requirements of this section for any person or class of persons if, in the same calendar year, the person or class of persons is required to pay an additional fee as a result of changes in federal law and regulations implemented under Title IV of the "Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010," 124 Stat. 1576 (2010), 15 2229  
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U.S.C. 80b-3a(a), under which a person or class of persons 2236  
formerly subject to regulation under the United States 2237  
securities and exchange commission is subject to state 2238  
regulation under Chapter 1707. of the Revised Code. 2239

**Sec. 1707.19.** (A) An original license, or a renewal 2240  
thereof, applied for by a dealer or salesperson of securities, 2241  
or by an investment adviser, investment adviser representative, 2242  
bureau of workers' compensation chief investment officer, ~~or~~ 2243  
state retirement system investment officer, or portal operator 2244  
as defined in section 1707.05 of the Revised Code may be 2245  
refused, and any such license granted may be suspended and, 2246  
after notice and hearing in accordance with Chapter 119. of the 2247  
Revised Code, may be revoked, by the division of securities, if 2248  
the division determines that the applicant or the licensed 2249  
dealer, salesperson, investment adviser, investment adviser 2250  
representative, bureau of workers' compensation chief investment 2251  
officer, or state retirement system investment officer: 2252

(1) Is not of good business repute; 2253

(2) Is conducting an illegitimate or fraudulent business; 2254

(3) Is, in the case of a dealer~~or~~, investment adviser, 2255  
or portal operator, insolvent; 2256

(4) Has knowingly violated any provision of sections 2257  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or any 2258  
regulation or order made thereunder; 2259

(5) Has knowingly made a false statement of a material 2260  
fact or an omission of a material fact in an application for a 2261  
license, in a description or application that has been filed, or 2262  
in any statement made to the division under such sections; 2263

(6) Has refused to comply with any lawful order or 2264

requirement of the division under section 1707.23 of the Revised Code;	2265 2266
(7) Has been guilty of any fraudulent act in connection with the sale of any securities or in connection with acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, <del>or</del> state retirement system investment officer, <u>or portal operator</u> ;	2267 2268 2269 2270 2271
(8) Conducts business in purchasing or selling securities at such variations from the existing market as in the light of all the circumstances are unconscionable;	2272 2273 2274
(9) Conducts business in violation of such rules and regulations as the division prescribes for the protection of investors, clients, or prospective clients;	2275 2276 2277
(10) (a) Has failed to furnish to the division any information with respect to the purchases or sales of securities within this state that may be reasonably requested by the division as pertinent to the protection of investors in this state.	2278 2279 2280 2281 2282
(b) Has failed to furnish to the division any information with respect to acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, <del>or</del> state retirement system investment officer, <u>or portal operator</u> within this state that may be reasonably requested by the division.	2283 2284 2285 2286 2287 2288
(B) For the protection of investors the division may prescribe reasonable rules defining fraudulent, evasive, deceptive, or grossly unfair practices or devices in the purchase or sale of securities.	2289 2290 2291 2292
(C) For the protection of investors, clients, or	2293



prospective clients, the division may prescribe reasonable rules 2294  
regarding the acts and practices of an investment adviser or an 2295  
investment adviser representative. 2296

(D) For the protection of investors, the division may 2297  
prescribe reasonable rules regarding the acts and practices of a 2298  
portal operator. 2299

(E) Pending any investigation or hearing provided for in 2300  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 2301  
division may order the suspension of any dealer's, 2302  
salesperson's, investment adviser's, investment adviser 2303  
representative's, bureau of workers' compensation chief 2304  
investment officer's, ~~or~~ state retirement system investment 2305  
officer's, or portal operator's license by notifying the party 2306  
concerned of such suspension and the cause for it. If it is a 2307  
salesperson whose license is suspended, the division shall also 2308  
notify the dealer employing the salesperson. If it is an 2309  
investment adviser representative whose license is suspended, 2310  
the division also shall notify the investment adviser with whom 2311  
the investment adviser representative is employed or associated. 2312  
If it is a state retirement system investment officer whose 2313  
license is suspended, the division shall also notify the state 2314  
retirement system with whom the state retirement system 2315  
investment officer is employed. If it is a bureau of workers' 2316  
compensation chief investment officer whose license is 2317  
suspended, the division shall also notify the bureau of workers' 2318  
compensation. 2319

~~(E)~~ (F) (1) The suspension or revocation of the dealer's 2320  
license suspends the licenses of all the dealer's salespersons. 2321

(2) The suspension or revocation of the investment 2322  
adviser's license suspends the licenses of all the investment 2323

adviser's investment adviser representatives. The suspension or 2324  
revocation of an investment adviser's registration under section 2325  
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 2326  
suspends the licenses of all the investment adviser's investment 2327  
adviser representatives. 2328

~~(F)~~(G) It is sufficient cause for refusal, revocation, or 2329  
suspension of the license in case of a partnership, partnership 2330  
association, corporation, or unincorporated association if any 2331  
general partner of the partnership, manager of the partnership 2332  
association, or executive officer of the corporation or 2333  
unincorporated association is not of good business repute or has 2334  
been guilty of any act or omission which would be cause for 2335  
refusing or revoking the license of an individual dealer, 2336  
salesperson, investment adviser, ~~or~~ investment adviser 2337  
representative, or portal operator. 2338

**Sec. 1707.20.** (A) (1) The division of securities may adopt, 2339  
amend, and rescind such rules, forms, and orders as are 2340  
necessary to carry out sections 1707.01 to ~~1707.45~~1707.50 of 2341  
the Revised Code, including rules and forms governing 2342  
registration statements, applications, and reports, and defining 2343  
any terms, whether or not used in sections 1707.01 to ~~1707.45~~ 2344  
1707.50 of the Revised Code, insofar as the definitions are not 2345  
inconsistent with these sections. For the purpose of rules and 2346  
forms, the division may classify securities, persons, and 2347  
matters within its jurisdiction, and prescribe different 2348  
requirements for different classes. 2349

(2) Notwithstanding sections 121.71 to 121.76 of the 2350  
Revised Code, the division may incorporate by reference into its 2351  
rules any statute enacted by the United States congress or any 2352  
rule, regulation, or form promulgated by the securities and 2353

exchange commission, or by another federal agency, in a manner 2354  
that also incorporates all future amendments to the statute, 2355  
rule, regulation, or form. 2356

(B) No rule, form, or order may be made, amended, or 2357  
rescinded unless the division finds that the action is necessary 2358  
or appropriate in the public interest or for the protection of 2359  
investors, clients, prospective clients, state retirement 2360  
systems, or the workers' compensation system and consistent with 2361  
the purposes fairly intended by the policy and provisions of 2362  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. In 2363  
prescribing rules and forms and in otherwise administering 2364  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 2365  
division may cooperate with the securities administrators of the 2366  
other states and the securities and exchange commission with a 2367  
view of effectuating the policy of this section to achieve 2368  
maximum uniformity in the form and content of registration 2369  
statements, applications, reports, and overall securities 2370  
regulation wherever practicable. 2371

(C) The division may ~~by rule or order~~ prescribe: 2372

(1) The form and content of financial statements required 2373  
under sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code; 2374

(2) The circumstances under which consolidated financial 2375  
statements will be filed; 2376

(3) Whether any required financial statements shall be 2377  
~~certified~~ audited by independent ~~or~~ certified public 2378  
accountants, specifying by rule the criteria necessary to be 2379  
granted a hardship exemption from the audit requirement. All 2380  
financial statements shall be prepared in accordance with 2381  
generally accepted accounting practices principles and comply 2382

with other requirements specified by rule adopted or order 2383  
issued under sections 1707.01 to 1707.50 of the Revised Code. 2384

(D) All rules and forms of the division shall be 2385  
published; and in addition to fulfilling the requirements of 2386  
Chapter 119. of the Revised Code, the division shall prescribe, 2387  
and shall publish and make available its rules regarding the 2388  
sale of securities, the administration of sections 1707.01 to 2389  
~~1707.45-1707.50~~ of the Revised Code, and the procedure and 2390  
practice before the division. 2391

(E) (1) No provision of sections 1707.01 to ~~1707.45-1707.50~~ 2392  
of the Revised Code imposing any liability applies to any act 2393  
done or omitted in good faith in conformity with any rule, form, 2394  
or order of the division of securities, notwithstanding that the 2395  
rule, form, or order may later be amended or rescinded or be 2396  
determined by judicial or other authority to be invalid for any 2397  
reason, except that the issuance of an order granting 2398  
effectiveness to a registration under section 1707.09 or 2399  
1707.091 of the Revised Code for the purposes of this division 2400  
shall not be deemed an order other than as the establishment of 2401  
the fact of registration. 2402

(2) No provision of sections 1707.01 to ~~1707.45-1707.50~~ of 2403  
the Revised Code imposing any liability, penalty, sanction, or 2404  
disqualification applies to any act done or omitted in good 2405  
faith in conformity with either of the following: 2406

(a) Any provision of sections 1707.01 to ~~1707.45-1707.50~~ 2407  
of the Revised Code that incorporates by reference a federal 2408  
statute, rule, regulation, or form; 2409

(b) Any rule, form, or order of the division that 2410  
incorporates by reference a federal statute, rule, regulation, 2411

or form. 2412

Division (E) (2) of this section applies notwithstanding 2413  
that the incorporation by reference, or any application of the 2414  
incorporated provision, is later determined by judicial or other 2415  
authority to be unconstitutional or invalid for any reason. 2416

**Sec. 1707.21.** In so far as any information required to be 2417  
filed with the division of securities under sections 1707.01 to 2418  
~~1707.45~~1707.50, inclusive, of the Revised Code, is contained in 2419  
a registration statement filed with the securities and exchange 2420  
commission of the United States and such registration statement 2421  
is in effect, such required information may, with the consent of 2422  
the division, be furnished by filing with the division a copy of 2423  
such registration statement together with an affidavit of an 2424  
interested party that it is in effect. 2425

**Sec. 1707.23.** Whenever it appears to the division of 2426  
securities, from its files, upon complaint, or otherwise, that 2427  
any person has engaged in, is engaged in, or is about to engage 2428  
in any practice declared to be illegal or prohibited by this 2429  
chapter or rules adopted under this chapter by the division, or 2430  
defined as fraudulent in this chapter or rules adopted under 2431  
this chapter by the division, or any other deceptive scheme or 2432  
practice in connection with the sale of securities, or acting as 2433  
a dealer, a salesperson, an investment adviser, investment 2434  
adviser representative, bureau of workers' compensation chief 2435  
investment officer, ~~or~~ state retirement system investment 2436  
officer, or portal operator as defined in section 1707.05 of the 2437  
Revised Code or when the division believes it to be in the best 2438  
interests of the public and necessary for the protection of 2439  
investors, the division may do any of the following: 2440

(A) Require any person to file with it, on such forms as 2441

it prescribes, an original or additional statement or report in 2442  
writing, under oath or otherwise, as to any facts or 2443  
circumstances concerning the issuance, sale, or offer for sale 2444  
of securities within this state by the person, as to the 2445  
person's acts or practices as a dealer, a salesperson, an 2446  
investment adviser, investment adviser representative, bureau of 2447  
workers' compensation chief investment officer, ~~or~~ state 2448  
retirement system investment officer, or portal operator within 2449  
this state, and as to other information as it deems material or 2450  
relevant thereto; 2451

(B) Examine any investment adviser, investment adviser 2452  
representative, state retirement system investment officer, 2453  
bureau of workers' compensation chief investment officer, or any 2454  
seller, dealer, salesperson, or issuer of any securities, or any 2455  
portal operator, and any of their agents, employees, partners, 2456  
officers, directors, members, or shareholders, wherever located, 2457  
under oath; and examine and produce records, books, documents, 2458  
accounts, and papers as the division deems material or relevant 2459  
to the inquiry; 2460

(C) Require the attendance of witnesses, and the 2461  
production of books, records, and papers, as are required either 2462  
by the division or by any party to a hearing before the 2463  
division, and for that purpose issue a subpoena for any witness, 2464  
or a subpoena duces tecum to compel the production of any books, 2465  
records, or papers. The subpoena shall be served by personal 2466  
service or by certified mail, return receipt requested. If the 2467  
subpoena is returned because of inability to deliver, or if no 2468  
return is received within thirty days of the date of mailing, 2469  
the subpoena may be served by ordinary mail. If no return of 2470  
ordinary mail is received within thirty days after the date of 2471  
mailing, service shall be deemed to have been made. If the 2472

subpoena is returned because of inability to deliver, the 2473  
division may designate a person or persons to effect either 2474  
personal or residence service upon the witness. The person 2475  
designated to effect personal or residence service under this 2476  
division may be the sheriff of the county in which the witness 2477  
resides or may be found or any other duly designated person. The 2478  
fees and mileage of the person serving the subpoena shall be the 2479  
same as those allowed by the courts of common pleas in criminal 2480  
cases, and shall be paid from the funds of the division. Fees 2481  
and mileage for the witness shall be determined under section 2482  
119.094 of the Revised Code, and shall be paid from the funds of 2483  
the division upon request of the witness following the hearing. 2484

(D) Initiate criminal proceedings under section 1707.042 2485  
or 1707.44 of the Revised Code or rules adopted under those 2486  
sections by the division by laying before the prosecuting 2487  
attorney of the proper county any evidence of criminality which 2488  
comes to its knowledge; and in the event of the neglect or 2489  
refusal of the prosecuting attorney to prosecute such 2490  
violations, or at the request of the prosecuting attorney, the 2491  
division shall submit the evidence to the attorney general, who 2492  
may proceed in the prosecution with all the rights, privileges, 2493  
and powers conferred by law on prosecuting attorneys, including 2494  
the power to appear before grand juries and to interrogate 2495  
witnesses before such grand juries. 2496

(E) Require any dealers immediately to furnish to the 2497  
division copies of prospectuses, circulars, or advertisements 2498  
respecting securities that they publish or generally distribute, 2499  
or require any investment advisers immediately to furnish to the 2500  
division copies of brochures, advertisements, publications, 2501  
analyses, reports, or other writings that they publish or 2502  
distribute; 2503

(F) Require any dealers to mail to the division, prior to 2504  
sale, notices of intention to sell, in respect to all securities 2505  
which are not exempt under section 1707.02 of the Revised Code, 2506  
or which are sold in transactions not exempt under section 2507  
1707.03 or 1707.04 of the Revised Code; 2508

(G) Issue and cause to be served by certified mail upon 2509  
all persons affected an order requiring the person or persons to 2510  
cease and desist from the acts or practices appearing to the 2511  
division to constitute violations of this chapter or rules 2512  
adopted under this chapter by the division. The order shall 2513  
state specifically the section or sections of this chapter or 2514  
the rule or rules adopted under this chapter by the division 2515  
that appear to the division to have been violated and the facts 2516  
constituting the violation. If after the issuance of the order 2517  
it appears to the division that any person or persons affected 2518  
by the order have engaged in any act or practice from which the 2519  
person or persons shall have been required, by the order, to 2520  
cease and desist, the director of commerce may apply to the 2521  
court of common pleas of any county for, and upon proof of the 2522  
validity of the order of the division, the delivery of the order 2523  
to the person or persons affected, and of the illegality and the 2524  
continuation of the acts or practices that are the subject of 2525  
the order, the court may grant an injunction implementing the 2526  
order of the division. 2527

(H) Issue and initiate contempt proceedings in this state 2528  
regarding subpoenas and subpoenas duces tecum at the request of 2529  
the securities administrator of another state, if it appears to 2530  
the division that the activities for which the information is 2531  
sought would violate this chapter if the activities had occurred 2532  
in this state. 2533



(I) The remedies provided by this section are cumulative 2534  
and concurrent with any other remedy provided in this chapter, 2535  
and the exercise of one remedy does not preclude or require the 2536  
exercise of any other remedy. 2537

**Sec. 1707.24.** In case any person fails to file any 2538  
statement or report, to obey any subpoena, to give testimony, to 2539  
answer questions, or to produce any books, records, or papers as 2540  
required by the division of securities under sections 1707.01 to 2541  
~~1707.45~~1707.50, inclusive, of the Revised Code, the court of 2542  
common pleas of any county in the state, upon application made 2543  
to it by the division and upon proof made to it by the division 2544  
of such failure, may make an order awarding process of subpoena 2545  
or subpoena duces tecum for such person to appear and testify 2546  
before the division, and may order any person to give testimony 2547  
and answer questions, and to produce books, records, or papers, 2548  
as required by the division. Upon the filing of such order in 2549  
the office of the clerk of the court of common pleas, said 2550  
clerk, under the seal of said court, shall issue process of 2551  
subpoena for such person to appear before the division at a time 2552  
and place named in such subpoena, and thereafter from day to day 2553  
until the examination of such person is completed. Such subpoena 2554  
may contain a direction that such witness bring with ~~him~~ the 2555  
witness to such examination any books, records, or papers 2556  
mentioned in such subpoena. Said clerk shall also issue, under 2557  
the seal of said court, such other orders, in reference to such 2558  
examination, appearance, and production of books, records, or 2559  
papers, as said court directs. If any person so summoned by 2560  
subpoena fails to obey such subpoena, to give testimony, to 2561  
answer questions as required, to produce any books, records, or 2562  
papers so required, or to obey an order of the court, the court, 2563  
on motion supported by proof, may order an attachment for 2564

contempt to be issued against the person charged with 2565  
disobedience of any order or injunction issued by such court 2566  
under sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the 2567  
Revised Code. If such person is brought before the court by 2568  
virtue of said attachment, and if upon a hearing such 2569  
disobedience appears, such court may order such offender to be 2570  
committed and kept in close custody. 2571

**Sec. 1707.25.** In case any person fails to file any 2572  
statement or report required by sections 1707.01 to ~~1707.45~~ 2573  
1707.50 of the Revised Code, to obey any subpoena the issuance 2574  
of which is provided for in those sections, or to produce books, 2575  
records, or papers, give testimony, or answer questions, as 2576  
required by those sections, the director of commerce may apply 2577  
to a court of common pleas of any county for, and upon proof of 2578  
such failure the court may grant, an injunction restraining the 2579  
acting as an investment adviser, investment adviser 2580  
representative, bureau of workers' compensation chief investment 2581  
officer, or state retirement system investment officer, or the 2582  
issuance, sale, or offer for sale of any securities by the 2583  
person or by its agents, employees, partners, officers, 2584  
directors, or shareholders, until such failure has been remedied 2585  
and other relief as the facts may warrant has been had. Such 2586  
injunctive relief is available in addition to the other remedies 2587  
provided for in sections 1707.01 to ~~1707.45~~1707.50 of the 2588  
Revised Code. 2589

Where the person refusing to comply with such order of 2590  
court is an issuer of securities, the court may enjoin the sale 2591  
by any dealer of any securities of the issuer, and the division 2592  
of securities may revoke the qualification of the securities of 2593  
the issuer, or suspend or revoke the sale of any securities of 2594  
the issuer which have been registered by description, and such 2595

securities shall not thereafter be sold by any dealer until the 2596  
order of the court or of the division is withdrawn. 2597

**Sec. 1707.26.** Whenever it appears to the division of 2598  
securities, upon complaint or otherwise, that any person has 2599  
engaged in, is engaging in, or is about to engage in, any 2600  
deceptive, fraudulent, or manipulative act, practice, or 2601  
transaction, in violation of sections 1707.01 to ~~1707.45~~1707.50 2602  
of the Revised Code, the director of commerce may apply to a 2603  
court of common pleas of any county in this state for, and upon 2604  
proof of any of such offenses such court shall grant an 2605  
injunction restraining such person and its agents, employees, 2606  
partners, officers, directors, and shareholders from continuing, 2607  
engaging in, or doing any acts in furtherance of, such acts, 2608  
practices, or transactions, and may order such other equitable 2609  
relief as the facts warrant. 2610

**Sec. 1707.261.** (A) If a court of common pleas grants an 2611  
injunction pursuant to section 1707.26 of the Revised Code, 2612  
after consultation with the attorney general the director of 2613  
commerce may request that court to order the defendant or 2614  
defendants that are subject to the injunction to make 2615  
restitution or rescission to any purchaser or holder of 2616  
securities damaged by the defendant's or defendants' violation 2617  
of any provision of sections 1707.01 to ~~1707.45~~1707.50 of the 2618  
Revised Code. 2619

(B) If the court of common pleas is satisfied with the 2620  
sufficiency of the director's request for restitution or 2621  
rescission under division (A) of this section and with the 2622  
sufficiency of the proof of a substantial violation of any 2623  
provision of sections 1707.01 to ~~1707.45~~1707.50 of the Revised 2624  
Code, or of the use of any act, practice, or transaction 2625

declared to be illegal or prohibited or defined as fraudulent by 2626  
those sections or rules adopted under those sections by the 2627  
division of securities, to the material prejudice of a purchaser 2628  
or holder of securities, the court may order the defendant or 2629  
defendants subject to the injunction to make restitution or 2630  
rescission to any purchaser or holder of securities damaged by 2631  
the defendant's or defendants' violation of sections 1707.01 to 2632  
~~1707.45-1707.50~~ of the Revised Code. 2633

(C) A court order granting restitution or rescission based 2634  
upon a request made pursuant to division (A) of this section 2635  
shall meet the requirements of division (B) of this section and 2636  
may not be based solely upon a final order issued by the 2637  
division of securities pursuant to Chapter 119. of the Revised 2638  
Code or upon an action to enforce a final order issued by the 2639  
division pursuant to that chapter. Notwithstanding the foregoing 2640  
provision, a request for restitution or rescission pursuant to 2641  
division (A) of this section may concern the same acts, 2642  
practices, or transactions that were, or may later be, the 2643  
subject of a division of securities action for a violation of 2644  
any provision of sections 1707.01 to ~~1707.45-1707.50~~ of the 2645  
Revised Code. If a request for restitution or rescission 2646  
pursuant to division (A) of this section concerns the same acts, 2647  
practices, or transactions that were the subject of a final 2648  
order issued by the division of securities pursuant to Chapter 2649  
119. of the Revised Code, the court shall review the request in 2650  
accordance with division (B) of this section, and the standard 2651  
of review in section 119.12 of the Revised Code shall not apply 2652  
to the request. 2653

(D) No purchaser or holder of securities who is entitled 2654  
to restitution or rescission under this section shall recover, 2655  
pursuant to this section or any other proceeding, a total amount 2656

in excess of the person's purchase price for the securities sold 2657  
in violation of sections 1707.01 to ~~1707.45~~1707.50 of the 2658  
Revised Code. 2659

(E) (1) If a court of common pleas grants an injunction 2660  
pursuant to section 1707.26 of the Revised Code against any 2661  
state retirement system investment officer, after consultation 2662  
with the attorney general, the director of commerce may request 2663  
that court to order the state retirement system investment 2664  
officer or officers that are subject to the injunction to make 2665  
restitution to the state retirement system damaged by the state 2666  
retirement system investment officer's or officers' violation of 2667  
any provision of sections 1707.01 to ~~1707.45~~1707.50 of the 2668  
Revised Code. 2669

(2) If the court of common pleas is satisfied with the 2670  
sufficiency of the director's request for restitution under 2671  
division (E) (1) of this section and with the sufficiency of the 2672  
proof of a substantial violation of any provision of sections 2673  
1707.01 to ~~1707.45~~1707.50 of the Revised Code, or of the use of 2674  
any act, practice, or transaction declared to be illegal or 2675  
prohibited or defined as fraudulent by those sections or rules 2676  
adopted under those sections by the division of securities, to 2677  
the material prejudice of a state retirement system, the court 2678  
may order the state retirement system investment officer or 2679  
officers subject to the injunction to make restitution to the 2680  
state retirement system damaged by the state retirement system 2681  
investment officer's or officers' violation of sections 1707.01 2682  
to ~~1707.45~~1707.50 of the Revised Code. A request for 2683  
restitution pursuant to division (E) (1) of this section may 2684  
concern the same acts, practices, or transactions that were, or 2685  
may later be, the subject of a division of securities action for 2686  
a violation of any provision of section 1707.01 to ~~1707.45~~ 2687

1707.50 of the Revised Code. 2688

(F) (1) If a court of common pleas grants an injunction 2689  
pursuant to section 1707.26 of the Revised Code against a bureau 2690  
of workers' compensation chief investment officer, after 2691  
consultation with the attorney general, the director of commerce 2692  
may request that court to order the bureau of workers' 2693  
compensation chief investment officer who is subject to the 2694  
injunction to make restitution to the bureau of workers' 2695  
compensation damaged by the bureau of workers' compensation 2696  
chief investment officer's violation of any provision of 2697  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 2698

(2) If the court of common pleas is satisfied with the 2699  
sufficiency of the director's request for restitution under 2700  
division (F) (1) of this section and with the sufficiency of the 2701  
proof of a substantial violation of any provision of sections 2702  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 2703  
any act, practice, or transaction declared to be illegal or 2704  
prohibited or defined as fraudulent by those sections or rules 2705  
adopted under those sections by the division of securities, to 2706  
the material prejudice of the bureau of workers' compensation, 2707  
the court may order the bureau of workers' compensation chief 2708  
investment officer subject to the injunction to make restitution 2709  
to the bureau of workers' compensation damaged by the bureau of 2710  
workers' compensation chief investment officer's violation of 2711  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. A 2712  
request for restitution pursuant to division (F) (1) of this 2713  
section may concern the same acts, practices, or transactions 2714  
that were, or may later be, the subject of a division of 2715  
securities action for a violation of any provision of section 2716  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 2717

**Sec. 1707.27.** If the court of common pleas is satisfied 2718  
with the sufficiency of the application for a receivership, and 2719  
of the sufficiency of the proof of substantial violation of 2720  
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code, or of 2721  
the use of any act, practice, or transaction declared to be 2722  
illegal or prohibited, or defined as fraudulent by those 2723  
sections or rules adopted under those sections by the division 2724  
of securities, to the material prejudice of a purchaser or 2725  
holder of securities, or client of an investment adviser or 2726  
investment adviser representative, the court may appoint a 2727  
receiver, for any person so violating sections 1707.01 to 2728  
~~1707.45~~1707.50 of the Revised Code or rules adopted under those 2729  
sections by the division, with power to sue for, collect, 2730  
receive, and take into the receiver's possession all the books, 2731  
records, and papers of the person and all rights, credits, 2732  
property, and choses in action acquired by the person by means 2733  
of any such act, practice, or transaction, and also all property 2734  
with which the property has been mingled, if the property cannot 2735  
be identified in kind because of the commingling, and with power 2736  
to sell, convey, and assign the property, and to hold and 2737  
dispose of the proceeds under the direction of the court of 2738  
common pleas. The court shall have jurisdiction of all questions 2739  
arising in the proceedings and may make orders and decrees 2740  
therein as justice and equity require. 2741

**Sec. 1707.28.** No prosecution or action by the division of 2742  
securities or the director of commerce for a violation of any 2743  
provision of sections 1707.01 to ~~1707.45~~1707.50 of the Revised 2744  
Code shall bar any prosecution or action by the division of 2745  
securities or the director of commerce, or be barred by any 2746  
prosecution or other action, for the violation of any other 2747  
provision of any of those sections or of any other statute; but 2748

prosecutions and actions by the division of securities or the 2749  
director of commerce for a violation of any provision of 2750  
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code must be 2751  
commenced within five years after the commission of the alleged 2752  
violation. 2753

**Sec. 1707.29.** In any prosecution brought under sections 2754  
1707.01 to ~~1707.45~~1707.50 of the Revised Code, except 2755  
prosecutions brought for violation of division (A) of section 2756  
1707.042 of the Revised Code, the accused shall be deemed to 2757  
have had knowledge of any matter of fact, where in the exercise 2758  
of reasonable diligence, ~~he~~ the accused should, prior to the 2759  
alleged commission of the offense in question, have secured such 2760  
knowledge. 2761

**Sec. 1707.30.** In any prosecution, action, or proceeding 2762  
based upon sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the 2763  
Revised Code, a certificate signed by the division of 2764  
securities, showing the filing of or the failure to file any 2765  
statement, description, or application required by such 2766  
sections, shall constitute prima-facie evidence of such filing 2767  
or of such failure to file, and shall be admissible in evidence 2768  
in any action at law or in equity to enforce sections 1707.01 to 2769  
~~1707.45~~1707.50, inclusive, of the Revised Code, or to prosecute 2770  
violations of such sections. 2771

**Sec. 1707.31.** Copies of any statements and documents filed 2772  
in the office of the division of securities and of any records 2773  
of the division, if such copies are certified to by the 2774  
division, shall be admissible in any prosecution, action, or 2775  
proceeding based upon sections 1707.01 to ~~1707.45~~1707.50, 2776  
inclusive, of the Revised Code, to the same effect as the 2777  
originals of such statements, documents, or records would be. 2778



**Sec. 1707.32.** If an issuer of securities is incorporated 2779  
or organized to make any insurance named in Title XXXIX of the 2780  
Revised Code, the superintendent of insurance shall, for all the 2781  
purposes of sections 1707.01 to ~~1707.45~~1707.50, inclusive, of 2782  
the Revised Code, be substituted for the division of securities 2783  
and the issuer and the beneficial owners of shares thereof shall 2784  
be subject to section 3901.31 of the Revised Code. The 2785  
superintendent of insurance shall have over any company 2786  
disposing or attempting to dispose of any of its securities 2787  
within this state the powers of regulation, supervision, and 2788  
examination conferred on ~~him~~ the superintendent by law, with 2789  
reference to companies licensed to transact the business of 2790  
insurance within this state. 2791

No person shall, for the purpose of organizing or 2792  
promoting any insurance company, or of assisting in the sale of 2793  
the securities of any insurance company after its organization, 2794  
dispose or offer to dispose, within this state, of any such 2795  
securities, unless the contract of subscription or disposal is 2796  
in writing and contains a provision substantially in the 2797  
following language: 2798

No sum shall be used for commission, promotion, and 2799  
organization expenses on account of any share of stock in this 2800  
company in excess of ..... per cent of the amount 2801  
actually paid upon separate subscriptions, and the remainder of 2802  
such payment shall be invested as authorized by the law 2803  
governing such company and shall be held by the organizers of 2804  
such company before organization, and by its directors and 2805  
officers after organization, as bailees for the subscriber, to 2806  
be used only in the conduct of the business of such company 2807  
after the company has been licensed and authorized for such 2808  
business by proper authority. 2809

In lieu of "in excess of ..... per cent of the 2810  
amount actually paid upon separate subscriptions," the language 2811  
of such contract may be, "..... dollars per share 2812  
from every fully paid subscription"; and in lieu of "organizers" 2813  
it may be "trustees" if such payments are to be held by 2814  
trustees. 2815

Funds and securities held by such organizers, trustees, 2816  
directors, or officers, as bailees, shall be deposited with a 2817  
bank or trust company of this state, or invested as provided in 2818  
sections 3925.05 and 3925.08 of the Revised Code, until such 2819  
company has been licensed to transact the business of insurance 2820  
in this state. 2821

The amount of such commission, promotion, and organization 2822  
expenses shall in no case exceed fifteen per cent of the amount 2823  
actually received upon the subscriptions; except that in the 2824  
case of joint-stock life insurance companies and joint-stock 2825  
insurance companies other than life, the amount of such 2826  
commission, promotion, and organization expenses shall in no 2827  
case exceed ten per cent of the amount actually received upon 2828  
the subscriptions. 2829

**Sec. 1707.34.** (A) Sections 1707.01 to ~~1707.45~~1707.50 of 2830  
the Revised Code do not apply to the sale of warehouse receipts 2831  
for intoxicating liquor to distillers, to rectifiers, or to any 2832  
person engaged in the business of dealing in warehouse receipts. 2833

(B) Warehouse receipts for intoxicating liquor may be sold 2834  
in this state in accord with and upon compliance with sections 2835  
1707.01 to ~~1707.45~~1707.50 of the Revised Code. 2836

**Sec. 1707.35.** All securities which were "certificated" by 2837  
the division of securities before July 22, 1929, are, if the 2838

"certification" remained unrevoked on such date, qualified for 2839  
all purposes under sections 1707.01 to ~~1707.45~~1707.50, 2840  
inclusive, of the Revised Code. 2841

All securities authorized to be sold by reason of the 2842  
filing of information relative thereto before July 22, 1929, 2843  
shall for all purposes be deemed registered by description under 2844  
such sections, but the division shall have the same power to 2845  
require further information with respect to the further sale of 2846  
such securities as with respect to the further sale of 2847  
securities registered by description or by qualification under 2848  
sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the Revised 2849  
Code. 2850

**Sec. 1707.38.** The issuance or sale of any security in 2851  
violation of sections 1707.01 to ~~1707.45~~1707.50, inclusive, of 2852  
the Revised Code, does not invalidate such security; but the 2853  
rights of persons defrauded by any such issuance or sale shall 2854  
not be impaired. 2855

**Sec. 1707.39.** When any securities have been sold without 2856  
compliance with sections 1707.01 to ~~1707.45~~1707.50 of the 2857  
Revised Code, or any former law in force at the time of such 2858  
sale, any interested person may apply in writing to the division 2859  
of securities for the qualification of such securities under 2860  
such sections. If it appears to the division that no person has 2861  
been defrauded, prejudiced, or damaged by such noncompliance or 2862  
sale and that no person will be defrauded, prejudiced, or 2863  
damaged by such qualification, the division may permit such 2864  
securities to be so qualified upon the payment of a fee of one 2865  
hundred dollars plus a fee of one-fifth of one per cent of the 2866  
aggregate price at which the securities have been sold in this 2867  
state, which fee shall in no case be less than one hundred 2868

dollars nor more than two thousand dollars. In addition, the 2869  
division may require the applicant to advance sufficient funds 2870  
to pay the actual expenses of an examination or investigation by 2871  
the division, whether to be conducted in this state or outside 2872  
this state. An itemized statement of such expenses shall be 2873  
furnished to the applicant. 2874

Such qualification shall estop the division from 2875  
proceeding under division (D) of section 1707.23 of the Revised 2876  
Code against anyone who has violated division (C)(1) of section 2877  
1707.44 of the Revised Code for acts within the scope of the 2878  
application, or from proceeding with administrative action 2879  
pursuant to section 1707.13 of the Revised Code. 2880

**Sec. 1707.391.** When any securities have been sold in 2881  
reliance upon division (Q), (W), (X), or (Y) of section 1707.03 2882  
of the Revised Code, section 1707.08 of the Revised Code, or any 2883  
other section of this chapter that the division of securities 2884  
may specify by rule, but such reliance was improper because the 2885  
required filings were not timely or properly made due to 2886  
excusable neglect, upon the effective date of an application 2887  
made to the division and payment of any applicable fee, if 2888  
required and not already paid, and upon payment of a penalty fee 2889  
equal to the greater of the fee or one hundred dollars, the sale 2890  
of the securities shall be deemed exempt, qualified, or 2891  
registered, as though timely and properly filed. The application 2892  
shall become effective upon the expiration of fourteen days 2893  
after the date of the filing in question if prior thereto the 2894  
division did not give notice to the applicant that the 2895  
application was denied based on a finding of lack of excusable 2896  
neglect. The division shall promptly adopt and promulgate rules 2897  
establishing provisions defining excusable neglect and otherwise 2898  
establishing reasonable standards for determining excusable 2899

neglect. 2900

The effectiveness of an application under this section 2901  
does not relieve anyone who has, other than for excusable 2902  
neglect, violated sections 1707.01 to ~~1707.45~~1707.50 of the 2903  
Revised Code, or any previous law in force at the time of sale, 2904  
from prosecution thereunder. 2905

**Sec. 1707.40.** Except as provided in section 1707.261 of 2906  
the Revised Code, sections 1707.01 to ~~1707.45~~1707.50 of the 2907  
Revised Code create no new civil liabilities, and do not limit 2908  
or restrict common law liabilities for deception or fraud other 2909  
than as specified in sections 1707.042, 1707.043, 1707.41, 2910  
1707.42, and 1707.43 of the Revised Code, and there is no civil 2911  
liability for noncompliance with orders, requirements, rules, or 2912  
regulations made by the division of securities under sections 2913  
1707.19, 1707.20, 1707.201, and 1707.23 of the Revised Code. 2914

**Sec. 1707.431.** For purposes of this section, the following 2915  
persons shall not be deemed to have effected, participated in, 2916  
or aided the seller in any way in making, a sale or contract of 2917  
sale in violation of sections 1707.01 to ~~1707.45~~1707.50 of the 2918  
Revised Code: 2919

(A) Any attorney, accountant, or engineer whose 2920  
performance is incidental to the practice of the person's 2921  
profession; 2922

(B) Any person, other than an investment adviser, 2923  
investment adviser representative, bureau of workers' 2924  
compensation chief investment officer, or state retirement 2925  
system investment officer, who brings any issuer together with 2926  
any potential investor, without receiving, directly or 2927  
indirectly, a commission, fee, or other remuneration based on 2928

the sale of any securities by the issuer to the investor. 2929  
Remuneration received by the person solely for the purpose of 2930  
offsetting the reasonable out-of-pocket costs incurred by the 2931  
person shall not be deemed a commission, fee, or other 2932  
remuneration. 2933

Any person claiming exemption under this division for a 2934  
publicly advertised meeting shall file a notice with the 2935  
division of securities indicating an intent to cause or hold 2936  
such a meeting at least twenty-one days prior to the meeting. 2937  
The division may, upon receipt of such notice, issue an order 2938  
denying the availability of an exemption under this division not 2939  
more than fourteen days after receipt of the notice based on a 2940  
finding that the applicant is not entitled to the exemption. 2941  
Notwithstanding the notice described in this section, a failure 2942  
to file the notice does not create a presumption that a person 2943  
was participating in or aiding in the making of a sale or 2944  
contract of sale in violation of this chapter. 2945

(C) Any person whom the division exempts from this 2946  
provision by rule. 2947

**Sec. 1707.44.** (A) (1) No person shall engage in any act or 2948  
practice that violates division (A), (B), or (C) of section 2949  
1707.14 of the Revised Code, and no salesperson shall sell 2950  
securities in this state without being licensed pursuant to 2951  
section 1707.16 of the Revised Code. 2952

(2) No person shall engage in any act or practice that 2953  
violates division (A) of section 1707.141 or section 1707.161 of 2954  
the Revised Code. 2955

(3) No person shall engage in any act or practice that 2956  
violates section 1707.162 of the Revised Code. 2957

(4) No person shall engage in any act or practice that violates section 1707.164 of the Revised Code.	2958 2959
<u>(5) No person shall knowingly engage in any act or practice that violates division (A) of section 1707.054 or section 1707.055 of the Revised Code.</u>	2960 2961 2962
(B) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact, in any oral statement or in any prospectus, circular, description, application, or written statement, for any of the following purposes:	2963 2964 2965 2966 2967
(1) Registering securities or transactions, or exempting securities or transactions from registration, under this chapter;	2968 2969 2970
(2) Securing the qualification of any securities under this chapter;	2971 2972
(3) Procuring the licensing of any dealer, salesperson, investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, <del>or</del> state retirement system investment officer, <u>or portal operator as defined in section 1707.05 of the Revised Code</u> under this chapter;	2973 2974 2975 2976 2977 2978
(4) Selling any securities in this state;	2979
(5) Advising for compensation, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities;	2980 2981 2982
(6) Submitting a notice filing to the division under division (X) of section 1707.03 or section 1707.092 or 1707.141 of the Revised Code.	2983 2984 2985

(C) No person shall knowingly sell, cause to be sold, 2986  
offer for sale, or cause to be offered for sale, any security 2987  
which comes under any of the following descriptions: 2988

(1) Is not exempt under section 1707.02 of the Revised 2989  
Code, nor the subject matter of one of the transactions exempted 2990  
in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has 2991  
not been registered by coordination or qualification, and is not 2992  
the subject matter of a transaction that has been registered by 2993  
description; 2994

(2) The prescribed fees for registering by description, by 2995  
coordination, or by qualification have not been paid in respect 2996  
to such security; 2997

(3) The person has been notified by the division, or has 2998  
knowledge of the notice, that the right to buy, sell, or deal in 2999  
such security has been suspended or revoked, or that the 3000  
registration by description, by coordination, or by 3001  
qualification under which it may be sold has been suspended or 3002  
revoked; 3003

(4) The offer or sale is accompanied by a statement that 3004  
the security offered or sold has been or is to be in any manner 3005  
indorsed by the division. 3006

(D) No person who is an officer, director, or trustee of, 3007  
or a dealer, or portal operator for, any issuer, and who knows 3008  
such issuer to be insolvent in that the liabilities of the 3009  
issuer exceed its assets, shall sell any securities of or for 3010  
any such issuer, without disclosing the fact of the insolvency 3011  
to the purchaser. 3012

(E) No person with intent to aid in the sale of any 3013  
securities on behalf of the issuer, shall knowingly make any 3014



representation not authorized by such issuer or at material 3015  
variance with statements and documents filed with the division 3016  
by such issuer. 3017

(F) No person, with intent to deceive, shall sell, cause 3018  
to be sold, offer for sale, or cause to be offered for sale, any 3019  
securities of an insolvent issuer, with knowledge that such 3020  
issuer is insolvent in that the liabilities of the issuer exceed 3021  
its assets, taken at their fair market value. 3022

(G) No person in purchasing or selling securities shall 3023  
knowingly engage in any act or practice that is, in this 3024  
chapter, declared illegal, defined as fraudulent, or prohibited. 3025

(H) No licensed dealer shall refuse to buy from, sell to, 3026  
or trade with any person because the person appears on a 3027  
blacklist issued by, or is being boycotted by, any foreign 3028  
corporate or governmental entity, nor sell any securities of or 3029  
for any issuer who is known in relation to the issuance or sale 3030  
of the securities to have engaged in such practices. 3031

(I) No dealer in securities, knowing that the dealer's 3032  
liabilities exceed the reasonable value of the dealer's assets, 3033  
shall accept money or securities, except in payment of or as 3034  
security for an existing debt, from a customer who is ignorant 3035  
of the dealer's insolvency, and thereby cause the customer to 3036  
lose any part of the customer's securities or the value of those 3037  
securities, by doing either of the following without the 3038  
customer's consent: 3039

(1) Pledging, selling, or otherwise disposing of such 3040  
securities, when the dealer has no lien on or any special 3041  
property in such securities; 3042

(2) Pledging such securities for more than the amount due, 3043

or otherwise disposing of such securities for the dealer's own 3044  
benefit, when the dealer has a lien or indebtedness on such 3045  
securities. 3046

It is an affirmative defense to a charge under this 3047  
division that, at the time the securities involved were pledged, 3048  
sold, or disposed of, the dealer had in the dealer's possession 3049  
or control, and available for delivery, securities of the same 3050  
kinds and in amounts sufficient to satisfy all customers 3051  
entitled to the securities, upon demand and tender of any amount 3052  
due on the securities. 3053

(J) No person, with purpose to deceive, shall make, issue, 3054  
publish, or cause to be made, issued, or published any statement 3055  
or advertisement as to the value of securities, or as to alleged 3056  
facts affecting the value of securities, or as to the financial 3057  
condition of any issuer of securities, when the person knows 3058  
that the statement or advertisement is false in any material 3059  
respect. 3060

(K) No person, with purpose to deceive, shall make, 3061  
record, or publish or cause to be made, recorded, or published, 3062  
a report of any transaction in securities which is false in any 3063  
material respect. 3064

(L) No dealer shall engage in any act that violates the 3065  
provisions of section 15(c) or 15(g) of the "Securities Exchange 3066  
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any 3067  
rule or regulation promulgated by the securities and exchange 3068  
commission thereunder. 3069

(M) (1) No investment adviser or investment adviser 3070  
representative shall do any of the following: 3071

(a) Employ any device, scheme, or artifice to defraud any 3072

person; 3073

(b) Engage in any act, practice, or course of business 3074  
that operates or would operate as a fraud or deceit upon any 3075  
person; 3076

(c) In acting as principal for the investment adviser's or 3077  
investment adviser representative's own account, knowingly sell 3078  
any security to or purchase any security from a client, or in 3079  
acting as salesperson for a person other than such client, 3080  
knowingly effect any sale or purchase of any security for the 3081  
account of such client, without disclosing to the client in 3082  
writing before the completion of the transaction the capacity in 3083  
which the investment adviser or investment adviser 3084  
representative is acting and obtaining the consent of the client 3085  
to the transaction. Division (M) (1) (c) of this section does not 3086  
apply to any investment adviser registered with the securities 3087  
and exchange commission under section 203 of the "Investment 3088  
Advisers Act of 1940," 15 U.S.C. 80b-3, or to any transaction 3089  
with a customer of a licensed dealer or salesperson if the 3090  
licensed dealer or salesperson is not acting as an investment 3091  
adviser or investment adviser representative in relation to the 3092  
transaction. 3093

(d) Engage in any act, practice, or course of business 3094  
that is fraudulent, deceptive, or manipulative. The division of 3095  
securities may adopt rules reasonably designed to prevent acts, 3096  
practices, or courses of business that are fraudulent, 3097  
deceptive, or manipulative. 3098

(2) No investment adviser or investment adviser 3099  
representative licensed or required to be licensed under this 3100  
chapter shall take or have custody of any securities or funds of 3101  
any person, except as provided in rules adopted by the division. 3102

(3) In the solicitation of clients or prospective clients, 3103  
no person shall make any untrue statement of a material fact or 3104  
omit to state a material fact necessary in order to make the 3105  
statements made not misleading in light of the circumstances 3106  
under which the statements were made. 3107

(N) No person knowingly shall influence, coerce, 3108  
manipulate, or mislead any person engaged in the preparation, 3109  
compilation, review, or audit of financial statements to be used 3110  
in the purchase or sale of securities for the purpose of 3111  
rendering the financial statements materially misleading. 3112

(O) No state retirement system investment officer shall do 3113  
any of the following: 3114

(1) Employ any device, scheme, or artifice to defraud any 3115  
state retirement system; 3116

(2) Engage in any act, practice, or course of business 3117  
that operates or would operate as a fraud or deceit on any state 3118  
retirement system; 3119

(3) Engage in any act, practice, or course of business 3120  
that is fraudulent, deceptive, or manipulative. The division of 3121  
securities may adopt rules reasonably designed to prevent such 3122  
acts, practices, or courses of business as are fraudulent, 3123  
deceptive, or manipulative; 3124

(4) Knowingly fail to comply with any policy adopted 3125  
regarding the officer established pursuant to section 145.094, 3126  
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code. 3127

(P) No bureau of workers' compensation chief investment 3128  
officer shall do any of the following: 3129

(1) Employ any device, scheme, or artifice to defraud the 3130

workers' compensation system;	3131
(2) Engage in any act, practice, or course of business	3132
that operates or would operate as a fraud or deceit on the	3133
workers' compensation system;	3134
(3) Engage in any act, practice, or course of business	3135
that is fraudulent, deceptive, or manipulative. The division of	3136
securities may adopt rules reasonably designed to prevent such	3137
acts, practices, or courses of business as are fraudulent,	3138
deceptive, or manipulative;	3139
(4) Knowingly fail to comply with any policy adopted	3140
regarding the officer established pursuant to section 4123.441	3141
of the Revised Code.	3142
<u>(Q) (1) No portal operator shall knowingly do any of the</u>	3143
<u>following:</u>	3144
<u>(a) Employ any device, scheme, or artifice to defraud;</u>	3145
<u>(b) Engage in any act, practice, or course of business</u>	3146
<u>that operates as a fraud or deceit;</u>	3147
<u>(c) Engage in any act, practice, or course of business</u>	3148
<u>that is fraudulent, deceptive, or manipulative.</u>	3149
<u>(2) The division of securities may adopt rules reasonably</u>	3150
<u>designed to prevent such acts, practices, or courses of business</u>	3151
<u>that are fraudulent, deceptive, or manipulative.</u>	3152
<u>Sec. 1707.50. (A) As used in this section, "violation"</u>	3153
<u>means a violation of any provision of this chapter in connection</u>	3154
<u>with the sale of securities under sections 1707.05 to 1707.058</u>	3155
<u>of the Revised Code where the filing is made pursuant to</u>	3156
<u>division (K) of section 1707.051 of the Revised Code and the</u>	3157
<u>securities are sold through an OhioInvests portal.</u>	3158

(B) (1) If the division of securities finds, after notice 3159  
and opportunity for a hearing in accordance with Chapter 119. of 3160  
the Revised Code, that any person has committed a violation, the 3161  
division may, in its discretion and in addition to or in lieu of 3162  
any other remedy or sanction provided in this chapter, order the 3163  
payment of an administrative penalty of up to one thousand 3164  
dollars per violation, provided that the total penalty shall not 3165  
exceed the total amount of the OhioInvests offering or offerings 3166  
involved in the violation. 3167

(2) All administrative penalties collected by the division 3168  
under division (B) (1) of this section shall be deposited into 3169  
the state treasury to the credit of the division of securities 3170  
investor education and enforcement expense fund created in 3171  
section 1707.37 of the Revised Code. 3172

(C) (1) A purchaser may commence an individual or putative 3173  
class action to seek recovery of the civil penalty provided for 3174  
under division (C) (2) of this section for an alleged violation 3175  
if all of the following requirements are met: 3176

(a) The purchaser or the purchaser's representative brings 3177  
the action within two years after commission of the alleged 3178  
violation or within two years after the purchaser discovered or 3179  
should have discovered the ground for the violation, whichever 3180  
is later. 3181

(b) Not later than ten days after the commencement of the 3182  
action, the purchaser or purchaser's representative mails to the 3183  
division, by certified mail, a file-stamped copy of the 3184  
complaint that includes the case number assigned by the court. 3185

(c) Not later than ten days from a judgment becoming final 3186  
and any subsequent appeals becoming final, the purchaser or 3187

purchaser's representative mails to the division, by certified 3188  
mail, a file-stamped copy of the final judgment and appellate 3189  
decisions. 3190

(2) The civil penalty provided for under this section 3191  
shall be as follows: 3192

(a) One hundred dollars per violation, if at the time of 3193  
the violation the total amount of money raised in the 3194  
OhioInvests offering is less than twenty-five thousand dollars, 3195  
provided that the total penalty shall not exceed the total 3196  
amount of the OhioInvests offering or offerings involved in the 3197  
violation. 3198

(b) Two hundred fifty dollars per violation, if at the 3199  
time of the violation the total amount of money raised in the 3200  
OhioInvests offering is twenty-five thousand dollars or more, 3201  
provided that the total penalty shall not exceed the total 3202  
amount of the OhioInvests offering or offerings involved in the 3203  
violation. 3204

(3) In any civil action by a purchaser or purchaser's 3205  
representative seeking recovery of a civil penalty under this 3206  
section, a court may award a lesser amount than the amount 3207  
specified in division (C) (2) of this section if, based on the 3208  
facts and circumstances of the particular case, to do otherwise 3209  
would result in an award that is unjust, arbitrary and 3210  
oppressive, or confiscatory. 3211

(4) Civil penalties recovered by a purchaser or purchasers 3212  
in accordance with this section shall be distributed as follows: 3213

(a) Twenty-five per cent to the state to be deposited into 3214  
the state treasury to the credit of the general revenue fund and 3215  
set aside for payment of debt service on outstanding bonds that 3216

are direct obligations of the state; 3217

(b) Seventy-five per cent to the purchaser, purchasers, or purchaser class. 3218  
3219

(5) Purchasers or purchaser classes that prevail in a civil action brought under this section shall be entitled to reasonable attorney's fees and costs in the action as determined by the court. 3220  
3221  
3222  
3223

(6) Nothing in division (C) of this section shall preclude a purchaser or purchaser's representative from also proceeding with a cause of action otherwise available under any other provision of this chapter or other theory of law. 3224  
3225  
3226  
3227

(D) No person shall knowingly engage in any act, practice, or course of business that would interfere with a purchaser's ability to bring an individual or putative class action pursuant to division (C) of this section. 3228  
3229  
3230  
3231

(E) Nothing in this section shall be construed to alter or limit the authority of the division under any other provision of this chapter, including but not limited to the ability of the division to investigate or prosecute any complaints or allegations under this chapter. Upon timely application, the division may intervene as of right on behalf of the state in any private action or appeal that is pending under this section. 3232  
3233  
3234  
3235  
3236  
3237  
3238

(F) The division may adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section. 3239  
3240  
3241

**Sec. 1707.99.** Whoever commits any act described in 3242  
division (A) of section 1707.042 or section 1707.44 of the 3243  
Revised Code is guilty of a violation of sections 1707.01 to 3244  
~~1707.45~~1707.50 of the Revised Code and the following apply to 3245



the offender: 3246

(A) If the value of the funds or securities involved in 3247  
the offense or the loss to the victim is less than one thousand 3248  
dollars, the offender is guilty of a felony of the fifth degree, 3249  
and the court may impose upon the offender an additional fine of 3250  
not more than two thousand five hundred dollars. 3251

(B) If the value of the funds or securities involved in 3252  
the offense or the loss to the victim is one thousand dollars or 3253  
more but less than seven thousand five hundred dollars, the 3254  
offender is guilty of a felony of the fourth degree, and the 3255  
court may impose upon the offender an additional fine of not 3256  
more than five thousand dollars. 3257

(C) If the value of the funds or securities involved in 3258  
the offense or the loss to the victim is seven thousand five 3259  
hundred dollars or more but less than thirty-seven thousand five 3260  
hundred dollars, the offender is guilty of a felony of the third 3261  
degree, and the court may impose upon the offender an additional 3262  
fine of not more than ten thousand dollars. 3263

(D) If the value of the funds or securities involved in 3264  
the offense or the loss to the victim is thirty-seven thousand 3265  
five hundred dollars or more but less than one hundred fifty 3266  
thousand dollars, the offender is guilty of a felony of the 3267  
second degree, and the court may impose upon the offender an 3268  
additional fine of not more than fifteen thousand dollars. 3269

(E) If the value of the funds or securities involved in 3270  
the offense or the loss to the victim is one hundred fifty 3271  
thousand dollars or more, the offender is guilty of a felony of 3272  
the first degree, and the court may impose upon the offender an 3273  
additional fine of not more than twenty thousand dollars. 3274

**Sec. 1724.02.** (A) In furtherance of the purposes set forth 3275  
in section 1724.01 of the Revised Code, a community improvement 3276  
corporation shall have the following powers: 3277

(1) (a) To borrow money for any of the purposes of the 3278  
community improvement corporation by means of loans, lines of 3279  
credit, or any other financial instruments or securities, 3280  
including the issuance of its bonds, debentures, notes, or other 3281  
evidences of indebtedness, whether secured or unsecured, and to 3282  
secure the same by mortgage, pledge, deed of trust, or other 3283  
lien on its property, franchises, rights, and privileges of 3284  
every kind and nature or any part thereof or interest therein; 3285  
and 3286

(b) If the community improvement corporation is a county 3287  
land reutilization corporation, the corporation may request, by 3288  
resolution: 3289

(i) That the board of county commissioners of the county 3290  
served by the corporation pledge a specifically identified 3291  
source or sources of revenue pursuant to division (C) of section 3292  
307.78 of the Revised Code as security for such borrowing by the 3293  
corporation; and 3294

(ii) (I) If the land subject to reutilization is located 3295  
within an unincorporated area of the county, that the board of 3296  
county commissioners issue notes under section 307.082 of the 3297  
Revised Code for the purpose of constructing public 3298  
infrastructure improvements and take other actions as the board 3299  
determines are in the interest of the county and are authorized 3300  
under sections 5709.78 to 5709.81 of the Revised Code or bonds 3301  
or notes under section 5709.81 of the Revised Code for the 3302  
refunding purposes set forth in that section; or 3303

(II) If the land subject to reutilization is located 3304  
within the corporate boundaries of a municipal corporation, that 3305  
the municipal corporation issue bonds for the purpose of 3306  
constructing public infrastructure improvements and take such 3307  
other actions as the municipal corporation determines are in its 3308  
interest and are authorized under sections 5709.40 to 5709.43 of 3309  
the Revised Code. 3310

(2) To make loans to any person, firm, partnership, 3311  
corporation, joint stock company, association, or trust, and to 3312  
establish and regulate the terms and conditions with respect to 3313  
any such loans; provided that an economic development 3314  
corporation shall not approve any application for a loan unless 3315  
and until the person applying for said loan shows that the 3316  
person has applied for the loan through ordinary banking or 3317  
commercial channels and that the loan has been refused by at 3318  
least one bank or other financial institution. Nothing in this 3319  
division shall preclude a county land reutilization corporation 3320  
from making revolving loans to community development 3321  
corporations, private entities, or any person for the purposes 3322  
contained in the corporation's plan under section 1724.10 of the 3323  
Revised Code. 3324

(3) To purchase, receive, hold, manage, lease, lease- 3325  
purchase, or otherwise acquire and to sell, convey, transfer, 3326  
lease, sublease, or otherwise dispose of real and personal 3327  
property, together with such rights and privileges as may be 3328  
incidental and appurtenant thereto and the use thereof, 3329  
including but not restricted to, any real or personal property 3330  
acquired by the community improvement corporation from time to 3331  
time in the satisfaction of debts or enforcement of obligations, 3332  
and to enter into contracts with third parties, including the 3333  
federal government, the state, any political subdivision, or any 3334

other entity. A county land reutilization corporation shall not 3335  
acquire an interest in real property if such acquisition causes 3336  
the number of occupied real properties held by the corporation 3337  
to exceed the greater of either fifty properties or twenty-five 3338  
per cent of all real property held by the corporation for 3339  
reutilization, reclamation, or rehabilitation. For the purposes 3340  
of this division, "occupied real properties" includes all real 3341  
properties that are not unoccupied as that term is defined in 3342  
section 323.65 of the Revised Code. 3343

(4) To acquire the good will, business, rights, real and 3344  
personal property, and other assets, or any part thereof, or 3345  
interest therein, of any persons, firms, partnerships, 3346  
corporations, joint stock companies, associations, or trusts, 3347  
and to assume, undertake, or pay the obligations, debts, and 3348  
liabilities of any such person, firm, partnership, corporation, 3349  
joint stock company, association, or trust; to acquire, reclaim, 3350  
manage, or contract for the management of improved or unimproved 3351  
and underutilized real estate for the purpose of constructing 3352  
industrial plants, other business establishments, or housing 3353  
thereon, or causing the same to occur, for the purpose of 3354  
assembling and enhancing utilization of the real estate, or for 3355  
the purpose of disposing of such real estate to others in whole 3356  
or in part for the construction of industrial plants, other 3357  
business establishments, or housing; and to acquire, reclaim, 3358  
manage, contract for the management of, construct or 3359  
reconstruct, alter, repair, maintain, operate, sell, convey, 3360  
transfer, lease, sublease, or otherwise dispose of industrial 3361  
plants, business establishments, or housing. 3362

(5) To acquire, subscribe for, own, hold, sell, assign, 3363  
transfer, mortgage, pledge, or otherwise dispose of the stock, 3364  
shares, bonds, debentures, notes, or other securities and 3365

evidences of interest in, or indebtedness of, any person, firm, 3366  
corporation, joint stock company, association, or trust, and 3367  
while the owner or holder thereof, to exercise all the rights, 3368  
powers, and privileges of ownership, including the right to vote 3369  
therein, provided that no tax revenue, if any, received by a 3370  
community improvement corporation shall be used for such 3371  
acquisition or subscription. 3372

(6) To mortgage, pledge, or otherwise encumber any 3373  
property acquired pursuant to the powers contained in division 3374  
(A) (3), (4), or (5) of this section. 3375

(7) Nothing in this section shall limit the right of a 3376  
community improvement corporation to become a member of or a 3377  
stockholder in a corporation formed under Chapter 1726. of the 3378  
Revised Code. 3379

(8) To serve as an agent for grant applications and for 3380  
the administration of grants, or to make applications as 3381  
principal for grants for county land reutilization corporations. 3382

(9) To exercise the powers enumerated under Chapter 5722. 3383  
of the Revised Code on behalf of a county that organizes or 3384  
contracts with a county land reutilization corporation. 3385

(10) To engage in code enforcement and nuisance abatement, 3386  
including, but not limited to, cutting grass and weeds, boarding 3387  
up vacant or abandoned structures, and demolishing condemned 3388  
structures on properties that are subject to a delinquent tax or 3389  
assessment lien, or property for which a municipal corporation 3390  
or township has contracted with a county land reutilization 3391  
corporation to provide code enforcement or nuisance abatement 3392  
assistance. 3393

(11) To charge fees or exchange in-kind goods or services 3394

for services rendered to political subdivisions and other 3395  
persons or entities for whom services are rendered. 3396

(12) To employ and provide compensation for an executive 3397  
director who shall manage the operations of a county land 3398  
reutilization corporation and employ others for the benefit of 3399  
the corporation as approved and funded by the board of 3400  
directors. No employee of the corporation is or shall be deemed 3401  
to be an employee of the political subdivision for whose benefit 3402  
the corporation is organized solely because the employee is 3403  
employed by the corporation. 3404

(13) To purchase tax certificates at auction, negotiated 3405  
sale, or from a third party who purchased and is a holder of one 3406  
or more tax certificates issued pursuant to sections 5721.30 to 3407  
5721.43 of the Revised Code. 3408

(14) To be assigned a mortgage on real property from a 3409  
mortgagee in lieu of acquiring such real property subject to a 3410  
mortgage. 3411

(15) To act as a portal operator for purposes of an 3412  
OhioInvests offering under sections 1707.05 to 1707.058 of the 3413  
Revised Code. 3414

(16) To do all acts and things necessary or convenient to 3415  
carry out the purposes of section 1724.01 of the Revised Code 3416  
and the powers especially created for a community improvement 3417  
corporation in Chapter 1724. of the Revised Code, including, but 3418  
not limited to, contracting with the federal government, the 3419  
state or any political subdivision, a board of county 3420  
commissioners pursuant to section 307.07 of the Revised Code, a 3421  
county auditor pursuant to section 319.10 of the Revised Code, a 3422  
county treasurer pursuant to section 321.49 of the Revised Code, 3423

and any other party, whether nonprofit or for-profit. An 3424  
employee of a board of county commissioners, county auditor, or 3425  
county treasurer who, pursuant to a contract entered into in 3426  
accordance with section 307.07, 319.10, or 321.49 of the Revised 3427  
Code, provides services to a county land reutilization 3428  
corporation shall remain an employee of the county during the 3429  
provision of those services. 3430

(B) The powers enumerated in this chapter shall not be 3431  
construed to limit the general powers of a community improvement 3432  
corporation. The powers granted under this chapter are in 3433  
addition to those powers granted by any other chapter of the 3434  
Revised Code, but, as to a county land reutilization 3435  
corporation, shall be used only for the purposes enumerated 3436  
under division (B) (2) of section 1724.01 of the Revised Code. 3437

(C) Ownership of real property by an economic development 3438  
corporation does not constitute public ownership unless the 3439  
economic development corporation has applied for and been 3440  
granted a tax exemption for the property under section 5709.08 3441  
of the Revised Code. 3442

**Sec. 2151.34.** (A) As used in this section: 3443

(1) "Court" means the juvenile division of the court of 3444  
common pleas of the county in which the person to be protected 3445  
by the protection order resides. 3446

(2) "Victim advocate" means a person who provides support 3447  
and assistance for a person who files a petition under this 3448  
section. 3449

(3) "Family or household member" has the same meaning as 3450  
in section 3113.31 of the Revised Code. 3451

(4) "Protection order issued by a court of another state" 3452

has the same meaning as in section 2919.27 of the Revised Code. 3453

(5) "Petitioner" means a person who files a petition under 3454  
this section and includes a person on whose behalf a petition 3455  
under this section is filed. 3456

(6) "Respondent" means a person who is under eighteen 3457  
years of age and against whom a petition is filed under this 3458  
section. 3459

(7) "Sexually oriented offense" has the same meaning as in 3460  
section 2950.01 of the Revised Code. 3461

(8) "Electronic monitoring" has the same meaning as in 3462  
section 2929.01 of the Revised Code. 3463

(9) "Companion animal" has the same meaning as in section 3464  
959.131 of the Revised Code. 3465

~~(10) "Expunge" has the same meaning as in section 2151.355~~ 3466  
~~of the Revised Code.~~ 3467

(B) The court has jurisdiction over all proceedings under 3468  
this section. 3469

(C) (1) Any of the following persons may seek relief under 3470  
this section by filing a petition with the court: 3471

(a) Any person on behalf of that person; 3472

(b) Any parent or adult family or household member on 3473  
behalf of any other family or household member; 3474

(c) Any person who is determined by the court in its 3475  
discretion as an appropriate person to seek relief under this 3476  
section on behalf of any child. 3477

(2) The petition shall contain or state all of the 3478  
following: 3479



(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(c) A request for relief under this section.

(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C) (1) of this section on behalf of a child to any of the following:

(a) A parent of the child if the petition was filed by any person other than a parent of the child;

(b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed,

but not later than the next day after the court is in session 3509  
after the petition is filed. The court, for good cause shown at 3510  
the ex parte hearing, may enter any temporary orders, with or 3511  
without bond, that the court finds necessary for the safety and 3512  
protection of the person to be protected by the order. Immediate 3513  
and present danger to the person to be protected by the 3514  
protection order constitutes good cause for purposes of this 3515  
section. Immediate and present danger includes, but is not 3516  
limited to, situations in which the respondent has threatened 3517  
the person to be protected by the protection order with bodily 3518  
harm or in which the respondent previously has been convicted 3519  
of, pleaded guilty to, or been adjudicated a delinquent child 3520  
for committing a violation of section 2903.11, 2903.12, 2903.13, 3521  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 3522  
sexually oriented offense, or a violation of any municipal 3523  
ordinance that is substantially equivalent to any of those 3524  
offenses against the person to be protected by the protection 3525  
order. 3526

(2) (a) If the court, after an ex parte hearing, issues a 3527  
protection order described in division (E) of this section, the 3528  
court shall schedule a full hearing for a date that is within 3529  
ten court days after the ex parte hearing. The court shall give 3530  
the respondent notice of, and an opportunity to be heard at, the 3531  
full hearing. The court also shall give notice of the full 3532  
hearing to the parent, guardian, or legal custodian of the 3533  
respondent. The court shall hold the full hearing on the date 3534  
scheduled under this division unless the court grants a 3535  
continuance of the hearing in accordance with this division. 3536  
Under any of the following circumstances or for any of the 3537  
following reasons, the court may grant a continuance of the full 3538  
hearing to a reasonable time determined by the court: 3539

(i) Prior to the date scheduled for the full hearing under 3540  
this division, the respondent has not been served with the 3541  
petition filed pursuant to this section and notice of the full 3542  
hearing. 3543

(ii) The parties consent to the continuance. 3544

(iii) The continuance is needed to allow a party to obtain 3545  
counsel. 3546

(iv) The continuance is needed for other good cause. 3547

(b) An ex parte order issued under this section does not 3548  
expire because of a failure to serve notice of the full hearing 3549  
upon the respondent before the date set for the full hearing 3550  
under division (D) (2) (a) of this section or because the court 3551  
grants a continuance under that division. 3552

(3) If a person who files a petition pursuant to this 3553  
section does not request an ex parte order, or if a person 3554  
requests an ex parte order but the court does not issue an ex 3555  
parte order after an ex parte hearing, the court shall proceed 3556  
as in a normal civil action and grant a full hearing on the 3557  
matter. 3558

(E) (1) (a) After an ex parte or full hearing, the court may 3559  
issue any protection order, with or without bond, that contains 3560  
terms designed to ensure the safety and protection of the person 3561  
to be protected by the protection order. The court may include 3562  
within a protection order issued under this section a term 3563  
requiring that the respondent not remove, damage, hide, harm, or 3564  
dispose of any companion animal owned or possessed by the person 3565  
to be protected by the order, and may include within the order a 3566  
term authorizing the person to be protected by the order to 3567  
remove a companion animal owned by the person to be protected by 3568

the order from the possession of the respondent. 3569

(b) After a full hearing, if the court considering a 3570  
petition that includes an allegation of the type described in 3571  
division (C) (2) (b) of this section or the court, upon its own 3572  
motion, finds upon clear and convincing evidence that the 3573  
petitioner reasonably believed that the respondent's conduct at 3574  
any time preceding the filing of the petition endangered the 3575  
health, welfare, or safety of the person to be protected and 3576  
that the respondent presents a continuing danger to the person 3577  
to be protected and if division (N) of this section does not 3578  
prohibit the issuance of an order that the respondent be 3579  
electronically monitored, the court may order that the 3580  
respondent be electronically monitored for a period of time and 3581  
under the terms and conditions that the court determines are 3582  
appropriate. Electronic monitoring shall be in addition to any 3583  
other relief granted to the petitioner. 3584

(2) (a) Any protection order issued pursuant to this 3585  
section shall be valid until a date certain but not later than 3586  
the date the respondent attains nineteen years of age. 3587

(b) Any protection order issued pursuant to this section 3588  
may be renewed in the same manner as the original order was 3589  
issued. 3590

(3) A court may not issue a protection order that requires 3591  
a petitioner to do or to refrain from doing an act that the 3592  
court may require a respondent to do or to refrain from doing 3593  
under division (E) (1) of this section unless all of the 3594  
following apply: 3595

(a) The respondent files a separate petition for a 3596  
protection order in accordance with this section. 3597

(b) The petitioner is served with notice of the 3598  
respondent's petition at least forty-eight hours before the 3599  
court holds a hearing with respect to the respondent's petition, 3600  
or the petitioner waives the right to receive this notice. 3601

(c) If the petitioner has requested an ex parte order 3602  
pursuant to division (D) of this section, the court does not 3603  
delay any hearing required by that division beyond the time 3604  
specified in that division in order to consolidate the hearing 3605  
with a hearing on the petition filed by the respondent. 3606

(d) After a full hearing at which the respondent presents 3607  
evidence in support of the request for a protection order and 3608  
the petitioner is afforded an opportunity to defend against that 3609  
evidence, the court determines that the petitioner has committed 3610  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3611  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 3612  
oriented offense, or a violation of any municipal ordinance that 3613  
is substantially equivalent to any of those offenses against the 3614  
person to be protected by the protection order issued pursuant 3615  
to division (E) (3) of this section, or has violated a protection 3616  
order issued pursuant to this section or section 2903.213 of the 3617  
Revised Code relative to the person to be protected by the 3618  
protection order issued pursuant to division (E) (3) of this 3619  
section. 3620

(4) No protection order issued pursuant to this section 3621  
shall in any manner affect title to any real property. 3622

(5) (a) A protection order issued under this section shall 3623  
clearly state that the person to be protected by the order 3624  
cannot waive or nullify by invitation or consent any requirement 3625  
in the order. 3626

(b) Division (E) (5) (a) of this section does not limit any 3627  
discretion of a court to determine that a respondent alleged to 3628  
have violated section 2919.27 of the Revised Code, violated a 3629  
municipal ordinance substantially equivalent to that section, or 3630  
committed contempt of court, which allegation is based on an 3631  
alleged violation of a protection order issued under this 3632  
section, did not commit the violation or was not in contempt of 3633  
court. 3634

(6) Any protection order issued pursuant to this section 3635  
shall include a provision that the court will automatically seal 3636  
all of the records of the proceeding in which the order is 3637  
issued on the date the respondent attains the age of nineteen 3638  
years unless the petitioner provides the court with evidence 3639  
that the respondent has not complied with all of the terms of 3640  
the protection order. The protection order shall specify the 3641  
date when the respondent attains the age of nineteen years. 3642

(F) (1) The court shall cause the delivery of a copy of any 3643  
protection order that is issued under this section to the 3644  
petitioner, to the respondent, and to all law enforcement 3645  
agencies that have jurisdiction to enforce the order. The court 3646  
shall direct that a copy of the order be delivered to the 3647  
respondent and the parent, guardian, or legal custodian of the 3648  
respondent on the same day that the order is entered. 3649

(2) Upon the issuance of a protection order under this 3650  
section, the court shall provide the parties to the order with 3651  
the following notice orally or by form: 3652

"NOTICE 3653

As a result of this order, it may be unlawful for you to 3654  
possess or purchase a firearm, including a rifle, pistol, or 3655

revolver, or ammunition pursuant to federal law under 18 U.S.C. 3656  
922(g)(8) for the duration of this order. If you have any 3657  
questions whether this law makes it illegal for you to possess 3658  
or purchase a firearm or ammunition, you should consult an 3659  
attorney." 3660

(3) All law enforcement agencies shall establish and 3661  
maintain an index for the protection orders delivered to the 3662  
agencies pursuant to division (F)(1) of this section. With 3663  
respect to each order delivered, each agency shall note on the 3664  
index the date and time that it received the order. 3665

(4) Regardless of whether the petitioner has registered 3666  
the protection order in the county in which the officer's agency 3667  
has jurisdiction pursuant to division (M) of this section, any 3668  
officer of a law enforcement agency shall enforce a protection 3669  
order issued pursuant to this section by any court in this state 3670  
in accordance with the provisions of the order, including 3671  
removing the respondent from the premises, if appropriate. 3672

(G)(1) Any proceeding under this section shall be 3673  
conducted in accordance with the Rules of Civil Procedure, 3674  
except that a protection order may be obtained under this 3675  
section with or without bond. An order issued under this 3676  
section, other than an ex parte order, that grants a protection 3677  
order, or that refuses to grant a protection order, is a final, 3678  
appealable order. The remedies and procedures provided in this 3679  
section are in addition to, and not in lieu of, any other 3680  
available civil or criminal remedies or any other available 3681  
remedies under Chapter 2151. or 2152. of the Revised Code. 3682

(2) If as provided in division (G)(1) of this section an 3683  
order issued under this section, other than an ex parte order, 3684  
refuses to grant a protection order, the court, on its own 3685

motion, shall order that the ex parte order issued under this 3686  
section and all of the records pertaining to that ex parte order 3687  
be ~~expunged~~ sealed after either of the following occurs: 3688

(a) ~~The period of the notice of appeal from the order that~~ 3689  
~~refuses to grant a protection order has expired~~ No party has 3690  
exercised the right to appeal pursuant to Rule 4 of the Rules of 3691  
Appellate Procedure. 3692

(b) ~~The order that refuses to grant the protection order~~ 3693  
~~is appealed and an appellate court to which the last appeal of~~ 3694  
~~that order is taken affirms the order~~ All appellate rights have 3695  
been exhausted. 3696

(H) The filing of proceedings under this section does not 3697  
excuse a person from filing any report or giving any notice 3698  
required by section 2151.421 of the Revised Code or by any other 3699  
law. 3700

(I) Any law enforcement agency that investigates an 3701  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3702  
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 3703  
commission of a sexually oriented offense, or an alleged 3704  
violation of a municipal ordinance that is substantially 3705  
equivalent to any of those offenses shall provide information to 3706  
the victim and the family or household members of the victim 3707  
regarding the relief available under this section. 3708

(J) (1) Subject to division (J) (2) of this section and 3709  
regardless of whether a protection order is issued or a consent 3710  
agreement is approved by a court of another county or by a court 3711  
of another state, no court or unit of state or local government 3712  
shall charge the petitioner any fee, cost, deposit, or money in 3713  
connection with the filing of a petition pursuant to this 3714



section, in connection with the filing, issuance, registration, 3715  
modification, enforcement, dismissal, withdrawal, or service of 3716  
a protection order, consent agreement, or witness subpoena or 3717  
for obtaining a certified copy of a protection order or consent 3718  
agreement. 3719

(2) Regardless of whether a protection order is issued or 3720  
a consent agreement is approved pursuant to this section, the 3721  
court may assess costs against the respondent in connection with 3722  
the filing, issuance, registration, modification, enforcement, 3723  
dismissal, withdrawal, or service of a protection order, consent 3724  
agreement, or witness subpoena or for obtaining a certified copy 3725  
of a protection order or consent agreement. 3726

(K) (1) A person who violates a protection order issued 3727  
under this section is subject to the following sanctions: 3728

(a) A delinquent child proceeding or a criminal 3729  
prosecution for a violation of section 2919.27 of the Revised 3730  
Code, if the violation of the protection order constitutes a 3731  
violation of that section; 3732

(b) Punishment for contempt of court. 3733

(2) The punishment of a person for contempt of court for 3734  
violation of a protection order issued under this section does 3735  
not bar criminal prosecution of the person or a delinquent child 3736  
proceeding concerning the person for a violation of section 3737  
2919.27 of the Revised Code. However, a person punished for 3738  
contempt of court is entitled to credit for the punishment 3739  
imposed upon conviction of or adjudication as a delinquent child 3740  
for a violation of that section, and a person convicted of or 3741  
adjudicated a delinquent child for a violation of that section 3742  
shall not subsequently be punished for contempt of court arising 3743

out of the same activity. 3744

(L) In all stages of a proceeding under this section, a 3745  
petitioner may be accompanied by a victim advocate. 3746

(M) (1) A petitioner who obtains a protection order under 3747  
this section may provide notice of the issuance or approval of 3748  
the order to the judicial and law enforcement officials in any 3749  
county other than the county in which the order is issued by 3750  
registering that order in the other county pursuant to division 3751  
(M) (2) of this section and filing a copy of the registered order 3752  
with a law enforcement agency in the other county in accordance 3753  
with that division. A person who obtains a protection order 3754  
issued by a court of another state may provide notice of the 3755  
issuance of the order to the judicial and law enforcement 3756  
officials in any county of this state by registering the order 3757  
in that county pursuant to section 2919.272 of the Revised Code 3758  
and filing a copy of the registered order with a law enforcement 3759  
agency in that county. 3760

(2) A petitioner may register a protection order issued 3761  
pursuant to this section in a county other than the county in 3762  
which the court that issued the order is located in the 3763  
following manner: 3764

(a) The petitioner shall obtain a certified copy of the 3765  
order from the clerk of the court that issued the order and 3766  
present that certified copy to the clerk of the court of common 3767  
pleas or the clerk of a municipal court or county court in the 3768  
county in which the order is to be registered. 3769

(b) Upon accepting the certified copy of the order for 3770  
registration, the clerk of the court of common pleas, municipal 3771  
court, or county court shall place an endorsement of 3772

registration on the order and give the petitioner a copy of the 3773  
order that bears that proof of registration. 3774

(3) The clerk of each court of common pleas, municipal 3775  
court, or county court shall maintain a registry of certified 3776  
copies of protection orders that have been issued by courts in 3777  
other counties pursuant to this section and that have been 3778  
registered with the clerk. 3779

(N) If the court orders electronic monitoring of the 3780  
respondent under this section, the court shall direct the 3781  
sheriff's office or any other appropriate law enforcement agency 3782  
to install the electronic monitoring device and to monitor the 3783  
respondent. Unless the court determines that the respondent is 3784  
indigent, the court shall order the respondent to pay the cost 3785  
of the installation and monitoring of the electronic monitoring 3786  
device. If the court determines that the respondent is indigent 3787  
and subject to the maximum amount allowable to be paid in any 3788  
year from the fund and the rules promulgated by the attorney 3789  
general under section 2903.214 of the Revised Code, the cost of 3790  
the installation and monitoring of the electronic monitoring 3791  
device may be paid out of funds from the reparations fund 3792  
created pursuant to section 2743.191 of the Revised Code. The 3793  
total amount paid from the reparations fund created pursuant to 3794  
section 2743.191 of the Revised Code for electronic monitoring 3795  
under this section and sections 2903.214 and 2919.27 of the 3796  
Revised Code shall not exceed three hundred thousand dollars per 3797  
year. When the total amount paid from the reparations fund in 3798  
any year for electronic monitoring under those sections equals 3799  
or exceeds three hundred thousand dollars, the court shall not 3800  
order pursuant to this section that an indigent respondent be 3801  
electronically monitored. 3802

(O) The court, in its discretion, may determine if the respondent is entitled to court-appointed counsel in a proceeding under this section.

**Sec. 2903.213.** (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order  
.....  
Name and address of court

State of Ohio	3832
v.                No. ....	3833
.....	3834
Name of Defendant	3835
(Name of person), moves the court to issue a protection order	3836
containing terms designed to ensure the safety and protection of	3837
the complainant or the alleged victim in the above-captioned	3838
case, in relation to the named defendant, pursuant to its	3839
authority to issue a protection order under section 2903.213 of	3840
the Revised Code.	3841
A complaint, a copy of which has been attached to this	3842
motion, has been filed in this court charging the named	3843
defendant with a violation of section 2903.11, 2903.12, 2903.13,	3844
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a	3845
violation of a municipal ordinance substantially similar to	3846
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the	3847
Revised Code, or the commission of a sexually oriented offense.	3848
I understand that I must appear before the court, at a	3849
time set by the court not later than the next day that the court	3850
is in session after the filing of this motion, for a hearing on	3851
the motion, and that any protection order granted pursuant to	3852
this motion is a pretrial condition of release and is effective	3853
only until the disposition of the criminal proceeding arising	3854
out of the attached complaint or until the issuance under	3855
section 2903.214 of the Revised Code of a protection order	3856
arising out of the same activities as those that were the basis	3857
of the attached complaint.	3858
.....	3859
Signature of person	3860

..... 3861  
Address of person" 3862

(C) (1) As soon as possible after the filing of a motion 3863  
that requests the issuance of a protection order under this 3864  
section, but not later than the next day that the court is in 3865  
session after the filing of the motion, the court shall conduct 3866  
a hearing to determine whether to issue the order. The person 3867  
who requested the order shall appear before the court and 3868  
provide the court with the information that it requests 3869  
concerning the basis of the motion. If the court finds that the 3870  
safety and protection of the complainant or the alleged victim 3871  
may be impaired by the continued presence of the alleged 3872  
offender, the court may issue a protection order under this 3873  
section, as a pretrial condition of release, that contains terms 3874  
designed to ensure the safety and protection of the complainant 3875  
or the alleged victim, including a requirement that the alleged 3876  
offender refrain from entering the residence, school, business, 3877  
or place of employment of the complainant or the alleged victim. 3878  
The court may include within a protection order issued under 3879  
this section a term requiring that the alleged offender not 3880  
remove, damage, hide, harm, or dispose of any companion animal 3881  
owned or possessed by the complainant or the alleged victim, and 3882  
may include within the order a term authorizing the complainant 3883  
or the alleged victim to remove a companion animal owned by the 3884  
complainant or the alleged victim from the possession of the 3885  
alleged offender. 3886

(2) (a) If the court issues a protection order under this 3887  
section that includes a requirement that the alleged offender 3888  
refrain from entering the residence, school, business, or place 3889  
of employment of the complainant or the alleged victim, the 3890  
order shall clearly state that the order cannot be waived or 3891

nullified by an invitation to the alleged offender from the 3892  
complainant, the alleged victim, or a family or household member 3893  
to enter the residence, school, business, or place of employment 3894  
or by the alleged offender's entry into one of those places 3895  
otherwise upon the consent of the complainant, the alleged 3896  
victim, or a family or household member. 3897

(b) Division (C) (2) (a) of this section does not limit any 3898  
discretion of a court to determine that an alleged offender 3899  
charged with a violation of section 2919.27 of the Revised Code, 3900  
with a violation of a municipal ordinance substantially 3901  
equivalent to that section, or with contempt of court, which 3902  
charge is based on an alleged violation of a protection order 3903  
issued under this section, did not commit the violation or was 3904  
not in contempt of court. 3905

(D) (1) Except when the complaint involves a person who is 3906  
a family or household member as defined in section 2919.25 of 3907  
the Revised Code, upon the filing of a complaint that alleges a 3908  
violation specified in division (A) of this section, the court, 3909  
upon its own motion, may issue a protection order under this 3910  
section as a pretrial condition of release of the alleged 3911  
offender if it finds that the safety and protection of the 3912  
complainant or the alleged victim may be impaired by the 3913  
continued presence of the alleged offender. 3914

(2) ~~(a)~~ If the court issues a protection order under this 3915  
section as an ex parte order, it shall conduct, as soon as 3916  
possible after the issuance of the order but not later than the 3917  
next day that the court is in session after its issuance, a 3918  
hearing to determine whether the order should remain in effect, 3919  
be modified, or be revoked. The hearing shall be conducted under 3920  
the standards set forth in division (C) of this section. 3921

~~(b) If at a hearing conducted under division (D) (2) (a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.~~

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E) (2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A protection order that is issued as a pretrial condition of release under this section:



(1) Is in addition to, but shall not be construed as a 3952  
part of, any bail set under Criminal Rule 46; 3953

(2) Is effective only until the disposition, by the court 3954  
that issued the order or, in the circumstances described in 3955  
division (D)(3) of this section, by the court of common pleas to 3956  
which the alleged offender is bound over for prosecution, of the 3957  
criminal proceeding arising out of the complaint upon which the 3958  
order is based or until the issuance under section 2903.214 of 3959  
the Revised Code of a protection order arising out of the same 3960  
activities as those that were the basis of the complaint filed 3961  
under this section; 3962

(3) Shall not be construed as a finding that the alleged 3963  
offender committed the alleged offense and shall not be 3964  
introduced as evidence of the commission of the offense at the 3965  
trial of the alleged offender on the complaint upon which the 3966  
order is based. 3967

(F) A person who meets the criteria for bail under 3968  
Criminal Rule 46 and who, if required to do so pursuant to that 3969  
rule, executes or posts bond or deposits cash or securities as 3970  
bail, shall not be held in custody pending a hearing before the 3971  
court on a motion requesting a protection order under this 3972  
section. 3973

(G) (1) A copy of a protection order that is issued under 3974  
this section shall be issued by the court to the complainant, to 3975  
the alleged victim, to the person who requested the order, to 3976  
the defendant, and to all law enforcement agencies that have 3977  
jurisdiction to enforce the order. The court shall direct that a 3978  
copy of the order be delivered to the defendant on the same day 3979  
that the order is entered. If a municipal court or a county 3980  
court issues a protection order under this section and if, 3981

subsequent to the issuance of the order, the defendant who is 3982  
the subject of the order is bound over to the court of common 3983  
pleas for prosecution as described in division (D) (3) of this 3984  
section, the municipal court or county court shall direct that a 3985  
copy of the order be delivered to the court of common pleas to 3986  
which the defendant is bound over. 3987

(2) All law enforcement agencies shall establish and 3988  
maintain an index for the protection orders delivered to the 3989  
agencies pursuant to division (G) (1) of this section. With 3990  
respect to each order delivered, each agency shall note on the 3991  
index the date and time of the agency's receipt of the order. 3992

(3) Regardless of whether the petitioner has registered 3993  
the protection order in the county in which the officer's agency 3994  
has jurisdiction, any officer of a law enforcement agency shall 3995  
enforce a protection order issued pursuant to this section in 3996  
accordance with the provisions of the order. 3997

(H) Upon a violation of a protection order issued pursuant 3998  
to this section, the court may issue another protection order 3999  
under this section, as a pretrial condition of release, that 4000  
modifies the terms of the order that was violated. 4001

(I) (1) Subject to division (I) (2) of this section and 4002  
regardless of whether a protection order is issued or a consent 4003  
agreement is approved by a court of another county or by a court 4004  
of another state, no court or unit of state or local government 4005  
shall charge the movant any fee, cost, deposit, or money in 4006  
connection with the filing of a motion pursuant to this section, 4007  
in connection with the filing, issuance, registration, 4008  
modification, enforcement, dismissal, withdrawal, or service of 4009  
a protection order, consent agreement, or witness subpoena or 4010  
for obtaining certified copies of a protection order or consent 4011

agreement. 4012

(2) Regardless of whether a protection order is issued or 4013  
a consent agreement is approved pursuant to this section, if the 4014  
defendant is convicted the court may assess costs against the 4015  
defendant in connection with the filing, issuance, registration, 4016  
modification, enforcement, dismissal, withdrawal, or service of 4017  
a protection order, consent agreement, or witness subpoena or 4018  
for obtaining a certified copy of a protection order or consent 4019  
agreement. 4020

(J) As used in this section: 4021

(1) "Sexually oriented offense" has the same meaning as in 4022  
section 2950.01 of the Revised Code. 4023

(2) "Companion animal" has the same meaning as in section 4024  
959.131 of the Revised Code. 4025

~~(3) "Expunge" means to destroy, delete, and erase a 4026  
record, as appropriate for the record's physical or electronic 4027  
form or characteristic, so that the record is permanently 4028  
irretrievable. 4029~~

**Sec. 2903.214.** (A) As used in this section: 4030

(1) "Court" means the court of common pleas of the county 4031  
in which the person to be protected by the protection order 4032  
resides. 4033

(2) "Victim advocate" means a person who provides support 4034  
and assistance for a person who files a petition under this 4035  
section. 4036

(3) "Family or household member" has the same meaning as 4037  
in section 3113.31 of the Revised Code. 4038

(4) "Protection order issued by a court of another state"	4039
has the same meaning as in section 2919.27 of the Revised Code.	4040
(5) "Sexually oriented offense" has the same meaning as in	4041
section 2950.01 of the Revised Code.	4042
(6) "Electronic monitoring" has the same meaning as in	4043
section 2929.01 of the Revised Code.	4044
(7) "Companion animal" has the same meaning as in section	4045
959.131 of the Revised Code.	4046
<del>(8) "Expunge" has the same meaning as in section 2903.213</del>	4047
<del>of the Revised Code.</del>	4048
(B) The court has jurisdiction over all proceedings under	4049
this section.	4050
(C) A person may seek relief under this section for the	4051
person, or any parent or adult household member may seek relief	4052
under this section on behalf of any other family or household	4053
member, by filing a petition with the court. The petition shall	4054
contain or state all of the following:	4055
(1) An allegation that the respondent is eighteen years of	4056
age or older and engaged in a violation of section 2903.211 of	4057
the Revised Code against the person to be protected by the	4058
protection order or committed a sexually oriented offense	4059
against the person to be protected by the protection order,	4060
including a description of the nature and extent of the	4061
violation;	4062
(2) If the petitioner seeks relief in the form of	4063
electronic monitoring of the respondent, an allegation that at	4064
any time preceding the filing of the petition the respondent	4065
engaged in conduct that would cause a reasonable person to	4066

believe that the health, welfare, or safety of the person to be 4067  
protected was at risk, a description of the nature and extent of 4068  
that conduct, and an allegation that the respondent presents a 4069  
continuing danger to the person to be protected; 4070

(3) A request for relief under this section. 4071

(D) (1) If a person who files a petition pursuant to this 4072  
section requests an ex parte order, the court shall hold an ex 4073  
parte hearing as soon as possible after the petition is filed, 4074  
but not later than the next day that the court is in session 4075  
after the petition is filed. The court, for good cause shown at 4076  
the ex parte hearing, may enter any temporary orders, with or 4077  
without bond, that the court finds necessary for the safety and 4078  
protection of the person to be protected by the order. Immediate 4079  
and present danger to the person to be protected by the 4080  
protection order constitutes good cause for purposes of this 4081  
section. Immediate and present danger includes, but is not 4082  
limited to, situations in which the respondent has threatened 4083  
the person to be protected by the protection order with bodily 4084  
harm or in which the respondent previously has been convicted of 4085  
or pleaded guilty to a violation of section 2903.211 of the 4086  
Revised Code or a sexually oriented offense against the person 4087  
to be protected by the protection order. 4088

(2) (a) If the court, after an ex parte hearing, issues a 4089  
protection order described in division (E) of this section, the 4090  
court shall schedule a full hearing for a date that is within 4091  
ten court days after the ex parte hearing. The court shall give 4092  
the respondent notice of, and an opportunity to be heard at, the 4093  
full hearing. The court shall hold the full hearing on the date 4094  
scheduled under this division unless the court grants a 4095  
continuance of the hearing in accordance with this division. 4096

Under any of the following circumstances or for any of the 4097  
following reasons, the court may grant a continuance of the full 4098  
hearing to a reasonable time determined by the court: 4099

(i) Prior to the date scheduled for the full hearing under 4100  
this division, the respondent has not been served with the 4101  
petition filed pursuant to this section and notice of the full 4102  
hearing. 4103

(ii) The parties consent to the continuance. 4104

(iii) The continuance is needed to allow a party to obtain 4105  
counsel. 4106

(iv) The continuance is needed for other good cause. 4107

(b) An ex parte order issued under this section does not 4108  
expire because of a failure to serve notice of the full hearing 4109  
upon the respondent before the date set for the full hearing 4110  
under division (D) (2) (a) of this section or because the court 4111  
grants a continuance under that division. 4112

(3) If a person who files a petition pursuant to this 4113  
section does not request an ex parte order, or if a person 4114  
requests an ex parte order but the court does not issue an ex 4115  
parte order after an ex parte hearing, the court shall proceed 4116  
as in a normal civil action and grant a full hearing on the 4117  
matter. 4118

(E) (1) (a) After an ex parte or full hearing, the court may 4119  
issue any protection order, with or without bond, that contains 4120  
terms designed to ensure the safety and protection of the person 4121  
to be protected by the protection order, including, but not 4122  
limited to, a requirement that the respondent refrain from 4123  
entering the residence, school, business, or place of employment 4124  
of the petitioner or family or household member. If the court 4125

includes a requirement that the respondent refrain from entering 4126  
the residence, school, business, or place of employment of the 4127  
petitioner or family or household member in the order, it also 4128  
shall include in the order provisions of the type described in 4129  
division (E) (5) of this section. The court may include within a 4130  
protection order issued under this section a term requiring that 4131  
the respondent not remove, damage, hide, harm, or dispose of any 4132  
companion animal owned or possessed by the person to be 4133  
protected by the order, and may include within the order a term 4134  
authorizing the person to be protected by the order to remove a 4135  
companion animal owned by the person to be protected by the 4136  
order from the possession of the respondent. 4137

(b) After a full hearing, if the court considering a 4138  
petition that includes an allegation of the type described in 4139  
division (C) (2) of this section, or the court upon its own 4140  
motion, finds upon clear and convincing evidence that the 4141  
petitioner reasonably believed that the respondent's conduct at 4142  
any time preceding the filing of the petition endangered the 4143  
health, welfare, or safety of the person to be protected and 4144  
that the respondent presents a continuing danger to the person 4145  
to be protected, the court may order that the respondent be 4146  
electronically monitored for a period of time and under the 4147  
terms and conditions that the court determines are appropriate. 4148  
Electronic monitoring shall be in addition to any other relief 4149  
granted to the petitioner. 4150

(2) (a) Any protection order issued pursuant to this 4151  
section shall be valid until a date certain but not later than 4152  
five years from the date of its issuance. 4153

(b) Any protection order issued pursuant to this section 4154  
may be renewed in the same manner as the original order was 4155

issued. 4156

(3) A court may not issue a protection order that requires 4157  
a petitioner to do or to refrain from doing an act that the 4158  
court may require a respondent to do or to refrain from doing 4159  
under division (E)(1) of this section unless all of the 4160  
following apply: 4161

(a) The respondent files a separate petition for a 4162  
protection order in accordance with this section. 4163

(b) The petitioner is served with notice of the 4164  
respondent's petition at least forty-eight hours before the 4165  
court holds a hearing with respect to the respondent's petition, 4166  
or the petitioner waives the right to receive this notice. 4167

(c) If the petitioner has requested an ex parte order 4168  
pursuant to division (D) of this section, the court does not 4169  
delay any hearing required by that division beyond the time 4170  
specified in that division in order to consolidate the hearing 4171  
with a hearing on the petition filed by the respondent. 4172

(d) After a full hearing at which the respondent presents 4173  
evidence in support of the request for a protection order and 4174  
the petitioner is afforded an opportunity to defend against that 4175  
evidence, the court determines that the petitioner has committed 4176  
a violation of section 2903.211 of the Revised Code against the 4177  
person to be protected by the protection order issued pursuant 4178  
to division (E)(3) of this section, has committed a sexually 4179  
oriented offense against the person to be protected by the 4180  
protection order issued pursuant to division (E)(3) of this 4181  
section, or has violated a protection order issued pursuant to 4182  
section 2903.213 of the Revised Code relative to the person to 4183  
be protected by the protection order issued pursuant to division 4184



(E) (3) of this section. 4185

(4) No protection order issued pursuant to this section 4186  
shall in any manner affect title to any real property. 4187

(5) (a) If the court issues a protection order under this 4188  
section that includes a requirement that the alleged offender 4189  
refrain from entering the residence, school, business, or place 4190  
of employment of the petitioner or a family or household member, 4191  
the order shall clearly state that the order cannot be waived or 4192  
nullified by an invitation to the alleged offender from the 4193  
complainant to enter the residence, school, business, or place 4194  
of employment or by the alleged offender's entry into one of 4195  
those places otherwise upon the consent of the petitioner or 4196  
family or household member. 4197

(b) Division (E) (5) (a) of this section does not limit any 4198  
discretion of a court to determine that an alleged offender 4199  
charged with a violation of section 2919.27 of the Revised Code, 4200  
with a violation of a municipal ordinance substantially 4201  
equivalent to that section, or with contempt of court, which 4202  
charge is based on an alleged violation of a protection order 4203  
issued under this section, did not commit the violation or was 4204  
not in contempt of court. 4205

(F) (1) The court shall cause the delivery of a copy of any 4206  
protection order that is issued under this section to the 4207  
petitioner, to the respondent, and to all law enforcement 4208  
agencies that have jurisdiction to enforce the order. The court 4209  
shall direct that a copy of the order be delivered to the 4210  
respondent on the same day that the order is entered. 4211

(2) Upon the issuance of a protection order under this 4212  
section, the court shall provide the parties to the order with 4213

the following notice orally or by form: 4214

"NOTICE 4215

As a result of this order, it may be unlawful for you to 4216  
possess or purchase a firearm, including a rifle, pistol, or 4217  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 4218  
922(g) (8) for the duration of this order. If you have any 4219  
questions whether this law makes it illegal for you to possess 4220  
or purchase a firearm or ammunition, you should consult an 4221  
attorney." 4222

(3) All law enforcement agencies shall establish and 4223  
maintain an index for the protection orders delivered to the 4224  
agencies pursuant to division (F) (1) of this section. With 4225  
respect to each order delivered, each agency shall note on the 4226  
index the date and time that it received the order. 4227

(4) Regardless of whether the petitioner has registered 4228  
the protection order in the county in which the officer's agency 4229  
has jurisdiction pursuant to division (M) of this section, any 4230  
officer of a law enforcement agency shall enforce a protection 4231  
order issued pursuant to this section by any court in this state 4232  
in accordance with the provisions of the order, including 4233  
removing the respondent from the premises, if appropriate. 4234

(G) (1) Any proceeding under this section shall be 4235  
conducted in accordance with the Rules of Civil Procedure, 4236  
except that a protection order may be obtained under this 4237  
section with or without bond. An order issued under this 4238  
section, other than an ex parte order, that grants a protection 4239  
order, or that refuses to grant a protection order, is a final, 4240  
appealable order. The remedies and procedures provided in this 4241  
section are in addition to, and not in lieu of, any other 4242

available civil or criminal remedies. 4243

(2) If as provided in division (G)(1) of this section an 4244  
order issued under this section, other than an ex parte order, 4245  
refuses to grant a protection order, the court, on its own 4246  
motion, shall order that the ex parte order issued under this 4247  
section and all of the records pertaining to that ex parte order 4248  
be ~~expunged~~ sealed after either of the following occurs: 4249

(a) ~~The period of the notice of appeal from the order that~~ 4250  
~~refuses to grant a protection order has expired. No party has~~ 4251  
~~exercised the right to appeal pursuant to Rule 4 of the Rules of~~ 4252  
~~Appellate Procedure.~~ 4253

(b) ~~The order that refuses to grant the protection order~~ 4254  
~~is appealed and an appellate court to which the last appeal of~~ 4255  
~~that order is taken affirms the order. All appellate rights have~~ 4256  
~~been exhausted.~~ 4257

(H) The filing of proceedings under this section does not 4258  
excuse a person from filing any report or giving any notice 4259  
required by section 2151.421 of the Revised Code or by any other 4260  
law. 4261

(I) Any law enforcement agency that investigates an 4262  
alleged violation of section 2903.211 of the Revised Code or an 4263  
alleged commission of a sexually oriented offense shall provide 4264  
information to the victim and the family or household members of 4265  
the victim regarding the relief available under this section and 4266  
section 2903.213 of the Revised Code. 4267

(J) (1) Subject to division (J)(2) of this section and 4268  
regardless of whether a protection order is issued or a consent 4269  
agreement is approved by a court of another county or by a court 4270  
of another state, no court or unit of state or local government 4271

shall charge the petitioner any fee, cost, deposit, or money in 4272  
connection with the filing of a petition pursuant to this 4273  
section, in connection with the filing, issuance, registration, 4274  
modification, enforcement, dismissal, withdrawal, or service of 4275  
a protection order, consent agreement, or witness subpoena or 4276  
for obtaining a certified copy of a protection order or consent 4277  
agreement. 4278

(2) Regardless of whether a protection order is issued or 4279  
a consent agreement is approved pursuant to this section, the 4280  
court may assess costs against the respondent in connection with 4281  
the filing, issuance, registration, modification, enforcement, 4282  
dismissal, withdrawal, or service of a protection order, consent 4283  
agreement, or witness subpoena or for obtaining a certified copy 4284  
of a protection order or consent agreement. 4285

(K) (1) A person who violates a protection order issued 4286  
under this section is subject to the following sanctions: 4287

(a) Criminal prosecution for a violation of section 4288  
2919.27 of the Revised Code, if the violation of the protection 4289  
order constitutes a violation of that section; 4290

(b) Punishment for contempt of court. 4291

(2) The punishment of a person for contempt of court for 4292  
violation of a protection order issued under this section does 4293  
not bar criminal prosecution of the person for a violation of 4294  
section 2919.27 of the Revised Code. However, a person punished 4295  
for contempt of court is entitled to credit for the punishment 4296  
imposed upon conviction of a violation of that section, and a 4297  
person convicted of a violation of that section shall not 4298  
subsequently be punished for contempt of court arising out of 4299  
the same activity. 4300

(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(M) (1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the

order that bears that proof of registration. 4331

(3) The clerk of each court of common pleas, municipal 4332  
court, or county court shall maintain a registry of certified 4333  
copies of protection orders that have been issued by courts in 4334  
other counties pursuant to this section or section 2903.213 of 4335  
the Revised Code and that have been registered with the clerk. 4336

(N) (1) If the court orders electronic monitoring of the 4337  
respondent under this section, the court shall direct the 4338  
sheriff's office or any other appropriate law enforcement agency 4339  
to install the electronic monitoring device and to monitor the 4340  
respondent. Unless the court determines that the respondent is 4341  
indigent, the court shall order the respondent to pay the cost 4342  
of the installation and monitoring of the electronic monitoring 4343  
device. If the court determines that the respondent is indigent 4344  
and subject to the maximum amount allowable to be paid in any 4345  
year from the fund and the rules promulgated by the attorney 4346  
general under division (N) (2) of this section, the cost of the 4347  
installation and monitoring of the electronic monitoring device 4348  
may be paid out of funds from the reparations fund created 4349  
pursuant to section 2743.191 of the Revised Code. The total 4350  
amount of costs for the installation and monitoring of 4351  
electronic monitoring devices paid pursuant to this division and 4352  
sections 2151.34 and 2919.27 of the Revised Code from the 4353  
reparations fund shall not exceed three hundred thousand dollars 4354  
per year. 4355

(2) The attorney general may promulgate rules pursuant to 4356  
section 111.15 of the Revised Code to govern payments made from 4357  
the reparations fund pursuant to this division and sections 4358  
2151.34 and 2919.27 of the Revised Code. The rules may include 4359  
reasonable limits on the total cost paid pursuant to this 4360

division and sections 2151.34 and 2919.27 of the Revised Code 4361  
per respondent, the amount of the three hundred thousand dollars 4362  
allocated to each county, and how invoices may be submitted by a 4363  
county, court, or other entity. 4364

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 4365  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 4366  
2911.211 of the Revised Code if the alleged victim of the 4367  
violation was a family or household member at the time of the 4368  
violation, a violation of a municipal ordinance that is 4369  
substantially similar to any of those sections if the alleged 4370  
victim of the violation was a family or household member at the 4371  
time of the violation, any offense of violence if the alleged 4372  
victim of the offense was a family or household member at the 4373  
time of the commission of the offense, or any sexually oriented 4374  
offense if the alleged victim of the offense was a family or 4375  
household member at the time of the commission of the offense, 4376  
the complainant, the alleged victim, or a family or household 4377  
member of an alleged victim may file, or, if in an emergency the 4378  
alleged victim is unable to file, a person who made an arrest 4379  
for the alleged violation or offense under section 2935.03 of 4380  
the Revised Code may file on behalf of the alleged victim, a 4381  
motion that requests the issuance of a temporary protection 4382  
order as a pretrial condition of release of the alleged 4383  
offender, in addition to any bail set under Criminal Rule 46. 4384  
The motion shall be filed with the clerk of the court that has 4385  
jurisdiction of the case at any time after the filing of the 4386  
complaint. 4387

(2) For purposes of section 2930.09 of the Revised Code, 4388  
all stages of a proceeding arising out of a complaint alleging 4389  
the commission of a violation, offense of violence, or sexually 4390  
oriented offense described in division (A) (1) of this section, 4391

including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v. No. ....

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or



sexually oriented offense charged), or charging the named 4419  
defendant with a violation of a municipal ordinance that is 4420  
substantially similar to ..... (section of 4421  
the Revised Code designating the specified violation, offense of 4422  
violence, or sexually oriented offense charged) involving a 4423  
family or household member. 4424

I understand that I must appear before the court, at a 4425  
time set by the court within twenty-four hours after the filing 4426  
of this motion, for a hearing on the motion or that, if I am 4427  
unable to appear because of hospitalization or a medical 4428  
condition resulting from the offense alleged in the complaint, a 4429  
person who can provide information about my need for a temporary 4430  
protection order must appear before the court in lieu of my 4431  
appearing in court. I understand that any temporary protection 4432  
order granted pursuant to this motion is a pretrial condition of 4433  
release and is effective only until the disposition of the 4434  
criminal proceeding arising out of the attached complaint, or 4435  
the issuance of a civil protection order or the approval of a 4436  
consent agreement, arising out of the same activities as those 4437  
that were the basis of the complaint, under section 3113.31 of 4438  
the Revised Code. 4439

..... 4440

Signature of person 4441

(or signature of the arresting officer who filed the motion on 4442  
behalf of the alleged victim) 4443

..... 4444

Address of person (or office address of the arresting officer 4445  
who filed the motion on behalf of the alleged victim)" 4446

(C) (1) As soon as possible after the filing of a motion 4447

that requests the issuance of a temporary protection order, but 4448  
not later than twenty-four hours after the filing of the motion, 4449  
the court shall conduct a hearing to determine whether to issue 4450  
the order. The person who requested the order shall appear 4451  
before the court and provide the court with the information that 4452  
it requests concerning the basis of the motion. If the person 4453  
who requested the order is unable to appear and if the court 4454  
finds that the failure to appear is because of the person's 4455  
hospitalization or medical condition resulting from the offense 4456  
alleged in the complaint, another person who is able to provide 4457  
the court with the information it requests may appear in lieu of 4458  
the person who requested the order. If the court finds that the 4459  
safety and protection of the complainant, alleged victim, or any 4460  
other family or household member of the alleged victim may be 4461  
impaired by the continued presence of the alleged offender, the 4462  
court may issue a temporary protection order, as a pretrial 4463  
condition of release, that contains terms designed to ensure the 4464  
safety and protection of the complainant, alleged victim, or the 4465  
family or household member, including a requirement that the 4466  
alleged offender refrain from entering the residence, school, 4467  
business, or place of employment of the complainant, alleged 4468  
victim, or the family or household member. The court may include 4469  
within a protection order issued under this section a term 4470  
requiring that the alleged offender not remove, damage, hide, 4471  
harm, or dispose of any companion animal owned or possessed by 4472  
the complainant, alleged victim, or any other family or 4473  
household member of the alleged victim, and may include within 4474  
the order a term authorizing the complainant, alleged victim, or 4475  
other family or household member of the alleged victim to remove 4476  
a companion animal owned by the complainant, alleged victim, or 4477  
other family or household member from the possession of the 4478  
alleged offender. 4479

(2) (a) If the court issues a temporary protection order 4480  
that includes a requirement that the alleged offender refrain 4481  
from entering the residence, school, business, or place of 4482  
employment of the complainant, the alleged victim, or the family 4483  
or household member, the order shall state clearly that the 4484  
order cannot be waived or nullified by an invitation to the 4485  
alleged offender from the complainant, alleged victim, or family 4486  
or household member to enter the residence, school, business, or 4487  
place of employment or by the alleged offender's entry into one 4488  
of those places otherwise upon the consent of the complainant, 4489  
alleged victim, or family or household member. 4490

(b) Division (C) (2) (a) of this section does not limit any 4491  
discretion of a court to determine that an alleged offender 4492  
charged with a violation of section 2919.27 of the Revised Code, 4493  
with a violation of a municipal ordinance substantially 4494  
equivalent to that section, or with contempt of court, which 4495  
charge is based on an alleged violation of a temporary 4496  
protection order issued under this section, did not commit the 4497  
violation or was not in contempt of court. 4498

(D) (1) Upon the filing of a complaint that alleges a 4499  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 4500  
the Revised Code if the alleged victim of the violation was a 4501  
family or household member at the time of the violation, a 4502  
violation of a municipal ordinance that is substantially similar 4503  
to any of those sections if the alleged victim of the violation 4504  
was a family or household member at the time of the violation, 4505  
any offense of violence if the alleged victim of the offense was 4506  
a family or household member at the time of the commission of 4507  
the offense, or any sexually oriented offense if the alleged 4508  
victim of the offense was a family or household member at the 4509  
time of the commission of the offense, the court, upon its own 4510

motion, may issue a temporary protection order as a pretrial 4511  
condition of release if it finds that the safety and protection 4512  
of the complainant, alleged victim, or other family or household 4513  
member of the alleged offender may be impaired by the continued 4514  
presence of the alleged offender. 4515

(2) ~~(a)~~ If the court issues a temporary protection order 4516  
under this section as an ex parte order, it shall conduct, as 4517  
soon as possible after the issuance of the order, a hearing in 4518  
the presence of the alleged offender not later than the next day 4519  
on which the court is scheduled to conduct business after the 4520  
day on which the alleged offender was arrested or at the time of 4521  
the appearance of the alleged offender pursuant to summons to 4522  
determine whether the order should remain in effect, be 4523  
modified, or be revoked. The hearing shall be conducted under 4524  
the standards set forth in division (C) of this section. 4525

~~(b) If at a hearing conducted under division (D) (2) (a) of 4526  
this section the court determines that the ex parte order that 4527  
the court issued should be revoked, the court, on its own 4528  
motion, shall order that the ex parte order that is revoked and 4529  
all of the records pertaining to that ex parte order be 4530  
expunged. 4531~~

(3) An order issued under this section shall contain only 4532  
those terms authorized in orders issued under division (C) of 4533  
this section. 4534

(4) If a municipal court or a county court issues a 4535  
temporary protection order under this section and if, subsequent 4536  
to the issuance of the order, the alleged offender who is the 4537  
subject of the order is bound over to the court of common pleas 4538  
for prosecution of a felony arising out of the same activities 4539  
as those that were the basis of the complaint upon which the 4540

order is based, notwithstanding the fact that the order was 4541  
issued by a municipal court or county court, the order shall 4542  
remain in effect, as though it were an order of the court of 4543  
common pleas, while the charges against the alleged offender are 4544  
pending in the court of common pleas, for the period of time 4545  
described in division (E)(2) of this section, and the court of 4546  
common pleas has exclusive jurisdiction to modify the order 4547  
issued by the municipal court or county court. This division 4548  
applies when the alleged offender is bound over to the court of 4549  
common pleas as a result of the person waiving a preliminary 4550  
hearing on the felony charge, as a result of the municipal court 4551  
or county court having determined at a preliminary hearing that 4552  
there is probable cause to believe that the felony has been 4553  
committed and that the alleged offender committed it, as a 4554  
result of the alleged offender having been indicted for the 4555  
felony, or in any other manner. 4556

(E) A temporary protection order that is issued as a 4557  
pretrial condition of release under this section: 4558

(1) Is in addition to, but shall not be construed as a 4559  
part of, any bail set under Criminal Rule 46; 4560

(2) Is effective only until the occurrence of either of 4561  
the following: 4562

(a) The disposition, by the court that issued the order 4563  
or, in the circumstances described in division (D)(4) of this 4564  
section, by the court of common pleas to which the alleged 4565  
offender is bound over for prosecution, of the criminal 4566  
proceeding arising out of the complaint upon which the order is 4567  
based; 4568

(b) The issuance of a protection order or the approval of 4569

a consent agreement, arising out of the same activities as those 4570  
that were the basis of the complaint upon which the order is 4571  
based, under section 3113.31 of the Revised Code. 4572

(3) Shall not be construed as a finding that the alleged 4573  
offender committed the alleged offense, and shall not be 4574  
introduced as evidence of the commission of the offense at the 4575  
trial of the alleged offender on the complaint upon which the 4576  
order is based. 4577

(F) A person who meets the criteria for bail under 4578  
Criminal Rule 46 and who, if required to do so pursuant to that 4579  
rule, executes or posts bond or deposits cash or securities as 4580  
bail, shall not be held in custody pending a hearing before the 4581  
court on a motion requesting a temporary protection order. 4582

(G) (1) A copy of any temporary protection order that is 4583  
issued under this section shall be issued by the court to the 4584  
complainant, to the alleged victim, to the person who requested 4585  
the order, to the defendant, and to all law enforcement agencies 4586  
that have jurisdiction to enforce the order. The court shall 4587  
direct that a copy of the order be delivered to the defendant on 4588  
the same day that the order is entered. If a municipal court or 4589  
a county court issues a temporary protection order under this 4590  
section and if, subsequent to the issuance of the order, the 4591  
defendant who is the subject of the order is bound over to the 4592  
court of common pleas for prosecution as described in division 4593  
(D) (4) of this section, the municipal court or county court 4594  
shall direct that a copy of the order be delivered to the court 4595  
of common pleas to which the defendant is bound over. 4596

(2) Upon the issuance of a protection order under this 4597  
section, the court shall provide the parties to the order with 4598  
the following notice orally or by form: 4599

"NOTICE

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As a result of this protection order, it may be unlawful  
for you to possess or purchase a firearm, including a rifle,  
pistol, or revolver, or ammunition pursuant to federal law under  
18 U.S.C. 922(g)(8) for the duration of this order. If you have  
any questions whether this law makes it illegal for you to  
possess or purchase a firearm or ammunition, you should consult  
an attorney."

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(3) All law enforcement agencies shall establish and  
maintain an index for the temporary protection orders delivered  
to the agencies pursuant to division (G)(1) of this section.  
With respect to each order delivered, each agency shall note on  
the index, the date and time of the receipt of the order by the  
agency.

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(4) A complainant, alleged victim, or other person who  
obtains a temporary protection order under this section may  
provide notice of the issuance of the temporary protection order  
to the judicial and law enforcement officials in any county  
other than the county in which the order is issued by  
registering that order in the other county in accordance with  
division (N) of section 3113.31 of the Revised Code and filing a  
copy of the registered protection order with a law enforcement  
agency in the other county in accordance with that division.

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(5) Any officer of a law enforcement agency shall enforce  
a temporary protection order issued by any court in this state  
in accordance with the provisions of the order, including  
removing the defendant from the premises, regardless of whether  
the order is registered in the county in which the officer's  
agency has jurisdiction as authorized by division (G)(4) of this  
section.

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(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I) (1) As used in divisions (I) (1) and (2) of this section, "defendant" means a person who is alleged in a complaint to have committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.

(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

(a) The defendant has filed a separate complaint that alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section.

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the



order to do or refrain from doing the act nor the defendant 4660  
acted primarily in self-defense, and, in accordance with the 4661  
standards and criteria of this section as applied in relation to 4662  
the separate complaint filed by the defendant, that it should 4663  
issue the order to require the complainant, alleged victim, or 4664  
other family or household member in question to do or refrain 4665  
from doing the act. 4666

(J) (1) Subject to division (J) (2) of this section and 4667  
regardless of whether a protection order is issued or a consent 4668  
agreement is approved by a court of another county or a court of 4669  
another state, no court or unit of state or local government 4670  
shall charge the movant any fee, cost, deposit, or money in 4671  
connection with the filing of a motion pursuant to this section, 4672  
in connection with the filing, issuance, registration, 4673  
modification, enforcement, dismissal, withdrawal, or service of 4674  
a protection order, consent agreement, or witness subpoena or 4675  
for obtaining a certified copy of a protection order or consent 4676  
agreement. 4677

(2) Regardless of whether a protection order is issued or 4678  
a consent agreement is approved pursuant to this section, if the 4679  
defendant is convicted the court may assess costs against the 4680  
defendant in connection with the filing, issuance, registration, 4681  
modification, enforcement, dismissal, withdrawal, or service of 4682  
a protection order, consent agreement, or witness subpoena or 4683  
for obtaining a certified copy of a protection order or consent 4684  
agreement. 4685

(K) As used in this section: 4686

(1) "Companion animal" has the same meaning as in section 4687  
959.131 of the Revised Code. 4688

(2) "Sexually oriented offense" has the same meaning as in 4689  
section 2950.01 of the Revised Code. 4690

(3) "Victim advocate" means a person who provides support 4691  
and assistance for a victim of an offense during court 4692  
proceedings. 4693

~~(4) "Expunge" has the same meaning as in section 2903.213~~ 4694  
~~of the Revised Code.~~ 4695

**Sec. 2921.41.** (A) No public official or party official 4696  
shall commit any theft offense, as defined in division (K) of 4697  
section 2913.01 of the Revised Code, when either of the 4698  
following applies: 4699

(1) The offender uses the offender's office in aid of 4700  
committing the offense or permits or assents to its use in aid 4701  
of committing the offense; 4702

(2) The property or service involved is owned by this 4703  
state, any other state, the United States, a county, a municipal 4704  
corporation, a township, or any political subdivision, 4705  
department, or agency of any of them, is owned by a political 4706  
party, or is part of a political campaign fund. 4707

(B) Whoever violates this section is guilty of theft in 4708  
office. Except as otherwise provided in this division, theft in 4709  
office is a felony of the fifth degree. If the value of property 4710  
or services stolen is one thousand dollars or more and is less 4711  
than seven thousand five hundred dollars, theft in office is a 4712  
felony of the fourth degree. If the value of property or 4713  
services stolen is seven thousand five hundred dollars or more 4714  
and is less than one hundred fifty thousand dollars, theft in 4715  
office is a felony of the third degree. If the value of property 4716  
or services stolen is one hundred fifty thousand dollars or more 4717

and is less than seven hundred fifty thousand dollars, theft in 4718  
office is a felony of the second degree. If the value of 4719  
property or services stolen is seven hundred fifty thousand 4720  
dollars or more, theft in office is a felony of the first 4721  
degree. 4722

(C) (1) A public official or party official who pleads 4723  
guilty to theft in office and whose plea is accepted by the 4724  
court or a public official or party official against whom a 4725  
verdict or finding of guilt for committing theft in office is 4726  
returned is forever disqualified from holding any public office, 4727  
employment, or position of trust in this state. 4728

(2) (a) (i) A court that imposes sentence for a violation of 4729  
this section based on conduct described in division (A) (2) of 4730  
this section shall require the public official or party official 4731  
who is convicted of or pleads guilty to the offense to make 4732  
restitution for all of the property or the service that is the 4733  
subject of the offense, in addition to the term of imprisonment 4734  
and any fine imposed. The total amount of restitution imposed 4735  
under this division shall include costs of auditing the public 4736  
entities specified in division (A) (2) of this section that own 4737  
the property or service involved in the conduct described in 4738  
that division that is a violation of this section, but shall not 4739  
exceed the amount of the restitution imposed for all of the 4740  
property or the service that is the subject of the offense. 4741

(ii) A court that imposes sentence for a violation of this 4742  
section based on conduct described in division (A) (1) of this 4743  
section and that determines at trial that this state or a 4744  
political subdivision of this state if the offender is a public 4745  
official, or a political party in the United States or this 4746  
state if the offender is a party official, suffered actual loss 4747

as a result of the offense shall require the offender to make 4748  
restitution to the state, political subdivision, or political 4749  
party for all of the actual loss experienced, in addition to the 4750  
term of imprisonment and any fine imposed. The total amount of 4751  
restitution imposed under this division shall include costs of 4752  
auditing the state, political subdivision, or political party 4753  
that suffered the actual loss based on conduct described in that 4754  
division that is a violation of this section, but shall not 4755  
exceed the amount of the restitution imposed for all of the 4756  
actual loss suffered. 4757

(b) (i) In any case in which a sentencing court is required 4758  
to order restitution under division (C) (2) (a) of this section 4759  
and in which the offender, at the time of the commission of the 4760  
offense or at any other time, was a member of the public 4761  
employees retirement system, the Ohio police and fire pension 4762  
fund, the state teachers retirement system, the school employees 4763  
retirement system, or the state highway patrol retirement 4764  
system; was an electing employee, as defined in section 3305.01 4765  
of the Revised Code, participating in an alternative retirement 4766  
plan provided pursuant to Chapter 3305. of the Revised Code; was 4767  
a participating employee or continuing member, as defined in 4768  
section 148.01 of the Revised Code, in a deferred compensation 4769  
program offered by the Ohio public employees deferred 4770  
compensation board; was an officer or employee of a municipal 4771  
corporation who was a participant in a deferred compensation 4772  
program offered by that municipal corporation; was an officer or 4773  
employee of a government unit, as defined in section 148.06 of 4774  
the Revised Code, who was a participant in a deferred 4775  
compensation program offered by that government unit, or was a 4776  
participating employee, continuing member, or participant in any 4777  
deferred compensation program described in this division and a 4778

member of a retirement system specified in this division or a 4779  
retirement system of a municipal corporation, the entity to 4780  
which restitution is to be made may file a motion with the 4781  
sentencing court specifying any retirement system, any provider 4782  
as defined in section 3305.01 of the Revised Code, and any 4783  
deferred compensation program of which the offender was a 4784  
member, electing employee, participating employee, continuing 4785  
member, or participant and requesting the court to issue an 4786  
order requiring the specified retirement system, the specified 4787  
provider under the alternative retirement plan, or the specified 4788  
deferred compensation program, or, if more than one is specified 4789  
in the motion, the applicable combination of these, to withhold 4790  
the amount required as restitution from any payment that is to 4791  
be made under a pension, annuity, or allowance, under an option 4792  
in the alternative retirement plan, under a participant account, 4793  
as defined in section 148.01 of the Revised Code, or under any 4794  
other type of benefit, other than a survivorship benefit, that 4795  
has been or is in the future granted to the offender, from any 4796  
payment of accumulated employee contributions standing to the 4797  
offender's credit with that retirement system, that provider of 4798  
the option under the alternative retirement plan, or that 4799  
deferred compensation program, or, if more than one is specified 4800  
in the motion, the applicable combination of these, and from any 4801  
payment of any other amounts to be paid to the offender upon the 4802  
offender's withdrawal of the offender's contributions pursuant 4803  
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 4804  
Revised Code. A motion described in this division may be filed 4805  
at any time subsequent to the conviction of the offender or 4806  
entry of a guilty plea. Upon the filing of the motion, the clerk 4807  
of the court in which the motion is filed shall notify the 4808  
offender, the specified retirement system, the specified 4809  
provider under the alternative retirement plan, or the specified 4810

deferred compensation program, or, if more than one is specified 4811  
in the motion, the applicable combination of these, in writing, 4812  
of all of the following: that the motion was filed; that the 4813  
offender will be granted a hearing on the issuance of the 4814  
requested order if the offender files a written request for a 4815  
hearing with the clerk prior to the expiration of thirty days 4816  
after the offender receives the notice; that, if a hearing is 4817  
requested, the court will schedule a hearing as soon as possible 4818  
and notify the offender, any specified retirement system, any 4819  
specified provider under an alternative retirement plan, and any 4820  
specified deferred compensation program of the date, time, and 4821  
place of the hearing; that, if a hearing is conducted, it will 4822  
be limited only to a consideration of whether the offender can 4823  
show good cause why the requested order should not be issued; 4824  
that, if a hearing is conducted, the court will not issue the 4825  
requested order if the court determines, based on evidence 4826  
presented at the hearing by the offender, that there is good 4827  
cause for the requested order not to be issued; that the court 4828  
will issue the requested order if a hearing is not requested or 4829  
if a hearing is conducted but the court does not determine, 4830  
based on evidence presented at the hearing by the offender, that 4831  
there is good cause for the requested order not to be issued; 4832  
and that, if the requested order is issued, any retirement 4833  
system, any provider under an alternative retirement plan, and 4834  
any deferred compensation program specified in the motion will 4835  
be required to withhold the amount required as restitution from 4836  
payments to the offender. 4837

(ii) In any case in which a sentencing court is required 4838  
to order restitution under division (C)(2)(a) of this section 4839  
and in which a motion requesting the issuance of a withholding 4840  
order as described in division (C)(2)(b)(i) of this section is 4841

filed, the offender may receive a hearing on the motion by 4842  
delivering a written request for a hearing to the court prior to 4843  
the expiration of thirty days after the offender's receipt of 4844  
the notice provided pursuant to division (C) (2) (b) (i) of this 4845  
section. If a request for a hearing is made by the offender 4846  
within the prescribed time, the court shall schedule a hearing 4847  
as soon as possible after the request is made and shall notify 4848  
the offender, the specified retirement system, the specified 4849  
provider under the alternative retirement plan, or the specified 4850  
deferred compensation program, or, if more than one is specified 4851  
in the motion, the applicable combination of these, of the date, 4852  
time, and place of the hearing. A hearing scheduled under this 4853  
division shall be limited to a consideration of whether there is 4854  
good cause, based on evidence presented by the offender, for the 4855  
requested order not to be issued. If the court determines, based 4856  
on evidence presented by the offender, that there is good cause 4857  
for the order not to be issued, the court shall deny the motion 4858  
and shall not issue the requested order. If the offender does 4859  
not request a hearing within the prescribed time or if the court 4860  
conducts a hearing but does not determine, based on evidence 4861  
presented by the offender, that there is good cause for the 4862  
order not to be issued, the court shall order the specified 4863  
retirement system, the specified provider under the alternative 4864  
retirement plan, or the specified deferred compensation program, 4865  
or, if more than one is specified in the motion, the applicable 4866  
combination of these, to withhold the amount required as 4867  
restitution under division (C) (2) (a) of this section from any 4868  
payments to be made under a pension, annuity, or allowance, 4869  
under a participant account, as defined in section 148.01 of the 4870  
Revised Code, under an option in the alternative retirement 4871  
plan, or under any other type of benefit, other than a 4872  
survivorship benefit, that has been or is in the future granted 4873

to the offender, from any payment of accumulated employee 4874  
contributions standing to the offender's credit with that 4875  
retirement system, that provider under the alternative 4876  
retirement plan, or that deferred compensation program, or, if 4877  
more than one is specified in the motion, the applicable 4878  
combination of these, and from any payment of any other amounts 4879  
to be paid to the offender upon the offender's withdrawal of the 4880  
offender's contributions pursuant to Chapter 145., 148., 742., 4881  
3307., 3309., or 5505. of the Revised Code, and to continue the 4882  
withholding for that purpose, in accordance with the order, out 4883  
of each payment to be made on or after the date of issuance of 4884  
the order, until further order of the court. Upon receipt of an 4885  
order issued under this division, the public employees 4886  
retirement system, the Ohio police and fire pension fund, the 4887  
state teachers retirement system, the school employees 4888  
retirement system, the state highway patrol retirement system, a 4889  
municipal corporation retirement system, the provider under the 4890  
alternative retirement plan, and the deferred compensation 4891  
program offered by the Ohio public employees deferred 4892  
compensation board, a municipal corporation, or a government 4893  
unit, as defined in section 148.06 of the Revised Code, 4894  
whichever are applicable, shall withhold the amount required as 4895  
restitution, in accordance with the order, from any such 4896  
payments and immediately shall forward the amount withheld to 4897  
the clerk of the court in which the order was issued for payment 4898  
to the entity to which restitution is to be made. 4899

(iii) Service of a notice required by division (C) (2) (b) 4900  
(i) or (ii) of this section shall be effected in the same manner 4901  
as provided in the Rules of Civil Procedure for the service of 4902  
process. 4903

(D) Upon the filing of charges against a person under this 4904



section, the prosecutor, as defined in section 2935.01 of the Revised Code, who is assigned the case shall send written notice that charges have been filed against that person to the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the provider under an alternative retirement plan, any municipal corporation retirement system in this state, and the deferred compensation program offered by the Ohio public employees deferred compensation board, a municipal corporation, or a government unit, as defined in section 148.06 of the Revised Code. The written notice shall specifically identify the person charged.

**Sec. 2929.01.** As used in this chapter:

(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or

prison. 4934

(B) "Basic probation supervision" means a requirement that 4935  
the offender maintain contact with a person appointed to 4936  
supervise the offender in accordance with sanctions imposed by 4937  
the court or imposed by the parole board pursuant to section 4938  
2967.28 of the Revised Code. "Basic probation supervision" 4939  
includes basic parole supervision and basic post-release control 4940  
supervision. 4941

(C) "Cocaine," "fentanyl-related compound," "hashish," 4942  
"L.S.D.," and "unit dose" have the same meanings as in section 4943  
2925.01 of the Revised Code. 4944

(D) "Community-based correctional facility" means a 4945  
community-based correctional facility and program or district 4946  
community-based correctional facility and program developed 4947  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4948

(E) "Community control sanction" means a sanction that is 4949  
not a prison term and that is described in section 2929.15, 4950  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4951  
that is not a jail term and that is described in section 4952  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4953  
control sanction" includes probation if the sentence involved 4954  
was imposed for a felony that was committed prior to July 1, 4955  
1996, or if the sentence involved was imposed for a misdemeanor 4956  
that was committed prior to January 1, 2004. 4957

(F) "Controlled substance," "marihuana," "schedule I," and 4958  
"schedule II" have the same meanings as in section 3719.01 of 4959  
the Revised Code. 4960

(G) "Curfew" means a requirement that an offender during a 4961  
specified period of time be at a designated place. 4962

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, ~~and~~ any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense, and the cost of any accounting or auditing done to determine the extent of loss if the cost is incurred and payable by the victim. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(M) "Education or training" includes study at, or in 4992  
conjunction with a program offered by, a university, college, or 4993  
technical college or vocational study and also includes the 4994  
completion of primary school, secondary school, and literacy 4995  
curricula or their equivalent. 4996

(N) "Firearm" has the same meaning as in section 2923.11 4997  
of the Revised Code. 4998

(O) "Halfway house" means a facility licensed by the 4999  
division of parole and community services of the department of 5000  
rehabilitation and correction pursuant to section 2967.14 of the 5001  
Revised Code as a suitable facility for the care and treatment 5002  
of adult offenders. 5003

(P) "House arrest" means a period of confinement of an 5004  
offender that is in the offender's home or in other premises 5005  
specified by the sentencing court or by the parole board 5006  
pursuant to section 2967.28 of the Revised Code and during which 5007  
all of the following apply: 5008

(1) The offender is required to remain in the offender's 5009  
home or other specified premises for the specified period of 5010  
confinement, except for periods of time during which the 5011  
offender is at the offender's place of employment or at other 5012  
premises as authorized by the sentencing court or by the parole 5013  
board. 5014

(2) The offender is required to report periodically to a 5015  
person designated by the court or parole board. 5016

(3) The offender is subject to any other restrictions and 5017  
requirements that may be imposed by the sentencing court or by 5018  
the parole board. 5019

(Q) "Intensive probation supervision" means a requirement 5020

that an offender maintain frequent contact with a person 5021  
appointed by the court, or by the parole board pursuant to 5022  
section 2967.28 of the Revised Code, to supervise the offender 5023  
while the offender is seeking or maintaining necessary 5024  
employment and participating in training, education, and 5025  
treatment programs as required in the court's or parole board's 5026  
order. "Intensive probation supervision" includes intensive 5027  
parole supervision and intensive post-release control 5028  
supervision. 5029

(R) "Jail" means a jail, workhouse, minimum security jail, 5030  
or other residential facility used for the confinement of 5031  
alleged or convicted offenders that is operated by a political 5032  
subdivision or a combination of political subdivisions of this 5033  
state. 5034

(S) "Jail term" means the term in a jail that a sentencing 5035  
court imposes or is authorized to impose pursuant to section 5036  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 5037  
provision of the Revised Code that authorizes a term in a jail 5038  
for a misdemeanor conviction. 5039

(T) "Mandatory jail term" means the term in a jail that a 5040  
sentencing court is required to impose pursuant to division (G) 5041  
of section 1547.99 of the Revised Code, division (E) of section 5042  
2903.06 or division (D) of section 2903.08 of the Revised Code, 5043  
division (E) or (G) of section 2929.24 of the Revised Code, 5044  
division (B) of section 4510.14 of the Revised Code, or division 5045  
(G) of section 4511.19 of the Revised Code or pursuant to any 5046  
other provision of the Revised Code that requires a term in a 5047  
jail for a misdemeanor conviction. 5048

(U) "Delinquent child" has the same meaning as in section 5049  
2152.02 of the Revised Code. 5050

(V) "License violation report" means a report that is made 5051  
by a sentencing court, or by the parole board pursuant to 5052  
section 2967.28 of the Revised Code, to the regulatory or 5053  
licensing board or agency that issued an offender a professional 5054  
license or a license or permit to do business in this state and 5055  
that specifies that the offender has been convicted of or 5056  
pleaded guilty to an offense that may violate the conditions 5057  
under which the offender's professional license or license or 5058  
permit to do business in this state was granted or an offense 5059  
for which the offender's professional license or license or 5060  
permit to do business in this state may be revoked or suspended. 5061

(W) "Major drug offender" means an offender who is 5062  
convicted of or pleads guilty to the possession of, sale of, or 5063  
offer to sell any drug, compound, mixture, preparation, or 5064  
substance that consists of or contains at least one thousand 5065  
grams of hashish; at least one hundred grams of cocaine; at 5066  
least one thousand unit doses or one hundred grams of heroin; at 5067  
least five thousand unit doses of L.S.D. or five hundred grams 5068  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 5069  
distillate form; at least fifty grams of a controlled substance 5070  
analog; at least one thousand unit doses or one hundred grams of 5071  
a fentanyl-related compound; or at least one hundred times the 5072  
amount of any other schedule I or II controlled substance other 5073  
than marihuana that is necessary to commit a felony of the third 5074  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 5075  
of the Revised Code that is based on the possession of, sale of, 5076  
or offer to sell the controlled substance. 5077

(X) "Mandatory prison term" means any of the following: 5078

(1) Subject to division (X) (2) of this section, the term 5079  
in prison that must be imposed for the offenses or circumstances 5080

set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 5081  
section 2929.13 and division (B) of section 2929.14 of the 5082  
Revised Code. Except as provided in sections 2925.02, 2925.03, 5083  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 5084  
maximum or another specific term is required under section 5085  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 5086  
described in this division may be any prison term authorized for 5087  
the level of offense. 5088

(2) The term of sixty or one hundred twenty days in prison 5089  
that a sentencing court is required to impose for a third or 5090  
fourth degree felony OVI offense pursuant to division (G) (2) of 5091  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 5092  
of the Revised Code or the term of one, two, three, four, or 5093  
five years in prison that a sentencing court is required to 5094  
impose pursuant to division (G) (2) of section 2929.13 of the 5095  
Revised Code. 5096

(3) The term in prison imposed pursuant to division (A) of 5097  
section 2971.03 of the Revised Code for the offenses and in the 5098  
circumstances described in division (F) (11) of section 2929.13 5099  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 5100  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 5101  
section 2971.03 of the Revised Code and that term as modified or 5102  
terminated pursuant to section 2971.05 of the Revised Code. 5103

(Y) "Monitored time" means a period of time during which 5104  
an offender continues to be under the control of the sentencing 5105  
court or parole board, subject to no conditions other than 5106  
leading a law-abiding life. 5107

(Z) "Offender" means a person who, in this state, is 5108  
convicted of or pleads guilty to a felony or a misdemeanor. 5109

(AA) "Prison" means a residential facility used for the 5110  
confinement of convicted felony offenders that is under the 5111  
control of the department of rehabilitation and correction but 5112  
does not include a violation sanction center operated under 5113  
authority of section 2967.141 of the Revised Code. 5114

(BB) "Prison term" includes either of the following 5115  
sanctions for an offender: 5116

(1) A stated prison term; 5117

(2) A term in a prison shortened by, or with the approval 5118  
of, the sentencing court pursuant to section 2929.143, 2929.20, 5119  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 5120

(CC) "Repeat violent offender" means a person about whom 5121  
both of the following apply: 5122

(1) The person is being sentenced for committing or for 5123  
complicity in committing any of the following: 5124

(a) Aggravated murder, murder, any felony of the first or 5125  
second degree that is an offense of violence, or an attempt to 5126  
commit any of these offenses if the attempt is a felony of the 5127  
first or second degree; 5128

(b) An offense under an existing or former law of this 5129  
state, another state, or the United States that is or was 5130  
substantially equivalent to an offense described in division 5131  
(CC) (1) (a) of this section. 5132

(2) The person previously was convicted of or pleaded 5133  
guilty to an offense described in division (CC) (1) (a) or (b) of 5134  
this section. 5135

(DD) "Sanction" means any penalty imposed upon an offender 5136  
who is convicted of or pleads guilty to an offense, as 5137



punishment for the offense. "Sanction" includes any sanction 5138  
imposed pursuant to any provision of sections 2929.14 to 2929.18 5139  
or 2929.24 to 2929.28 of the Revised Code. 5140

(EE) "Sentence" means the sanction or combination of 5141  
sanctions imposed by the sentencing court on an offender who is 5142  
convicted of or pleads guilty to an offense. 5143

(FF) "Stated prison term" means the prison term, mandatory 5144  
prison term, or combination of all prison terms and mandatory 5145  
prison terms imposed by the sentencing court pursuant to section 5146  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 5147  
section 2919.25 of the Revised Code. "Stated prison term" 5148  
includes any credit received by the offender for time spent in 5149  
jail awaiting trial, sentencing, or transfer to prison for the 5150  
offense and any time spent under house arrest or house arrest 5151  
with electronic monitoring imposed after earning credits 5152  
pursuant to section 2967.193 of the Revised Code. If an offender 5153  
is serving a prison term as a risk reduction sentence under 5154  
sections 2929.143 and 5120.036 of the Revised Code, "stated 5155  
prison term" includes any period of time by which the prison 5156  
term imposed upon the offender is shortened by the offender's 5157  
successful completion of all assessment and treatment or 5158  
programming pursuant to those sections. 5159

(GG) "Victim-offender mediation" means a reconciliation or 5160  
mediation program that involves an offender and the victim of 5161  
the offense committed by the offender and that includes a 5162  
meeting in which the offender and the victim may discuss the 5163  
offense, discuss restitution, and consider other sanctions for 5164  
the offense. 5165

(HH) "Fourth degree felony OVI offense" means a violation 5166  
of division (A) of section 4511.19 of the Revised Code that, 5167

under division (G) of that section, is a felony of the fourth degree. 5168  
5169

(II) "Mandatory term of local incarceration" means the 5170  
term of sixty or one hundred twenty days in a jail, a community- 5171  
based correctional facility, a halfway house, or an alternative 5172  
residential facility that a sentencing court may impose upon a 5173  
person who is convicted of or pleads guilty to a fourth degree 5174  
felony OVI offense pursuant to division (G) (1) of section 5175  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 5176  
section 4511.19 of the Revised Code. 5177

(JJ) "Designated homicide, assault, or kidnapping 5178  
offense," "violent sex offense," "sexual motivation 5179  
specification," "sexually violent offense," "sexually violent 5180  
predator," and "sexually violent predator specification" have 5181  
the same meanings as in section 2971.01 of the Revised Code. 5182

(KK) "Sexually oriented offense," "child-victim oriented 5183  
offense," and "tier III sex offender/child-victim offender" have 5184  
the same meanings as in section 2950.01 of the Revised Code. 5185

(LL) An offense is "committed in the vicinity of a child" 5186  
if the offender commits the offense within thirty feet of or 5187  
within the same residential unit as a child who is under 5188  
eighteen years of age, regardless of whether the offender knows 5189  
the age of the child or whether the offender knows the offense 5190  
is being committed within thirty feet of or within the same 5191  
residential unit as the child and regardless of whether the 5192  
child actually views the commission of the offense. 5193

(MM) "Family or household member" has the same meaning as 5194  
in section 2919.25 of the Revised Code. 5195

(NN) "Motor vehicle" and "manufactured home" have the same 5196

meanings as in section 4501.01 of the Revised Code. 5197

(OO) "Detention" and "detention facility" have the same 5198  
meanings as in section 2921.01 of the Revised Code. 5199

(PP) "Third degree felony OVI offense" means a violation 5200  
of division (A) of section 4511.19 of the Revised Code that, 5201  
under division (G) of that section, is a felony of the third 5202  
degree. 5203

(QQ) "Random drug testing" has the same meaning as in 5204  
section 5120.63 of the Revised Code. 5205

(RR) "Felony sex offense" has the same meaning as in 5206  
section 2967.28 of the Revised Code. 5207

(SS) "Body armor" has the same meaning as in section 5208  
2941.1411 of the Revised Code. 5209

(TT) "Electronic monitoring" means monitoring through the 5210  
use of an electronic monitoring device. 5211

(UU) "Electronic monitoring device" means any of the 5212  
following: 5213

(1) Any device that can be operated by electrical or 5214  
battery power and that conforms with all of the following: 5215

(a) The device has a transmitter that can be attached to a 5216  
person, that will transmit a specified signal to a receiver of 5217  
the type described in division (UU) (1) (b) of this section if the 5218  
transmitter is removed from the person, turned off, or altered 5219  
in any manner without prior court approval in relation to 5220  
electronic monitoring or without prior approval of the 5221  
department of rehabilitation and correction in relation to the 5222  
use of an electronic monitoring device for an inmate on 5223  
transitional control or otherwise is tampered with, that can 5224

transmit continuously and periodically a signal to that receiver 5225  
when the person is within a specified distance from the 5226  
receiver, and that can transmit an appropriate signal to that 5227  
receiver if the person to whom it is attached travels a 5228  
specified distance from that receiver. 5229

(b) The device has a receiver that can receive 5230  
continuously the signals transmitted by a transmitter of the 5231  
type described in division (UU) (1) (a) of this section, can 5232  
transmit continuously those signals by a wireless or landline 5233  
telephone connection to a central monitoring computer of the 5234  
type described in division (UU) (1) (c) of this section, and can 5235  
transmit continuously an appropriate signal to that central 5236  
monitoring computer if the device has been turned off or altered 5237  
without prior court approval or otherwise tampered with. The 5238  
device is designed specifically for use in electronic 5239  
monitoring, is not a converted wireless phone or another 5240  
tracking device that is clearly not designed for electronic 5241  
monitoring, and provides a means of text-based or voice 5242  
communication with the person. 5243

(c) The device has a central monitoring computer that can 5244  
receive continuously the signals transmitted by a wireless or 5245  
landline telephone connection by a receiver of the type 5246  
described in division (UU) (1) (b) of this section and can monitor 5247  
continuously the person to whom an electronic monitoring device 5248  
of the type described in division (UU) (1) (a) of this section is 5249  
attached. 5250

(2) Any device that is not a device of the type described 5251  
in division (UU) (1) of this section and that conforms with all 5252  
of the following: 5253

(a) The device includes a transmitter and receiver that 5254

can monitor and determine the location of a subject person at 5255  
any time, or at a designated point in time, through the use of a 5256  
central monitoring computer or through other electronic means. 5257

(b) The device includes a transmitter and receiver that 5258  
can determine at any time, or at a designated point in time, 5259  
through the use of a central monitoring computer or other 5260  
electronic means the fact that the transmitter is turned off or 5261  
altered in any manner without prior approval of the court in 5262  
relation to the electronic monitoring or without prior approval 5263  
of the department of rehabilitation and correction in relation 5264  
to the use of an electronic monitoring device for an inmate on 5265  
transitional control or otherwise is tampered with. 5266

(3) Any type of technology that can adequately track or 5267  
determine the location of a subject person at any time and that 5268  
is approved by the director of rehabilitation and correction, 5269  
including, but not limited to, any satellite technology, voice 5270  
tracking system, or retinal scanning system that is so approved. 5271

(VV) "Non-economic loss" means nonpecuniary harm suffered 5272  
by a victim of an offense as a result of or related to the 5273  
commission of the offense, including, but not limited to, pain 5274  
and suffering; loss of society, consortium, companionship, care, 5275  
assistance, attention, protection, advice, guidance, counsel, 5276  
instruction, training, or education; mental anguish; and any 5277  
other intangible loss. 5278

(WW) "Prosecutor" has the same meaning as in section 5279  
2935.01 of the Revised Code. 5280

(XX) "Continuous alcohol monitoring" means the ability to 5281  
automatically test and periodically transmit alcohol consumption 5282  
levels and tamper attempts at least every hour, regardless of 5283

the location of the person who is being monitored. 5284

(YY) A person is "adjudicated a sexually violent predator" 5285  
if the person is convicted of or pleads guilty to a violent sex 5286  
offense and also is convicted of or pleads guilty to a sexually 5287  
violent predator specification that was included in the 5288  
indictment, count in the indictment, or information charging 5289  
that violent sex offense or if the person is convicted of or 5290  
pleads guilty to a designated homicide, assault, or kidnapping 5291  
offense and also is convicted of or pleads guilty to both a 5292  
sexual motivation specification and a sexually violent predator 5293  
specification that were included in the indictment, count in the 5294  
indictment, or information charging that designated homicide, 5295  
assault, or kidnapping offense. 5296

(ZZ) An offense is "committed in proximity to a school" if 5297  
the offender commits the offense in a school safety zone or 5298  
within five hundred feet of any school building or the 5299  
boundaries of any school premises, regardless of whether the 5300  
offender knows the offense is being committed in a school safety 5301  
zone or within five hundred feet of any school building or the 5302  
boundaries of any school premises. 5303

(AAA) "Human trafficking" means a scheme or plan to which 5304  
all of the following apply: 5305

(1) Its object is one or more of the following: 5306

(a) To subject a victim or victims to involuntary 5307  
servitude, as defined in section 2905.31 of the Revised Code or 5308  
to compel a victim or victims to engage in sexual activity for 5309  
hire, to engage in a performance that is obscene, sexually 5310  
oriented, or nudity oriented, or to be a model or participant in 5311  
the production of material that is obscene, sexually oriented, 5312

or nudity oriented; 5313

(b) To facilitate, encourage, or recruit a victim who is 5314  
less than sixteen years of age or is a person with a 5315  
developmental disability, or victims who are less than sixteen 5316  
years of age or are persons with developmental disabilities, for 5317  
any purpose listed in divisions (A) (2) (a) to (c) of section 5318  
2905.32 of the Revised Code; 5319

(c) To facilitate, encourage, or recruit a victim who is 5320  
sixteen or seventeen years of age, or victims who are sixteen or 5321  
seventeen years of age, for any purpose listed in divisions (A) 5322  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 5323  
circumstances described in division (A) (5), (6), (7), (8), (9), 5324  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 5325  
apply with respect to the person engaging in the conduct and the 5326  
victim or victims. 5327

(2) It involves at least two felony offenses, whether or 5328  
not there has been a prior conviction for any of the felony 5329  
offenses, to which all of the following apply: 5330

(a) Each of the felony offenses is a violation of section 5331  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 5332  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 5333  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 5334  
is a violation of a law of any state other than this state that 5335  
is substantially similar to any of the sections or divisions of 5336  
the Revised Code identified in this division. 5337

(b) At least one of the felony offenses was committed in 5338  
this state. 5339

(c) The felony offenses are related to the same scheme or 5340  
plan and are not isolated instances. 5341

(BBB) "Material," "nudity," "obscene," "performance," and 5342  
"sexual activity" have the same meanings as in section 2907.01 5343  
of the Revised Code. 5344

(CCC) "Material that is obscene, sexually oriented, or 5345  
nudity oriented" means any material that is obscene, that shows 5346  
a person participating or engaging in sexual activity, 5347  
masturbation, or bestiality, or that shows a person in a state 5348  
of nudity. 5349

(DDD) "Performance that is obscene, sexually oriented, or 5350  
nudity oriented" means any performance that is obscene, that 5351  
shows a person participating or engaging in sexual activity, 5352  
masturbation, or bestiality, or that shows a person in a state 5353  
of nudity. 5354

(EEE) "Accelerant" means a fuel or oxidizing agent, such 5355  
as an ignitable liquid, used to initiate a fire or increase the 5356  
rate of growth or spread of a fire. 5357

**Sec. 2929.18.** (A) Except as otherwise provided in this 5358  
division and in addition to imposing court costs pursuant to 5359  
section 2947.23 of the Revised Code, the court imposing a 5360  
sentence upon an offender for a felony may sentence the offender 5361  
to any financial sanction or combination of financial sanctions 5362  
authorized under this section or, in the circumstances specified 5363  
in section 2929.32 of the Revised Code, may impose upon the 5364  
offender a fine in accordance with that section. Financial 5365  
sanctions that may be imposed pursuant to this section include, 5366  
but are not limited to, the following: 5367

(1) Restitution by the offender to the victim of the 5368  
offender's crime or any survivor of the victim, in an amount 5369  
based on the victim's economic loss. If the court imposes 5370



restitution, the court shall order that the restitution be made 5371  
to the victim in open court, to the adult probation department 5372  
that serves the county on behalf of the victim, to the clerk of 5373  
courts, or to another agency designated by the court. If the 5374  
court imposes restitution, at sentencing, the court shall 5375  
determine the amount of restitution to be made by the offender. 5376  
If the court imposes restitution, the court may base the amount 5377  
of restitution it orders on an amount recommended by the victim, 5378  
the offender, a presentence investigation report, estimates or 5379  
receipts indicating the cost of repairing or replacing property, 5380  
and other information, provided that the amount the court orders 5381  
as restitution shall not exceed the amount of the economic loss 5382  
suffered by the victim as a direct and proximate result of the 5383  
commission of the offense. If the court imposes restitution for 5384  
the cost of accounting or auditing done to determine the extent 5385  
of economic loss, the court may order restitution for any amount 5386  
of the victim's costs of accounting or auditing provided that 5387  
the amount of restitution is reasonable and does not exceed the 5388  
value of property or services stolen or damaged as a result of 5389  
the offense. If the court decides to impose restitution, the 5390  
court shall hold a hearing on restitution if the offender, 5391  
victim, or survivor disputes the amount. All restitution 5392  
payments shall be credited against any recovery of economic loss 5393  
in a civil action brought by the victim or any survivor of the 5394  
victim against the offender. 5395

If the court imposes restitution, the court may order that 5396  
the offender pay a surcharge of not more than five per cent of 5397  
the amount of the restitution otherwise ordered to the entity 5398  
responsible for collecting and processing restitution payments. 5399

The victim or survivor may request that the prosecutor in 5400  
the case file a motion, or the offender may file a motion, for 5401

modification of the payment terms of any restitution ordered. If 5402  
the court grants the motion, it may modify the payment terms as 5403  
it determines appropriate. 5404

(2) Except as provided in division (B)(1), (3), or (4) of 5405  
this section, a fine payable by the offender to the state, to a 5406  
political subdivision, or as described in division (B)(2) of 5407  
this section to one or more law enforcement agencies, with the 5408  
amount of the fine based on a standard percentage of the 5409  
offender's daily income over a period of time determined by the 5410  
court and based upon the seriousness of the offense. A fine 5411  
ordered under this division shall not exceed the maximum 5412  
conventional fine amount authorized for the level of the offense 5413  
under division (A)(3) of this section. 5414

(3) Except as provided in division (B)(1), (3), or (4) of 5415  
this section, a fine payable by the offender to the state, to a 5416  
political subdivision when appropriate for a felony, or as 5417  
described in division (B)(2) of this section to one or more law 5418  
enforcement agencies, in the following amount: 5419

(a) For a felony of the first degree, not more than twenty 5420  
thousand dollars; 5421

(b) For a felony of the second degree, not more than 5422  
fifteen thousand dollars; 5423

(c) For a felony of the third degree, not more than ten 5424  
thousand dollars; 5425

(d) For a felony of the fourth degree, not more than five 5426  
thousand dollars; 5427

(e) For a felony of the fifth degree, not more than two 5428  
thousand five hundred dollars. 5429

(4) A state fine or costs as defined in section 2949.111 5430  
of the Revised Code. 5431

(5) (a) Reimbursement by the offender of any or all of the 5432  
costs of sanctions incurred by the government, including the 5433  
following: 5434

(i) All or part of the costs of implementing any community 5435  
control sanction, including a supervision fee under section 5436  
2951.021 of the Revised Code; 5437

(ii) All or part of the costs of confinement under a 5438  
sanction imposed pursuant to section 2929.14, 2929.142, or 5439  
2929.16 of the Revised Code, provided that the amount of 5440  
reimbursement ordered under this division shall not exceed the 5441  
total amount of reimbursement the offender is able to pay as 5442  
determined at a hearing and shall not exceed the actual cost of 5443  
the confinement; 5444

(iii) All or part of the cost of purchasing and using an 5445  
immobilizing or disabling device, including a certified ignition 5446  
interlock device, or a remote alcohol monitoring device that a 5447  
court orders an offender to use under section 4510.13 of the 5448  
Revised Code. 5449

(b) If the offender is sentenced to a sanction of 5450  
confinement pursuant to section 2929.14 or 2929.16 of the 5451  
Revised Code that is to be served in a facility operated by a 5452  
board of county commissioners, a legislative authority of a 5453  
municipal corporation, or another local governmental entity, if, 5454  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 5455  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 5456  
section 2929.37 of the Revised Code, the board, legislative 5457  
authority, or other local governmental entity requires prisoners 5458

to reimburse the county, municipal corporation, or other entity 5459  
for its expenses incurred by reason of the prisoner's 5460  
confinement, and if the court does not impose a financial 5461  
sanction under division (A) (5) (a) (ii) of this section, 5462  
confinement costs may be assessed pursuant to section 2929.37 of 5463  
the Revised Code. In addition, the offender may be required to 5464  
pay the fees specified in section 2929.38 of the Revised Code in 5465  
accordance with that section. 5466

(c) Reimbursement by the offender for costs pursuant to 5467  
section 2929.71 of the Revised Code. 5468

(B) (1) For a first, second, or third degree felony 5469  
violation of any provision of Chapter 2925., 3719., or 4729. of 5470  
the Revised Code, the sentencing court shall impose upon the 5471  
offender a mandatory fine of at least one-half of, but not more 5472  
than, the maximum statutory fine amount authorized for the level 5473  
of the offense pursuant to division (A) (3) of this section. If 5474  
an offender alleges in an affidavit filed with the court prior 5475  
to sentencing that the offender is indigent and unable to pay 5476  
the mandatory fine and if the court determines the offender is 5477  
an indigent person and is unable to pay the mandatory fine 5478  
described in this division, the court shall not impose the 5479  
mandatory fine upon the offender. 5480

(2) Any mandatory fine imposed upon an offender under 5481  
division (B) (1) of this section and any fine imposed upon an 5482  
offender under division (A) (2) or (3) of this section for any 5483  
fourth or fifth degree felony violation of any provision of 5484  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 5485  
to law enforcement agencies pursuant to division (F) of section 5486  
2925.03 of the Revised Code. 5487

(3) For a fourth degree felony OVI offense and for a third 5488

degree felony OVI offense, the sentencing court shall impose 5489  
upon the offender a mandatory fine in the amount specified in 5490  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 5491  
Code, whichever is applicable. The mandatory fine so imposed 5492  
shall be disbursed as provided in the division pursuant to which 5493  
it is imposed. 5494

(4) Notwithstanding any fine otherwise authorized or 5495  
required to be imposed under division (A) (2) or (3) or (B) (1) of 5496  
this section or section 2929.31 of the Revised Code for a 5497  
violation of section 2925.03 of the Revised Code, in addition to 5498  
any penalty or sanction imposed for that offense under section 5499  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 5500  
in addition to the forfeiture of property in connection with the 5501  
offense as prescribed in Chapter 2981. of the Revised Code, the 5502  
court that sentences an offender for a violation of section 5503  
2925.03 of the Revised Code may impose upon the offender a fine 5504  
in addition to any fine imposed under division (A) (2) or (3) of 5505  
this section and in addition to any mandatory fine imposed under 5506  
division (B) (1) of this section. The fine imposed under division 5507  
(B) (4) of this section shall be used as provided in division (H) 5508  
of section 2925.03 of the Revised Code. A fine imposed under 5509  
division (B) (4) of this section shall not exceed whichever of 5510  
the following is applicable: 5511

(a) The total value of any personal or real property in 5512  
which the offender has an interest and that was used in the 5513  
course of, intended for use in the course of, derived from, or 5514  
realized through conduct in violation of section 2925.03 of the 5515  
Revised Code, including any property that constitutes proceeds 5516  
derived from that offense; 5517

(b) If the offender has no interest in any property of the 5518

type described in division (B) (4) (a) of this section or if it is 5519  
not possible to ascertain whether the offender has an interest 5520  
in any property of that type in which the offender may have an 5521  
interest, the amount of the mandatory fine for the offense 5522  
imposed under division (B) (1) of this section or, if no 5523  
mandatory fine is imposed under division (B) (1) of this section, 5524  
the amount of the fine authorized for the level of the offense 5525  
imposed under division (A) (3) of this section. 5526

(5) Prior to imposing a fine under division (B) (4) of this 5527  
section, the court shall determine whether the offender has an 5528  
interest in any property of the type described in division (B) 5529  
(4) (a) of this section. Except as provided in division (B) (6) or 5530  
(7) of this section, a fine that is authorized and imposed under 5531  
division (B) (4) of this section does not limit or affect the 5532  
imposition of the penalties and sanctions for a violation of 5533  
section 2925.03 of the Revised Code prescribed under those 5534  
sections or sections 2929.11 to 2929.18 of the Revised Code and 5535  
does not limit or affect a forfeiture of property in connection 5536  
with the offense as prescribed in Chapter 2981. of the Revised 5537  
Code. 5538

(6) If the sum total of a mandatory fine amount imposed 5539  
for a first, second, or third degree felony violation of section 5540  
2925.03 of the Revised Code under division (B) (1) of this 5541  
section plus the amount of any fine imposed under division (B) 5542  
(4) of this section does not exceed the maximum statutory fine 5543  
amount authorized for the level of the offense under division 5544  
(A) (3) of this section or section 2929.31 of the Revised Code, 5545  
the court may impose a fine for the offense in addition to the 5546  
mandatory fine and the fine imposed under division (B) (4) of 5547  
this section. The sum total of the amounts of the mandatory 5548  
fine, the fine imposed under division (B) (4) of this section, 5549

and the additional fine imposed under division (B) (6) of this 5550  
section shall not exceed the maximum statutory fine amount 5551  
authorized for the level of the offense under division (A) (3) of 5552  
this section or section 2929.31 of the Revised Code. The clerk 5553  
of the court shall pay any fine that is imposed under division 5554  
(B) (6) of this section to the county, township, municipal 5555  
corporation, park district as created pursuant to section 511.18 5556  
or 1545.04 of the Revised Code, or state law enforcement 5557  
agencies in this state that primarily were responsible for or 5558  
involved in making the arrest of, and in prosecuting, the 5559  
offender pursuant to division (F) of section 2925.03 of the 5560  
Revised Code. 5561

(7) If the sum total of the amount of a mandatory fine 5562  
imposed for a first, second, or third degree felony violation of 5563  
section 2925.03 of the Revised Code plus the amount of any fine 5564  
imposed under division (B) (4) of this section exceeds the 5565  
maximum statutory fine amount authorized for the level of the 5566  
offense under division (A) (3) of this section or section 2929.31 5567  
of the Revised Code, the court shall not impose a fine under 5568  
division (B) (6) of this section. 5569

(8) (a) If an offender who is convicted of or pleads guilty 5570  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 5571  
2923.32, division (A) (1) or (2) of section 2907.323, or division 5572  
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 5573  
Code also is convicted of or pleads guilty to a specification of 5574  
the type described in section 2941.1422 of the Revised Code that 5575  
charges that the offender knowingly committed the offense in 5576  
furtherance of human trafficking, the sentencing court shall 5577  
sentence the offender to a financial sanction of restitution by 5578  
the offender to the victim or any survivor of the victim, with 5579  
the restitution including the costs of housing, counseling, and 5580

medical and legal assistance incurred by the victim as a direct 5581  
result of the offense and the greater of the following: 5582

(i) The gross income or value to the offender of the 5583  
victim's labor or services; 5584

(ii) The value of the victim's labor as guaranteed under 5585  
the minimum wage and overtime provisions of the "Federal Fair 5586  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 5587  
state labor laws. 5588

(b) If a court imposing sentence upon an offender for a 5589  
felony is required to impose upon the offender a financial 5590  
sanction of restitution under division (B) (8) (a) of this 5591  
section, in addition to that financial sanction of restitution, 5592  
the court may sentence the offender to any other financial 5593  
sanction or combination of financial sanctions authorized under 5594  
this section, including a restitution sanction under division 5595  
(A) (1) of this section. 5596

(9) In addition to any other fine that is or may be 5597  
imposed under this section, the court imposing sentence upon an 5598  
offender for a felony that is a sexually oriented offense or a 5599  
child-victim oriented offense, as those terms are defined in 5600  
section 2950.01 of the Revised Code, may impose a fine of not 5601  
less than fifty nor more than five hundred dollars. 5602

(10) For a felony violation of division (A) of section 5603  
2921.321 of the Revised Code that results in the death of the 5604  
police dog or horse that is the subject of the violation, the 5605  
sentencing court shall impose upon the offender a mandatory fine 5606  
from the range of fines provided under division (A) (3) of this 5607  
section for a felony of the third degree. A mandatory fine 5608  
imposed upon an offender under division (B) (10) of this section 5609



shall be paid to the law enforcement agency that was served by 5610  
the police dog or horse that was killed in the felony violation 5611  
of division (A) of section 2921.321 of the Revised Code to be 5612  
used as provided in division (E) (1) (b) of that section. 5613

(11) In addition to any other fine that is or may be 5614  
imposed under this section, the court imposing sentence upon an 5615  
offender for any of the following offenses that is a felony may 5616  
impose a fine of not less than seventy nor more than five 5617  
hundred dollars, which shall be transmitted to the treasurer of 5618  
state to be credited to the address confidentiality program fund 5619  
created by section 111.48 of the Revised Code: 5620

(a) Domestic violence; 5621

(b) Menacing by stalking; 5622

(c) Rape; 5623

(d) Sexual battery; 5624

(e) Trafficking in persons; 5625

(f) A violation of section 2905.01, 2905.02, 2907.21, 5626  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 5627  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 5628  
the Revised Code, if the offender also is convicted of a 5629  
specification of the type described in section 2941.1422 of the 5630  
Revised Code that charges that the offender knowingly committed 5631  
the offense in furtherance of human trafficking. 5632

(C) (1) Except as provided in section 2951.021 of the 5633  
Revised Code, the offender shall pay reimbursements imposed upon 5634  
the offender pursuant to division (A) (5) (a) of this section to 5635  
pay the costs incurred by a county pursuant to any sanction 5636  
imposed under this section or section 2929.16 or 2929.17 of the 5637

Revised Code or in operating a facility used to confine 5638  
offenders pursuant to a sanction imposed under section 2929.16 5639  
of the Revised Code to the county treasurer. The county 5640  
treasurer shall deposit the reimbursements in the sanction cost 5641  
reimbursement fund that each board of county commissioners shall 5642  
create in its county treasury. The county shall use the amounts 5643  
deposited in the fund to pay the costs incurred by the county 5644  
pursuant to any sanction imposed under this section or section 5645  
2929.16 or 2929.17 of the Revised Code or in operating a 5646  
facility used to confine offenders pursuant to a sanction 5647  
imposed under section 2929.16 of the Revised Code. 5648

(2) Except as provided in section 2951.021 of the Revised 5649  
Code, the offender shall pay reimbursements imposed upon the 5650  
offender pursuant to division (A) (5) (a) of this section to pay 5651  
the costs incurred by a municipal corporation pursuant to any 5652  
sanction imposed under this section or section 2929.16 or 5653  
2929.17 of the Revised Code or in operating a facility used to 5654  
confine offenders pursuant to a sanction imposed under section 5655  
2929.16 of the Revised Code to the treasurer of the municipal 5656  
corporation. The treasurer shall deposit the reimbursements in a 5657  
special fund that shall be established in the treasury of each 5658  
municipal corporation. The municipal corporation shall use the 5659  
amounts deposited in the fund to pay the costs incurred by the 5660  
municipal corporation pursuant to any sanction imposed under 5661  
this section or section 2929.16 or 2929.17 of the Revised Code 5662  
or in operating a facility used to confine offenders pursuant to 5663  
a sanction imposed under section 2929.16 of the Revised Code. 5664

(3) Except as provided in section 2951.021 of the Revised 5665  
Code, the offender shall pay reimbursements imposed pursuant to 5666  
division (A) (5) (a) of this section for the costs incurred by a 5667  
private provider pursuant to a sanction imposed under this 5668

section or section 2929.16 or 2929.17 of the Revised Code to the 5669  
provider. 5670

(D) Except as otherwise provided in this division, a 5671  
financial sanction imposed pursuant to division (A) or (B) of 5672  
this section is a judgment in favor of the state or a political 5673  
subdivision in which the court that imposed the financial 5674  
sanction is located, and the offender subject to the financial 5675  
sanction is the judgment debtor. A financial sanction of 5676  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 5677  
section upon an offender who is incarcerated in a state facility 5678  
or a municipal jail is a judgment in favor of the state or the 5679  
municipal corporation, and the offender subject to the financial 5680  
sanction is the judgment debtor. A financial sanction of 5681  
reimbursement imposed upon an offender pursuant to this section 5682  
for costs incurred by a private provider of sanctions is a 5683  
judgment in favor of the private provider, and the offender 5684  
subject to the financial sanction is the judgment debtor. A 5685  
financial sanction of a mandatory fine imposed under division 5686  
(B) (10) of this section that is required under that division to 5687  
be paid to a law enforcement agency is a judgment in favor of 5688  
the specified law enforcement agency, and the offender subject 5689  
to the financial sanction is the judgment debtor. A financial 5690  
sanction of restitution imposed pursuant to division (A) (1) or 5691  
(B) (8) of this section is an order in favor of the victim of the 5692  
offender's criminal act that can be collected through a 5693  
certificate of judgment as described in division (D) (1) of this 5694  
section, through execution as described in division (D) (2) of 5695  
this section, or through an order as described in division (D) 5696  
(3) of this section, and the offender shall be considered for 5697  
purposes of the collection as the judgment debtor. Imposition of 5698  
a financial sanction and execution on the judgment does not 5699

preclude any other power of the court to impose or enforce 5700  
sanctions on the offender. Once the financial sanction is 5701  
imposed as a judgment or order under this division, the victim, 5702  
private provider, state, or political subdivision may do any of 5703  
the following: 5704

(1) Obtain from the clerk of the court in which the 5705  
judgment was entered a certificate of judgment that shall be in 5706  
the same manner and form as a certificate of judgment issued in 5707  
a civil action; 5708

(2) Obtain execution of the judgment or order through any 5709  
available procedure, including: 5710

(a) An execution against the property of the judgment 5711  
debtor under Chapter 2329. of the Revised Code; 5712

(b) An execution against the person of the judgment debtor 5713  
under Chapter 2331. of the Revised Code; 5714

(c) A proceeding in aid of execution under Chapter 2333. 5715  
of the Revised Code, including: 5716

(i) A proceeding for the examination of the judgment 5717  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 5718  
2333.27 of the Revised Code; 5719

(ii) A proceeding for attachment of the person of the 5720  
judgment debtor under section 2333.28 of the Revised Code; 5721

(iii) A creditor's suit under section 2333.01 of the 5722  
Revised Code. 5723

(d) The attachment of the property of the judgment debtor 5724  
under Chapter 2715. of the Revised Code; 5725

(e) The garnishment of the property of the judgment debtor 5726

under Chapter 2716. of the Revised Code. 5727

(3) Obtain an order for the assignment of wages of the 5728  
judgment debtor under section 1321.33 of the Revised Code. 5729

(E) A court that imposes a financial sanction upon an 5730  
offender may hold a hearing if necessary to determine whether 5731  
the offender is able to pay the sanction or is likely in the 5732  
future to be able to pay it. 5733

(F) Each court imposing a financial sanction upon an 5734  
offender under this section or under section 2929.32 of the 5735  
Revised Code may designate the clerk of the court or another 5736  
person to collect the financial sanction. The clerk or other 5737  
person authorized by law or the court to collect the financial 5738  
sanction may enter into contracts with one or more public 5739  
agencies or private vendors for the collection of, amounts due 5740  
under the financial sanction imposed pursuant to this section or 5741  
section 2929.32 of the Revised Code. Before entering into a 5742  
contract for the collection of amounts due from an offender 5743  
pursuant to any financial sanction imposed pursuant to this 5744  
section or section 2929.32 of the Revised Code, a court shall 5745  
comply with sections 307.86 to 307.92 of the Revised Code. 5746

(G) If a court that imposes a financial sanction under 5747  
division (A) or (B) of this section finds that an offender 5748  
satisfactorily has completed all other sanctions imposed upon 5749  
the offender and that all restitution that has been ordered has 5750  
been paid as ordered, the court may suspend any financial 5751  
sanctions imposed pursuant to this section or section 2929.32 of 5752  
the Revised Code that have not been paid. 5753

(H) No financial sanction imposed under this section or 5754  
section 2929.32 of the Revised Code shall preclude a victim from 5755

bringing a civil action against the offender. 5756

**Sec. 2929.28.** (A) In addition to imposing court costs 5757  
pursuant to section 2947.23 of the Revised Code, the court 5758  
imposing a sentence upon an offender for a misdemeanor, 5759  
including a minor misdemeanor, may sentence the offender to any 5760  
financial sanction or combination of financial sanctions 5761  
authorized under this section. If the court in its discretion 5762  
imposes one or more financial sanctions, the financial sanctions 5763  
that may be imposed pursuant to this section include, but are 5764  
not limited to, the following: 5765

(1) Unless the misdemeanor offense is a minor misdemeanor 5766  
or could be disposed of by the traffic violations bureau serving 5767  
the court under Traffic Rule 13, restitution by the offender to 5768  
the victim of the offender's crime or any survivor of the 5769  
victim, in an amount based on the victim's economic loss. The 5770  
court may not impose restitution as a sanction pursuant to this 5771  
division if the offense is a minor misdemeanor or could be 5772  
disposed of by the traffic violations bureau serving the court 5773  
under Traffic Rule 13. If the court requires restitution, the 5774  
court shall order that the restitution be made to the victim in 5775  
open court or to the adult probation department that serves the 5776  
jurisdiction or the clerk of the court on behalf of the victim. 5777

If the court imposes restitution, the court shall 5778  
determine the amount of restitution to be paid by the offender. 5779  
If the court imposes restitution, the court may base the amount 5780  
of restitution it orders on an amount recommended by the victim, 5781  
the offender, a presentence investigation report, estimates or 5782  
receipts indicating the cost of repairing or replacing property, 5783  
and other information, provided that the amount the court orders 5784  
as restitution shall not exceed the amount of the economic loss 5785

suffered by the victim as a direct and proximate result of the 5786  
commission of the offense. If the court imposes restitution for 5787  
the cost of accounting or auditing done to determine the extent 5788  
of economic loss, the court may order restitution for any amount 5789  
of the victim's costs of accounting or auditing provided that 5790  
the amount of restitution is reasonable and does not exceed the 5791  
value of property or services stolen or damaged as a result of 5792  
the offense. If the court decides to impose restitution, the 5793  
court shall hold an evidentiary hearing on restitution if the 5794  
offender, victim, or survivor disputes the amount of 5795  
restitution. If the court holds an evidentiary hearing, at the 5796  
hearing the victim or survivor has the burden to prove by a 5797  
preponderance of the evidence the amount of restitution sought 5798  
from the offender. 5799

All restitution payments shall be credited against any 5800  
recovery of economic loss in a civil action brought by the 5801  
victim or any survivor of the victim against the offender. No 5802  
person may introduce evidence of an award of restitution under 5803  
this section in a civil action for purposes of imposing 5804  
liability against an insurer under section 3937.18 of the 5805  
Revised Code. 5806

If the court imposes restitution, the court may order that 5807  
the offender pay a surcharge, of not more than five per cent of 5808  
the amount of the restitution otherwise ordered, to the entity 5809  
responsible for collecting and processing restitution payments. 5810

The victim or survivor may request that the prosecutor in 5811  
the case file a motion, or the offender may file a motion, for 5812  
modification of the payment terms of any restitution ordered. If 5813  
the court grants the motion, it may modify the payment terms as 5814  
it determines appropriate. 5815

(2) A fine of the type described in divisions (A) (2) (a)	5816
and (b) of this section payable to the appropriate entity as	5817
required by law:	5818
(a) A fine in the following amount:	5819
(i) For a misdemeanor of the first degree, not more than	5820
one thousand dollars;	5821
(ii) For a misdemeanor of the second degree, not more than	5822
seven hundred fifty dollars;	5823
(iii) For a misdemeanor of the third degree, not more than	5824
five hundred dollars;	5825
(iv) For a misdemeanor of the fourth degree, not more than	5826
two hundred fifty dollars;	5827
(v) For a minor misdemeanor, not more than one hundred	5828
fifty dollars.	5829
(b) A state fine or cost as defined in section 2949.111 of	5830
the Revised Code.	5831
(3) (a) Reimbursement by the offender of any or all of the	5832
costs of sanctions incurred by the government, including, but	5833
not limited to, the following:	5834
(i) All or part of the costs of implementing any community	5835
control sanction, including a supervision fee under section	5836
2951.021 of the Revised Code;	5837
(ii) All or part of the costs of confinement in a jail or	5838
other residential facility, including, but not limited to, a per	5839
diem fee for room and board, the costs of medical and dental	5840
treatment, and the costs of repairing property damaged by the	5841
offender while confined;	5842



(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) The amount of reimbursement ordered under division (A) (3) (a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in

addition to imposing court costs. The court may order community 5873  
service for a minor misdemeanor pursuant to division (D) of 5874  
section 2929.27 of the Revised Code in lieu of or in addition to 5875  
imposing a financial sanction under this section and in addition 5876  
to imposing court costs. If a person fails to pay a financial 5877  
sanction or court costs, the court may order community service 5878  
in lieu of the financial sanction or court costs. 5879

(C) (1) The offender shall pay reimbursements imposed upon 5880  
the offender pursuant to division (A) (3) of this section to pay 5881  
the costs incurred by a county pursuant to any sanction imposed 5882  
under this section or section 2929.26 or 2929.27 of the Revised 5883  
Code or in operating a facility used to confine offenders 5884  
pursuant to a sanction imposed under section 2929.26 of the 5885  
Revised Code to the county treasurer. The county treasurer shall 5886  
deposit the reimbursements in the county's general fund. The 5887  
county shall use the amounts deposited in the fund to pay the 5888  
costs incurred by the county pursuant to any sanction imposed 5889  
under this section or section 2929.26 or 2929.27 of the Revised 5890  
Code or in operating a facility used to confine offenders 5891  
pursuant to a sanction imposed under section 2929.26 of the 5892  
Revised Code. 5893

(2) The offender shall pay reimbursements imposed upon the 5894  
offender pursuant to division (A) (3) of this section to pay the 5895  
costs incurred by a municipal corporation pursuant to any 5896  
sanction imposed under this section or section 2929.26 or 5897  
2929.27 of the Revised Code or in operating a facility used to 5898  
confine offenders pursuant to a sanction imposed under section 5899  
2929.26 of the Revised Code to the treasurer of the municipal 5900  
corporation. The treasurer shall deposit the reimbursements in 5901  
the municipal corporation's general fund. The municipal 5902  
corporation shall use the amounts deposited in the fund to pay 5903

the costs incurred by the municipal corporation pursuant to any 5904  
sanction imposed under this section or section 2929.26 or 5905  
2929.27 of the Revised Code or in operating a facility used to 5906  
confine offenders pursuant to a sanction imposed under section 5907  
2929.26 of the Revised Code. 5908

(3) The offender shall pay reimbursements imposed pursuant 5909  
to division (A) (3) of this section for the costs incurred by a 5910  
private provider pursuant to a sanction imposed under this 5911  
section or section 2929.26 or 2929.27 of the Revised Code to the 5912  
provider. 5913

(D) In addition to any other fine that is or may be 5914  
imposed under this section, the court imposing sentence upon an 5915  
offender for misdemeanor domestic violence or menacing by 5916  
stalking may impose a fine of not less than seventy nor more 5917  
than five hundred dollars, which shall be transmitted to the 5918  
treasurer of state to be credited to the address confidentiality 5919  
program fund created by section 111.48 of the Revised Code. 5920

(E) Except as otherwise provided in this division, a 5921  
financial sanction imposed under division (A) of this section is 5922  
a judgment in favor of the state or the political subdivision 5923  
that operates the court that imposed the financial sanction, and 5924  
the offender subject to the financial sanction is the judgment 5925  
debtor. A financial sanction of reimbursement imposed pursuant 5926  
to division (A) (3) (a) (i) of this section upon an offender is a 5927  
judgment in favor of the entity administering the community 5928  
control sanction, and the offender subject to the financial 5929  
sanction is the judgment debtor. A financial sanction of 5930  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 5931  
section upon an offender confined in a jail or other residential 5932  
facility is a judgment in favor of the entity operating the jail 5933

or other residential facility, and the offender subject to the 5934  
financial sanction is the judgment debtor. A financial sanction 5935  
of restitution imposed pursuant to division (A)(1) of this 5936  
section is an order in favor of the victim of the offender's 5937  
criminal act that can be collected through a certificate of 5938  
judgment as described in division (E)(1) of this section, 5939  
through execution as described in division (E)(2) of this 5940  
section, or through an order as described in division (E)(3) of 5941  
this section, and the offender shall be considered for purposes 5942  
of the collection as the judgment debtor. 5943

Once the financial sanction is imposed as a judgment or 5944  
order under this division, the victim, private provider, state, 5945  
or political subdivision may do any of the following: 5946

(1) Obtain from the clerk of the court in which the 5947  
judgment was entered a certificate of judgment that shall be in 5948  
the same manner and form as a certificate of judgment issued in 5949  
a civil action; 5950

(2) Obtain execution of the judgment or order through any 5951  
available procedure, including any of the procedures identified 5952  
in divisions (E)(1) and (2) of section 2929.18 of the Revised 5953  
Code. 5954

(3) Obtain an order for the assignment of wages of the 5955  
judgment debtor under section 1321.33 of the Revised Code. 5956

(F) The civil remedies authorized under division (E) of 5957  
this section for the collection of the financial sanction 5958  
supplement, but do not preclude, enforcement of the criminal 5959  
sentence. 5960

(G) Each court imposing a financial sanction upon an 5961  
offender under this section may designate the clerk of the court 5962

or another person to collect the financial sanction. The clerk, 5963  
or another person authorized by law or the court to collect the 5964  
financial sanction may do the following: 5965

(1) Enter into contracts with one or more public agencies 5966  
or private vendors for the collection of amounts due under the 5967  
sanction. Before entering into a contract for the collection of 5968  
amounts due from an offender pursuant to any financial sanction 5969  
imposed pursuant to this section, a court shall comply with 5970  
sections 307.86 to 307.92 of the Revised Code. 5971

(2) Permit payment of all or any portion of the sanction 5972  
in installments, by financial transaction device if the court is 5973  
a county court or a municipal court operated by a county, by 5974  
credit or debit card or by another electronic transfer if the 5975  
court is a municipal court not operated by a county, or by any 5976  
other reasonable method, in any time, and on any terms that 5977  
court considers just, except that the maximum time permitted for 5978  
payment shall not exceed five years. If the court is a county 5979  
court or a municipal court operated by a county, the acceptance 5980  
of payments by any financial transaction device shall be 5981  
governed by the policy adopted by the board of county 5982  
commissioners of the county pursuant to section 301.28 of the 5983  
Revised Code. If the court is a municipal court not operated by 5984  
a county, the clerk may pay any fee associated with processing 5985  
an electronic transfer out of public money or may charge the fee 5986  
to the offender. 5987

(3) To defray administrative costs, charge a reasonable 5988  
fee to an offender who elects a payment plan rather than a lump 5989  
sum payment of any financial sanction. 5990

(H) No financial sanction imposed under this section shall 5991  
preclude a victim from bringing a civil action against the 5992

offender.	5993
<b>Sec. 3113.31.</b> (A) As used in this section:	5994
(1) "Domestic violence" means any of the following:	5995
(a) The occurrence of one or more of the following acts against a family or household member:	5996 5997
(i) Attempting to cause or recklessly causing bodily injury;	5998 5999
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	6000 6001 6002
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	6003 6004 6005
(iv) Committing a sexually oriented offense.	6006
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	6007 6008 6009 6010
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	6011 6012 6013 6014 6015 6016 6017 6018
(3) "Family or household member" means any of the	6019

following: 6020

(a) Any of the following who is residing with or has 6021  
resided with the respondent: 6022

(i) A spouse, a person living as a spouse, or a former 6023  
spouse of the respondent; 6024

(ii) A parent, a foster parent, or a child of the 6025  
respondent, or another person related by consanguinity or 6026  
affinity to the respondent; 6027

(iii) A parent or a child of a spouse, person living as a 6028  
spouse, or former spouse of the respondent, or another person 6029  
related by consanguinity or affinity to a spouse, person living 6030  
as a spouse, or former spouse of the respondent. 6031

(b) The natural parent of any child of whom the respondent 6032  
is the other natural parent or is the putative other natural 6033  
parent. 6034

(4) "Person living as a spouse" means a person who is 6035  
living or has lived with the respondent in a common law marital 6036  
relationship, who otherwise is cohabiting with the respondent, 6037  
or who otherwise has cohabited with the respondent within five 6038  
years prior to the date of the alleged occurrence of the act in 6039  
question. 6040

(5) "Victim advocate" means a person who provides support 6041  
and assistance for a person who files a petition under this 6042  
section. 6043

(6) "Sexually oriented offense" has the same meaning as in 6044  
section 2950.01 of the Revised Code. 6045

(7) "Companion animal" has the same meaning as in section 6046  
959.131 of the Revised Code. 6047

(8) "Dating relationship" means a relationship between 6048  
individuals who have, or have had, a relationship of a romantic 6049  
or intimate nature. "Dating relationship" does not include a 6050  
casual acquaintanceship or ordinary fraternization in a business 6051  
or social context. 6052

(9) "Person with whom the respondent is or was in a dating 6053  
relationship" means an adult who, at the time of the conduct in 6054  
question, is in a dating relationship with the respondent who 6055  
also is an adult or who, within the twelve months preceding the 6056  
conduct in question, has had a dating relationship with the 6057  
respondent who also is an adult. 6058

~~(10) "Expunge" has the same meaning as in section 2903.213-~~ 6059  
~~of the Revised Code.~~ 6060

(B) The court has jurisdiction over all proceedings under 6061  
this section. The petitioner's right to relief under this 6062  
section is not affected by the petitioner's leaving the 6063  
residence or household to avoid further domestic violence. 6064

(C) A person may seek relief under this section on the 6065  
person's own behalf, or any parent or adult household member may 6066  
seek relief under this section on behalf of any other family or 6067  
household member, by filing a petition with the court. The 6068  
petition shall contain or state: 6069

(1) An allegation that the respondent engaged in domestic 6070  
violence against a family or household member of the respondent 6071  
or against a person with whom the respondent is or was in a 6072  
dating relationship, including a description of the nature and 6073  
extent of the domestic violence; 6074

(2) The relationship of the respondent to the petitioner, 6075  
and to the victim if other than the petitioner; 6076



(3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;

(4) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E) (1) (a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence. Immediate and present danger of domestic violence to the family or household member or to the person with whom the respondent is or was in a dating relationship constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.

(2) (a) If the court, after an ex parte hearing, issues an order described in division (E) (1) (b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this 6136  
section does not request an ex parte order, or if a person 6137  
requests an ex parte order but the court does not issue an ex 6138  
parte order after an ex parte hearing, the court shall proceed 6139  
as in a normal civil action and grant a full hearing on the 6140  
matter. 6141

(E) (1) After an ex parte or full hearing, the court may 6142  
grant any protection order, with or without bond, or approve any 6143  
consent agreement to bring about a cessation of domestic 6144  
violence against the family or household members or persons with 6145  
whom the respondent is or was in a dating relationship. The 6146  
order or agreement may: 6147

(a) Direct the respondent to refrain from abusing or from 6148  
committing sexually oriented offenses against the family or 6149  
household members or persons with whom the respondent is or was 6150  
in a dating relationship; 6151

(b) With respect to a petition involving family or 6152  
household members, grant possession of the residence or 6153  
household to the petitioner or other family or household member, 6154  
to the exclusion of the respondent, by evicting the respondent, 6155  
when the residence or household is owned or leased solely by the 6156  
petitioner or other family or household member, or by ordering 6157  
the respondent to vacate the premises, when the residence or 6158  
household is jointly owned or leased by the respondent, and the 6159  
petitioner or other family or household member; 6160

(c) With respect to a petition involving family or 6161  
household members, when the respondent has a duty to support the 6162  
petitioner or other family or household member living in the 6163  
residence or household and the respondent is the sole owner or 6164  
lessee of the residence or household, grant possession of the 6165

residence or household to the petitioner or other family or 6166  
household member, to the exclusion of the respondent, by 6167  
ordering the respondent to vacate the premises, or, in the case 6168  
of a consent agreement, allow the respondent to provide 6169  
suitable, alternative housing; 6170

(d) With respect to a petition involving family or 6171  
household members, temporarily allocate parental rights and 6172  
responsibilities for the care of, or establish temporary 6173  
parenting time rights with regard to, minor children, if no 6174  
other court has determined, or is determining, the allocation of 6175  
parental rights and responsibilities for the minor children or 6176  
parenting time rights; 6177

(e) With respect to a petition involving family or 6178  
household members, require the respondent to maintain support, 6179  
if the respondent customarily provides for or contributes to the 6180  
support of the family or household member, or if the respondent 6181  
has a duty to support the petitioner or family or household 6182  
member; 6183

(f) Require the respondent, petitioner, victim of domestic 6184  
violence, or any combination of those persons, to seek 6185  
counseling; 6186

(g) Require the respondent to refrain from entering the 6187  
residence, school, business, or place of employment of the 6188  
petitioner or, with respect to a petition involving family or 6189  
household members, a family or household member; 6190

(h) Grant other relief that the court considers equitable 6191  
and fair, including, but not limited to, ordering the respondent 6192  
to permit the use of a motor vehicle by the petitioner or, with 6193  
respect to a petition involving family or household members, 6194

other family or household members and the apportionment of 6195  
household and family personal property; 6196

(i) Require that the respondent not remove, damage, hide, 6197  
harm, or dispose of any companion animal owned or possessed by 6198  
the petitioner; 6199

(j) Authorize the petitioner to remove a companion animal 6200  
owned by the petitioner from the possession of the respondent; 6201

(k) Require a wireless service transfer in accordance with 6202  
sections 3113.45 to 3113.459 of the Revised Code. 6203

(2) If a protection order has been issued pursuant to this 6204  
section in a prior action involving the respondent and the 6205  
petitioner or, with respect to a petition involving family or 6206  
household members, one or more of the family or household 6207  
members or victims, the court may include in a protection order 6208  
that it issues a prohibition against the respondent returning to 6209  
the residence or household. If it includes a prohibition against 6210  
the respondent returning to the residence or household in the 6211  
order, it also shall include in the order provisions of the type 6212  
described in division (E) (7) of this section. This division does 6213  
not preclude the court from including in a protection order or 6214  
consent agreement, in circumstances other than those described 6215  
in this division, a requirement that the respondent be evicted 6216  
from or vacate the residence or household or refrain from 6217  
entering the residence, school, business, or place of employment 6218  
of the petitioner or, with respect to a petition involving 6219  
family or household members, a family or household member, and, 6220  
if the court includes any requirement of that type in an order 6221  
or agreement, the court also shall include in the order 6222  
provisions of the type described in division (E) (7) of this 6223  
section. 6224

(3) (a) Any protection order issued or consent agreement 6225  
approved under this section shall be valid until a date certain, 6226  
but not later than five years from the date of its issuance or 6227  
approval, or not later than the date a respondent who is less 6228  
than eighteen years of age attains nineteen years of age, unless 6229  
modified or terminated as provided in division (E) (8) of this 6230  
section. 6231

(b) With respect to an order involving family or household 6232  
members, subject to the limitation on the duration of an order 6233  
or agreement set forth in division (E) (3) (a) of this section, 6234  
any order under division (E) (1) (d) of this section shall 6235  
terminate on the date that a court in an action for divorce, 6236  
dissolution of marriage, or legal separation brought by the 6237  
petitioner or respondent issues an order allocating parental 6238  
rights and responsibilities for the care of children or on the 6239  
date that a juvenile court in an action brought by the 6240  
petitioner or respondent issues an order awarding legal custody 6241  
of minor children. Subject to the limitation on the duration of 6242  
an order or agreement set forth in division (E) (3) (a) of this 6243  
section, any order under division (E) (1) (e) of this section 6244  
shall terminate on the date that a court in an action for 6245  
divorce, dissolution of marriage, or legal separation brought by 6246  
the petitioner or respondent issues a support order or on the 6247  
date that a juvenile court in an action brought by the 6248  
petitioner or respondent issues a support order. 6249

(c) Any protection order issued or consent agreement 6250  
approved pursuant to this section may be renewed in the same 6251  
manner as the original order or agreement was issued or 6252  
approved. 6253

(4) A court may not issue a protection order that requires 6254

a petitioner to do or to refrain from doing an act that the 6255  
court may require a respondent to do or to refrain from doing 6256  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 6257  
this section unless all of the following apply: 6258

(a) The respondent files a separate petition for a 6259  
protection order in accordance with this section. 6260

(b) The petitioner is served notice of the respondent's 6261  
petition at least forty-eight hours before the court holds a 6262  
hearing with respect to the respondent's petition, or the 6263  
petitioner waives the right to receive this notice. 6264

(c) If the petitioner has requested an ex parte order 6265  
pursuant to division (D) of this section, the court does not 6266  
delay any hearing required by that division beyond the time 6267  
specified in that division in order to consolidate the hearing 6268  
with a hearing on the petition filed by the respondent. 6269

(d) After a full hearing at which the respondent presents 6270  
evidence in support of the request for a protection order and 6271  
the petitioner is afforded an opportunity to defend against that 6272  
evidence, the court determines that the petitioner has committed 6273  
an act of domestic violence or has violated a temporary 6274  
protection order issued pursuant to section 2919.26 of the 6275  
Revised Code, that both the petitioner and the respondent acted 6276  
primarily as aggressors, and that neither the petitioner nor the 6277  
respondent acted primarily in self-defense. 6278

(5) No protection order issued or consent agreement 6279  
approved under this section shall in any manner affect title to 6280  
any real property. 6281

(6) (a) With respect to an order involving family or 6282  
household members, if a petitioner, or the child of a 6283

petitioner, who obtains a protection order or consent agreement 6284  
pursuant to division (E) (1) of this section or a temporary 6285  
protection order pursuant to section 2919.26 of the Revised Code 6286  
and is the subject of a parenting time order issued pursuant to 6287  
section 3109.051 or 3109.12 of the Revised Code or a visitation 6288  
or companionship order issued pursuant to section 3109.051, 6289  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 6290  
this section granting parenting time rights to the respondent, 6291  
the court may require the public children services agency of the 6292  
county in which the court is located to provide supervision of 6293  
the respondent's exercise of parenting time or visitation or 6294  
companionship rights with respect to the child for a period not 6295  
to exceed nine months, if the court makes the following findings 6296  
of fact: 6297

(i) The child is in danger from the respondent; 6298

(ii) No other person or agency is available to provide the 6299  
supervision. 6300

(b) A court that requires an agency to provide supervision 6301  
pursuant to division (E) (6) (a) of this section shall order the 6302  
respondent to reimburse the agency for the cost of providing the 6303  
supervision, if it determines that the respondent has sufficient 6304  
income or resources to pay that cost. 6305

(7) (a) If a protection order issued or consent agreement 6306  
approved under this section includes a requirement that the 6307  
respondent be evicted from or vacate the residence or household 6308  
or refrain from entering the residence, school, business, or 6309  
place of employment of the petitioner or, with respect to a 6310  
petition involving family or household members, a family or 6311  
household member, the order or agreement shall state clearly 6312  
that the order or agreement cannot be waived or nullified by an 6313



invitation to the respondent from the petitioner or other family 6314  
or household member to enter the residence, school, business, or 6315  
place of employment or by the respondent's entry into one of 6316  
those places otherwise upon the consent of the petitioner or 6317  
other family or household member. 6318

(b) Division (E) (7) (a) of this section does not limit any 6319  
discretion of a court to determine that a respondent charged 6320  
with a violation of section 2919.27 of the Revised Code, with a 6321  
violation of a municipal ordinance substantially equivalent to 6322  
that section, or with contempt of court, which charge is based 6323  
on an alleged violation of a protection order issued or consent 6324  
agreement approved under this section, did not commit the 6325  
violation or was not in contempt of court. 6326

(8) (a) The court may modify or terminate as provided in 6327  
division (E) (8) of this section a protection order or consent 6328  
agreement that was issued after a full hearing under this 6329  
section. The court that issued the protection order or approved 6330  
the consent agreement shall hear a motion for modification or 6331  
termination of the protection order or consent agreement 6332  
pursuant to division (E) (8) of this section. 6333

(b) Either the petitioner or the respondent of the 6334  
original protection order or consent agreement may bring a 6335  
motion for modification or termination of a protection order or 6336  
consent agreement that was issued or approved after a full 6337  
hearing. The court shall require notice of the motion to be made 6338  
as provided by the Rules of Civil Procedure. If the petitioner 6339  
for the original protection order or consent agreement has 6340  
requested that the petitioner's address be kept confidential, 6341  
the court shall not disclose the address to the respondent of 6342  
the original protection order or consent agreement or any other 6343

person, except as otherwise required by law. The moving party 6344  
has the burden of proof to show, by a preponderance of the 6345  
evidence, that modification or termination of the protection 6346  
order or consent agreement is appropriate because either the 6347  
protection order or consent agreement is no longer needed or 6348  
because the terms of the original protection order or consent 6349  
agreement are no longer appropriate. 6350

(c) In considering whether to modify or terminate a 6351  
protection order or consent agreement issued or approved under 6352  
this section, the court shall consider all relevant factors, 6353  
including, but not limited to, the following: 6354

(i) Whether the petitioner consents to modification or 6355  
termination of the protection order or consent agreement; 6356

(ii) Whether the petitioner fears the respondent; 6357

(iii) The current nature of the relationship between the 6358  
petitioner and the respondent; 6359

(iv) The circumstances of the petitioner and respondent, 6360  
including the relative proximity of the petitioner's and 6361  
respondent's workplaces and residences and whether the 6362  
petitioner and respondent have minor children together; 6363

(v) Whether the respondent has complied with the terms and 6364  
conditions of the original protection order or consent 6365  
agreement; 6366

(vi) Whether the respondent has a continuing involvement 6367  
with illegal drugs or alcohol; 6368

(vii) Whether the respondent has been convicted of, 6369  
pleaded guilty to, or been adjudicated a delinquent child for an 6370  
offense of violence since the issuance of the protection order 6371

or approval of the consent agreement; 6372

(viii) Whether any other protection orders, consent 6373  
agreements, restraining orders, or no contact orders have been 6374  
issued against the respondent pursuant to this section, section 6375  
2919.26 of the Revised Code, any other provision of state law, 6376  
or the law of any other state; 6377

(ix) Whether the respondent has participated in any 6378  
domestic violence treatment, intervention program, or other 6379  
counseling addressing domestic violence and whether the 6380  
respondent has completed the treatment, program, or counseling; 6381

(x) The time that has elapsed since the protection order 6382  
was issued or since the consent agreement was approved; 6383

(xi) The age and health of the respondent; 6384

(xii) When the last incident of abuse, threat of harm, or 6385  
commission of a sexually oriented offense occurred or other 6386  
relevant information concerning the safety and protection of the 6387  
petitioner or other protected parties. 6388

(d) If a protection order or consent agreement is modified 6389  
or terminated as provided in division (E) (8) of this section, 6390  
the court shall issue copies of the modified or terminated order 6391  
or agreement as provided in division (F) of this section. A 6392  
petitioner may also provide notice of the modification or 6393  
termination to the judicial and law enforcement officials in any 6394  
county other than the county in which the order or agreement is 6395  
modified or terminated as provided in division (N) of this 6396  
section. 6397

(e) If the respondent moves for modification or 6398  
termination of a protection order or consent agreement pursuant 6399  
to this section and the court denies the motion, the court may 6400

assess costs against the respondent for the filing of the 6401  
motion. 6402

(9) Any protection order issued or any consent agreement 6403  
approved pursuant to this section shall include a provision that 6404  
the court will automatically seal all of the records of the 6405  
proceeding in which the order is issued or agreement approved on 6406  
the date the respondent attains the age of nineteen years unless 6407  
the petitioner provides the court with evidence that the 6408  
respondent has not complied with all of the terms of the 6409  
protection order or consent agreement. The protection order or 6410  
consent agreement shall specify the date when the respondent 6411  
attains the age of nineteen years. 6412

(F) (1) A copy of any protection order, or consent 6413  
agreement, that is issued, approved, modified, or terminated 6414  
under this section shall be issued by the court to the 6415  
petitioner, to the respondent, and to all law enforcement 6416  
agencies that have jurisdiction to enforce the order or 6417  
agreement. The court shall direct that a copy of an order be 6418  
delivered to the respondent on the same day that the order is 6419  
entered. 6420

(2) Upon the issuance of a protection order or the 6421  
approval of a consent agreement under this section, the court 6422  
shall provide the parties to the order or agreement with the 6423  
following notice orally or by form: 6424

"NOTICE 6425

As a result of this order or consent agreement, it may be 6426  
unlawful for you to possess or purchase a firearm, including a 6427  
rifle, pistol, or revolver, or ammunition pursuant to federal 6428  
law under 18 U.S.C. 922(g) (8) for the duration of this order or 6429

consent agreement. If you have any questions whether this law 6430  
makes it illegal for you to possess or purchase a firearm or 6431  
ammunition, you should consult an attorney." 6432

(3) All law enforcement agencies shall establish and 6433  
maintain an index for the protection orders and the approved 6434  
consent agreements delivered to the agencies pursuant to 6435  
division (F)(1) of this section. With respect to each order and 6436  
consent agreement delivered, each agency shall note on the index 6437  
the date and time that it received the order or consent 6438  
agreement. 6439

(4) Regardless of whether the petitioner has registered 6440  
the order or agreement in the county in which the officer's 6441  
agency has jurisdiction pursuant to division (N) of this 6442  
section, any officer of a law enforcement agency shall enforce a 6443  
protection order issued or consent agreement approved by any 6444  
court in this state in accordance with the provisions of the 6445  
order or agreement, including removing the respondent from the 6446  
premises, if appropriate. 6447

(G)(1) Any proceeding under this section shall be 6448  
conducted in accordance with the Rules of Civil Procedure, 6449  
except that an order under this section may be obtained with or 6450  
without bond. An order issued under this section, other than an 6451  
ex parte order, that grants a protection order or approves a 6452  
consent agreement, that refuses to grant a protection order or 6453  
approve a consent agreement that modifies or terminates a 6454  
protection order or consent agreement, or that refuses to modify 6455  
or terminate a protection order or consent agreement, is a 6456  
final, appealable order. The remedies and procedures provided in 6457  
this section are in addition to, and not in lieu of, any other 6458  
available civil or criminal remedies. 6459

(2) If as provided in division (G) (1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be ~~expunged~~ sealed after either of the following occurs:

~~(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired. No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.~~

~~(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order. All appellate rights have been exhausted.~~

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or household members involved, or the persons in the dating relationship who are involved, whichever is applicable regarding the relief available under this section and, for family or household members, section 2919.26 of the Revised Code.

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this

section and regardless of whether a protection order is issued 6489  
or a consent agreement is approved by a court of another county 6490  
or a court of another state, no court or unit of state or local 6491  
government shall charge the petitioner any fee, cost, deposit, 6492  
or money in connection with the filing of a petition pursuant to 6493  
this section or in connection with the filing, issuance, 6494  
registration, modification, enforcement, dismissal, withdrawal, 6495  
or service of a protection order, consent agreement, or witness 6496  
subpoena or for obtaining a certified copy of a protection order 6497  
or consent agreement. 6498

(2) Regardless of whether a protection order is issued or 6499  
a consent agreement is approved pursuant to this section, the 6500  
court may assess costs against the respondent in connection with 6501  
the filing, issuance, registration, modification, enforcement, 6502  
dismissal, withdrawal, or service of a protection order, consent 6503  
agreement, or witness subpoena or for obtaining a certified copy 6504  
of a protection order or consent agreement. 6505

(K) (1) The court shall comply with Chapters 3119., 3121., 6506  
3123., and 3125. of the Revised Code when it makes or modifies 6507  
an order for child support under this section. 6508

(2) If any person required to pay child support under an 6509  
order made under this section on or after April 15, 1985, or 6510  
modified under this section on or after December 31, 1986, is 6511  
found in contempt of court for failure to make support payments 6512  
under the order, the court that makes the finding, in addition 6513  
to any other penalty or remedy imposed, shall assess all court 6514  
costs arising out of the contempt proceeding against the person 6515  
and require the person to pay any reasonable attorney's fees of 6516  
any adverse party, as determined by the court, that arose in 6517  
relation to the act of contempt. 6518

(L) (1) A person who violates a protection order issued or 6519  
a consent agreement approved under this section is subject to 6520  
the following sanctions: 6521

(a) Criminal prosecution or a delinquent child proceeding 6522  
for a violation of section 2919.27 of the Revised Code, if the 6523  
violation of the protection order or consent agreement 6524  
constitutes a violation of that section; 6525

(b) Punishment for contempt of court. 6526

(2) The punishment of a person for contempt of court for 6527  
violation of a protection order issued or a consent agreement 6528  
approved under this section does not bar criminal prosecution of 6529  
the person or a delinquent child proceeding concerning the 6530  
person for a violation of section 2919.27 of the Revised Code. 6531  
However, a person punished for contempt of court is entitled to 6532  
credit for the punishment imposed upon conviction of or 6533  
adjudication as a delinquent child for a violation of that 6534  
section, and a person convicted of or adjudicated a delinquent 6535  
child for a violation of that section shall not subsequently be 6536  
punished for contempt of court arising out of the same activity. 6537

(M) In all stages of a proceeding under this section, a 6538  
petitioner may be accompanied by a victim advocate. 6539

(N) (1) A petitioner who obtains a protection order or 6540  
consent agreement under this section or a temporary protection 6541  
order under section 2919.26 of the Revised Code may provide 6542  
notice of the issuance or approval of the order or agreement to 6543  
the judicial and law enforcement officials in any county other 6544  
than the county in which the order is issued or the agreement is 6545  
approved by registering that order or agreement in the other 6546  
county pursuant to division (N) (2) of this section and filing a 6547



copy of the registered order or registered agreement with a law 6548  
enforcement agency in the other county in accordance with that 6549  
division. A person who obtains a protection order issued by a 6550  
court of another state may provide notice of the issuance of the 6551  
order to the judicial and law enforcement officials in any 6552  
county of this state by registering the order in that county 6553  
pursuant to section 2919.272 of the Revised Code and filing a 6554  
copy of the registered order with a law enforcement agency in 6555  
that county. 6556

(2) A petitioner may register a temporary protection 6557  
order, protection order, or consent agreement in a county other 6558  
than the county in which the court that issued the order or 6559  
approved the agreement is located in the following manner: 6560

(a) The petitioner shall obtain a certified copy of the 6561  
order or agreement from the clerk of the court that issued the 6562  
order or approved the agreement and present that certified copy 6563  
to the clerk of the court of common pleas or the clerk of a 6564  
municipal court or county court in the county in which the order 6565  
or agreement is to be registered. 6566

(b) Upon accepting the certified copy of the order or 6567  
agreement for registration, the clerk of the court of common 6568  
pleas, municipal court, or county court shall place an 6569  
endorsement of registration on the order or agreement and give 6570  
the petitioner a copy of the order or agreement that bears that 6571  
proof of registration. 6572

(3) The clerk of each court of common pleas, the clerk of 6573  
each municipal court, and the clerk of each county court shall 6574  
maintain a registry of certified copies of temporary protection 6575  
orders, protection orders, or consent agreements that have been 6576  
issued or approved by courts in other counties and that have 6577

been registered with the clerk. 6578

(O) Nothing in this section prohibits the domestic 6579  
relations division of a court of common pleas in counties that 6580  
have a domestic relations division or a court of common pleas in 6581  
counties that do not have a domestic relations division from 6582  
designating a minor child as a protected party on a protection 6583  
order or consent agreement. 6584

**Sec. 3307.152.** (A) As used in this section and in section 6585  
3307.154 of the Revised Code: 6586

(1) "Agent" means a dealer, as defined in section 1707.01 6587  
of the Revised Code, who is licensed under sections 1707.01 to 6588  
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 6589  
another state or of the United States. 6590

(2) "Minority business enterprise" has the same meaning as 6591  
in section 122.71 of the Revised Code. 6592

(3) "Ohio-qualified agent" means an agent designated as 6593  
such by the state teachers retirement board. 6594

(4) "Ohio-qualified investment manager" means an 6595  
investment manager designated as such by the state teachers 6596  
retirement board. 6597

(5) "Principal place of business" means an office in which 6598  
the agent regularly provides securities or investment advisory 6599  
services and solicits, meets with, or otherwise communicates 6600  
with clients. 6601

(B) The state teachers retirement board shall, for the 6602  
purposes of this section, designate an agent as an Ohio- 6603  
qualified agent if the agent meets all of the following 6604  
requirements: 6605

(1) The agent is subject to taxation under Chapter 5725., 6606  
5726., 5733., 5747., or 5751. of the Revised Code. 6607

(2) The agent is authorized to conduct business in this 6608  
state. 6609

(3) The agent maintains a principal place of business in 6610  
this state and employs at least five residents of this state. 6611

(C) The state teachers retirement board shall adopt and 6612  
implement a written policy to establish criteria and procedures 6613  
used to select agents to execute securities transactions on 6614  
behalf of the retirement system. The policy shall address each 6615  
of the following: 6616

(1) Commissions charged by the agent, both in the 6617  
aggregate and on a per share basis; 6618

(2) The execution speed and trade settlement capabilities 6619  
of the agent; 6620

(3) The responsiveness, reliability, and integrity of the 6621  
agent; 6622

(4) The nature and value of research provided by the 6623  
agent; 6624

(5) Any special capabilities of the agent. 6625

(D) (1) The board shall, at least annually, establish a 6626  
policy with the goal to increase utilization by the board of 6627  
Ohio-qualified agents for the execution of domestic equity and 6628  
fixed income trades on behalf of the retirement system, when an 6629  
Ohio-qualified agent offers quality, services, and safety 6630  
comparable to other agents otherwise available to the board and 6631  
meets the criteria established under division (C) of this 6632  
section. 6633

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

**Sec. 3309.157.** (A) As used in this section and in section 3309.159 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the school employees retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the school employees retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

(B) The school employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-

qualified agent if the agent meets all of the following 6662  
requirements: 6663

(1) The agent is subject to taxation under Chapter 5725., 6664  
5726., 5733., 5747., or 5751. of the Revised Code. 6665

(2) The agent is authorized to conduct business in this 6666  
state. 6667

(3) The agent maintains a principal place of business in 6668  
this state and employs at least five residents of this state. 6669

(C) The school employees retirement board shall adopt and 6670  
implement a written policy to establish criteria and procedures 6671  
used to select agents to execute securities transactions on 6672  
behalf of the retirement system. The policy shall address each 6673  
of the following: 6674

(1) Commissions charged by the agent, both in the 6675  
aggregate and on a per share basis; 6676

(2) The execution speed and trade settlement capabilities 6677  
of the agent; 6678

(3) The responsiveness, reliability, and integrity of the 6679  
agent; 6680

(4) The nature and value of research provided by the 6681  
agent; 6682

(5) Any special capabilities of the agent. 6683

(D) (1) The board shall, at least annually, establish a 6684  
policy with the goal to increase utilization by the board of 6685  
Ohio-qualified agents for the execution of domestic equity and 6686  
fixed income trades on behalf of the retirement system, when an 6687  
Ohio-qualified agent offers quality, services, and safety 6688

comparable to other agents otherwise available to the board and 6689  
meets the criteria established under division (C) of this 6690  
section. 6691

(2) The board shall review, at least annually, the 6692  
performance of the agents that execute securities transactions 6693  
on behalf of the board. 6694

(3) The board shall determine whether an agent is an Ohio- 6695  
qualified agent, meets the criteria established by the board 6696  
pursuant to division (C) of this section, and offers quality, 6697  
services, and safety comparable to other agents otherwise 6698  
available to the board. The board's determination shall be 6699  
final. 6700

**Sec. 4582.06.** (A) A port authority created in accordance 6701  
with section 4582.02 of the Revised Code may: 6702

(1) Acquire, construct, furnish, equip, maintain, repair, 6703  
sell, exchange, lease to or from, lease with an option to 6704  
purchase, convey other interests in, or operate real or personal 6705  
property, or any combination thereof, related to, useful for, or 6706  
in furtherance of any authorized purpose, and make charges for 6707  
the use of any port authority facility, which shall be not less 6708  
than the charges established for the same services furnished by 6709  
a public utility or common carrier in the jurisdiction of the 6710  
particular port authority; 6711

(2) Straighten, deepen, and improve any canal, channel, 6712  
river, stream, or other water course or way that may be 6713  
necessary or proper in the development of the facilities of the 6714  
port authority; 6715

(3) Issue bonds or notes for the acquisition, 6716  
construction, furnishing, or equipping of any real or personal 6717

property, or any combination thereof, related to, useful for, or 6718  
in furtherance of any authorized purpose, in compliance with 6719  
Chapter 133. of the Revised Code, except that the bonds or notes 6720  
only may be issued pursuant to a vote of the electors residing 6721  
within the territory of the port authority. The net indebtedness 6722  
incurred by a port authority shall never exceed two per cent of 6723  
the total value of all property within the territory comprising 6724  
the authority as listed and assessed for taxation. 6725

(4) By resolution of its board of directors, issue revenue 6726  
bonds beyond the limit of bonded indebtedness provided by law, 6727  
for the acquisition, construction, furnishing, or equipping of 6728  
any real or personal property, or any combination thereof, 6729  
related to, useful for, or in furtherance of any authorized 6730  
purpose, including all costs in connection with or incidental 6731  
thereto. 6732

The revenue bonds of the port authority shall be secured 6733  
only by a pledge of and a lien on the revenues of the port 6734  
authority derived from those loan payments, rentals, fees, 6735  
charges, or other revenues that are designated in the 6736  
resolution, including, but not limited to, any property to be 6737  
acquired, constructed, furnished, or equipped with the proceeds 6738  
of the bond issue, after provision only for the reasonable cost 6739  
of operating, maintaining, and repairing the property of the 6740  
port authority so designated. The bonds may further be secured 6741  
by the covenant of the port authority to maintain rates or 6742  
charges that will produce revenues sufficient to meet the costs 6743  
of operating, maintaining, and repairing such property and to 6744  
meet the interest and principal requirements of the bonds and to 6745  
establish and maintain reserves for the foregoing purposes. The 6746  
board of directors, by resolution, may provide for the issuance 6747  
of additional revenue bonds from time to time, to be secured 6748

equally and ratably, without preference, priority, or 6749  
distinction, with outstanding revenue bonds, but subject to the 6750  
terms and limitations of any trust agreement described in this 6751  
section, and of any resolution authorizing bonds then 6752  
outstanding. The board of directors, by resolution, may 6753  
designate additional property of the port authority, the 6754  
revenues of which shall be pledged and be subject to a lien for 6755  
the payment of the debt charges on revenue bonds theretofore 6756  
authorized by resolution of the board of directors, to the same 6757  
extent as the revenues above described. 6758

In the discretion of the board of directors, the revenue 6759  
bonds of the port authority may be secured by a trust agreement 6760  
between the board of directors on behalf of the port authority 6761  
and a corporate trustee, that may be any trust company or bank 6762  
having powers of a trust company, within or without the state. 6763

The trust agreement may provide for the pledge or 6764  
assignment of the revenues to be received, but shall not pledge 6765  
the general credit and taxing power of the port authority. A 6766  
trust agreement securing revenue bonds issued to acquire, 6767  
construct, furnish, or equip real property, plants, factories, 6768  
offices, and other structures and facilities for authorized 6769  
purposes consistent with Section 13 or 16 of Article VIII, Ohio 6770  
Constitution, may mortgage the real or personal property, or a 6771  
combination thereof, to be acquired, constructed, furnished, or 6772  
equipped from the proceeds of such revenue bonds, as further 6773  
security for the bonds. The trust agreement or the resolution 6774  
providing for the issuance of revenue bonds may set forth the 6775  
rights and remedies of the bondholders and trustee, and may 6776  
contain other provisions for protecting and enforcing their 6777  
rights and remedies that are determined in the discretion of the 6778  
board of directors to be reasonable and proper. The agreement or 6779



resolution may provide for the custody, investment, and 6780  
disbursement of all moneys derived from the sale of such bonds, 6781  
or from the revenues of the port authority, other than those 6782  
moneys received from taxes levied pursuant to section 4582.14 of 6783  
the Revised Code, and may provide for the deposit of such funds 6784  
without regard to section 4582.15 of the Revised Code. 6785

All bonds issued under authority of this chapter, 6786  
regardless of form or terms and regardless of any other law to 6787  
the contrary, shall have all qualities and incidents of 6788  
negotiable instruments, subject to provisions for registration, 6789  
and may be issued in coupon, fully registered, or other form, or 6790  
any combination thereof, as the board of directors determines. 6791  
Provision may be made for the registration of any coupon bonds 6792  
as to principal alone or as to both principal and interest, and 6793  
for the conversion into coupon bonds of any fully registered 6794  
bonds or bonds registered as to both principal and interest. 6795

The revenue bonds shall bear interest at such rate or 6796  
rates, shall bear such date or dates, and shall mature within 6797  
forty-five years following the date of issuance and in such 6798  
amount, at such time or times, and in such number of 6799  
installments, as may be provided in or pursuant to the 6800  
resolution authorizing their issuance. The final maturity of any 6801  
original issue of revenue bonds shall not be later than forty- 6802  
five years from their date of issue. Such resolution also shall 6803  
provide for the execution of the bonds, which may be by 6804  
facsimile signatures unless prohibited by the resolution, and 6805  
the manner of sale of the bonds. The resolution shall provide 6806  
for, or provide for the determination of, any other terms and 6807  
conditions relative to the issuance, sale, and retirement of the 6808  
bonds that the board of directors in its discretion determines 6809  
to be reasonable and proper. 6810

Whenever a port authority considers it expedient, it may 6811  
issue renewal notes and refund any bonds, whether the bonds to 6812  
be refunded have or have not matured. The final maturity of any 6813  
notes, including any renewal notes, shall not be later than five 6814  
years from the date of issue of the original issue of notes. The 6815  
final maturity of any refunding bonds shall not be later than 6816  
the later of forty-five years from the date of issue of the 6817  
original issue of bonds. The refunding bonds shall be sold and 6818  
the proceeds applied to the purchase, redemption, or payment of 6819  
the bonds to be refunded and the costs of issuance of the 6820  
refunding bonds. The bonds and notes issued under this chapter, 6821  
their transfer, and the income therefrom, shall at all times be 6822  
free from taxation within the state. 6823

(5) Do any of the following, in regard to any interests in 6824  
any real or personal property, or any combination thereof, 6825  
including, without limitation, machinery, equipment, plants, 6826  
factories, offices, and other structures and facilities related 6827  
to, useful for, or in furtherance of any authorized purpose, for 6828  
such consideration and in such manner, consistent with Article 6829  
VIII, Ohio Constitution, as the board in its sole discretion may 6830  
determine: 6831

(a) Loan moneys to any person or governmental entity for 6832  
the acquisition, construction, furnishing, and equipping of the 6833  
property; 6834

(b) Acquire, construct, maintain, repair, furnish, and 6835  
equip the property; 6836

(c) Sell to, exchange with, lease, convey other interests 6837  
in, or lease with an option to purchase the same or any lesser 6838  
interest in the property to the same or any other person or 6839  
governmental entity; 6840

(d) Guarantee the obligations of any person or 6841  
governmental entity. 6842

A port authority may accept and hold as consideration for 6843  
the conveyance of property or any interest therein such property 6844  
or interests therein as the board in its discretion may 6845  
determine, notwithstanding any restrictions that apply to the 6846  
investment of funds by a port authority. 6847

(6) Construct, maintain, repair, furnish, equip, sell, 6848  
exchange, lease, or lease with an option to purchase, any 6849  
property that it is authorized to acquire. A port authority that 6850  
is subject to this section also may operate any property in 6851  
connection with transportation, recreational, governmental 6852  
operations, or cultural activities. 6853

(a) Any purchase, exchange, sale, lease, lease with an 6854  
option to purchase, conveyance of other interests in, or other 6855  
contract with a person or governmental entity that pertains to 6856  
the acquisition, construction, maintenance, repair, furnishing, 6857  
equipping, or operation of any real or personal property, or any 6858  
combination thereof, related to, useful for, or in furtherance 6859  
of an activity contemplated by Section 13 or 16 of Article VIII, 6860  
Ohio Constitution, shall be made in such manner and subject to 6861  
such terms and conditions as may be determined by the board of 6862  
directors in its discretion. 6863

(b) Division (A) (6) (a) of this section applies to all 6864  
contracts that are subject to the division, notwithstanding any 6865  
other provision of law that might otherwise apply, including, 6866  
without limitation, any requirement of notice, any requirement 6867  
of competitive bidding or selection, or any requirement for the 6868  
provision of security. 6869

(c) Divisions (A) (6) (a) and (b) of this section do not 6870  
apply to either of the following: 6871

(i) Any contract secured by or to be paid from moneys 6872  
raised by taxation or the proceeds of obligations secured by a 6873  
pledge of moneys raised by taxation; 6874

(ii) Any contract secured exclusively by or to be paid 6875  
exclusively from the general revenues of the port authority. For 6876  
the purposes of this section, any revenues derived by the port 6877  
authority under a lease or other agreement that, by its terms, 6878  
contemplates the use of amounts payable under the agreement 6879  
either to pay the costs of the improvement that is the subject 6880  
of the contract or to secure obligations of the port authority 6881  
issued to finance costs of such improvement, are excluded from 6882  
general revenues. 6883

(7) Apply to the proper authorities of the United States 6884  
pursuant to appropriate law for the right to establish, operate, 6885  
and maintain foreign trade zones and to establish, operate, and 6886  
maintain foreign trade zones; and to acquire land or property 6887  
therefor, in a manner consistent with section 4582.17 of the 6888  
Revised Code; 6889

(8) Exercise the right of eminent domain to appropriate 6890  
any land, rights, rights-of-way, franchises, easements, or other 6891  
property, necessary or proper for any authorized purpose, 6892  
pursuant to the procedure provided in sections 163.01 to 163.22 6893  
of the Revised Code, if funds equal to the appraised value of 6894  
the property to be acquired as a result of such proceedings are 6895  
available for that purpose, except that nothing contained in 6896  
sections 4582.01 to 4582.20 of the Revised Code shall authorize 6897  
a port authority to take or disturb property or facilities 6898  
belonging to any agency or political subdivision of this state, 6899

public utility, or common carrier, which property or facilities 6900  
are necessary and convenient in the operation of the agency or 6901  
political subdivision, public utility, or common carrier, unless 6902  
provision is made for the restoration, relocation, or 6903  
duplication of the property or facilities, or upon the election 6904  
of the agency or political subdivision, public utility, or 6905  
common carrier, for the payment of compensation, if any, at the 6906  
sole cost of the port authority, provided that: 6907

(a) If any restoration or duplication proposed to be made 6908  
pursuant to this section involves a relocation of such property 6909  
or facilities, the new facilities and location shall be of at 6910  
least comparable utilitarian value and effectiveness, and the 6911  
relocation shall not impair the ability of the public utility or 6912  
common carrier to compete in its original area of operation. 6913

(b) If any restoration or duplication made pursuant to 6914  
this section involves a relocation of such property or 6915  
facilities, the port authority shall acquire no interest or 6916  
right in or to the appropriated property or facilities, except 6917  
as provided in division (A)(11) of this section, until the 6918  
relocated property or facilities are available for use and until 6919  
marketable title thereto has been transferred to the public 6920  
utility or common carrier. 6921

(c) Provisions for restoration or duplication shall be 6922  
described in detail in the resolution for appropriation passed 6923  
by the port authority. 6924

(9) Enjoy and possess the same rights, privileges, and 6925  
powers granted municipal corporations under sections 721.04 to 6926  
721.11 of the Revised Code; 6927

(10) Maintain such funds as it considers necessary; 6928

(11) Direct its agents or employees, when properly 6929  
identified in writing, and after at least five days' written 6930  
notice, to enter upon lands within the confines of its 6931  
jurisdiction in order to make surveys and examinations 6932  
preliminary to location and construction of works for the 6933  
purposes of the port authority, without liability of the port 6934  
authority or its agents or employees except for actual damage 6935  
done; 6936

(12) Sell, lease, or convey other interests in real and 6937  
personal property and grant easements or rights-of-way over 6938  
property of the port authority. The board of directors shall 6939  
specify the consideration and any terms thereof for the sale, 6940  
lease, or conveyance of other interests in real and personal 6941  
property. Any determinations made by the board of directors 6942  
under this division shall be conclusive. The sale, lease, or 6943  
conveyance may be made without advertising and the receipt of 6944  
bids. 6945

(13) Promote, advertise, and publicize the port authority 6946  
facilities and its authorized purposes, provide information to 6947  
persons with an interest in transportation and other port 6948  
authority activities, and appear before rate-making authorities 6949  
to represent and promote the interests of the port authority and 6950  
its authorized purposes; 6951

(14) Adopt rules, not in conflict with general law, 6952  
governing the use of and the safeguarding of its property, 6953  
grounds, buildings, equipment, and facilities, safeguarding 6954  
persons and their property located on or in port authority 6955  
property, and governing the conduct of its employees and the 6956  
public, in order to promote the public safety and convenience in 6957  
and about its terminals and grounds, and to maintain order. Any 6958

such regulation shall be posted at no less than five public 6959  
places in the port authority, as determined by the board of 6960  
directors, for a period of not fewer than fifteen days, and 6961  
shall be available for public inspection at the principal office 6962  
of the port authority during regular business hours. No person 6963  
shall violate any lawful regulation adopted and posted as 6964  
provided in this division. 6965

(15) Establish and administer one or more payment card 6966  
programs for purposes of paying expenses related to port 6967  
authority business. Any obligation incurred as a result of the 6968  
use of such a payment card shall be paid from port authority 6969  
funds. 6970

(16) Act as a portal operator for purposes of an 6971  
OhioInvests offering under sections 1707.05 to 1707.058 of the 6972  
Revised Code; 6973

(17) Do all acts necessary or appropriate to carry out its 6974  
authorized purposes. The port authority shall have the powers 6975  
and rights granted to other subdivisions under section 9.20 of 6976  
the Revised Code. 6977

(B) Any instrument by which real property is acquired 6978  
pursuant to this section shall identify the agency of the state 6979  
that has the use and benefit of the real property as specified 6980  
in section 5301.012 of the Revised Code. 6981

(C) Whoever violates division (A) (14) of this section is 6982  
guilty of a minor misdemeanor. 6983

**Sec. 4582.31.** (A) A port authority created in accordance 6984  
with section 4582.22 of the Revised Code may: 6985

(1) Adopt bylaws for the regulation of its affairs and the 6986  
conduct of its business; 6987

- (2) Adopt an official seal; 6988
- (3) Maintain a principal office within its jurisdiction, 6989  
and maintain such branch offices as it may require; 6990
- (4) Acquire, construct, furnish, equip, maintain, repair, 6991  
sell, exchange, lease to or from, or lease with an option to 6992  
purchase, convey other interests in real or personal property, 6993  
or any combination thereof, related to, useful for, or in 6994  
furtherance of any authorized purpose and operate any property 6995  
in connection with transportation, recreational, governmental 6996  
operations, or cultural activities; 6997
- (5) Straighten, deepen, and improve any channel, river, 6998  
stream, or other water course or way which may be necessary or 6999  
proper in the development of the facilities of a port authority; 7000
- (6) Make available the use or services of any port 7001  
authority facility to one or more persons, one or more 7002  
governmental agencies, or any combination thereof; 7003
- (7) Issue bonds or notes for the acquisition, 7004  
construction, furnishing, or equipping of any port authority 7005  
facility or other permanent improvement that a port authority is 7006  
authorized to acquire, construct, furnish, or equip, in 7007  
compliance with Chapter 133. of the Revised Code, except that 7008  
such bonds or notes may only be issued pursuant to a vote of the 7009  
electors residing within the area of jurisdiction of the port 7010  
authority. The net indebtedness incurred by a port authority 7011  
shall never exceed two per cent of the total value of all 7012  
property within the territory comprising the port authority as 7013  
listed and assessed for taxation. 7014
- (8) Issue port authority revenue bonds beyond the limit of 7015  
bonded indebtedness provided by law, payable solely from 7016



revenues as provided in section 4582.48 of the Revised Code, for 7017  
the purpose of providing funds to pay the costs of any port 7018  
authority facility or facilities or parts thereof; 7019

(9) Apply to the proper authorities of the United States 7020  
pursuant to appropriate law for the right to establish, operate, 7021  
and maintain foreign trade zones and establish, operate, and 7022  
maintain foreign trade zones and to acquire, exchange, sell, 7023  
lease to or from, lease with an option to purchase, or operate 7024  
facilities, land, or property therefor in accordance with the 7025  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 7026  
81u; 7027

(10) Enjoy and possess the same rights, privileges, and 7028  
powers granted municipal corporations under sections 721.04 to 7029  
721.11 of the Revised Code; 7030

(11) Maintain such funds as it considers necessary; 7031

(12) Direct its agents or employees, when properly 7032  
identified in writing, and after at least five days' written 7033  
notice, to enter upon lands within the confines of its 7034  
jurisdiction in order to make surveys and examinations 7035  
preliminary to location and construction of works for the 7036  
purposes of the port authority, without liability of the port 7037  
authority or its agents or employees except for actual damage 7038  
done; 7039

(13) Promote, advertise, and publicize the port authority 7040  
and its facilities; provide information to shippers and other 7041  
commercial interests; and appear before rate-making authorities 7042  
to represent and promote the interests of the port authority; 7043

(14) Adopt rules, not in conflict with general law, it 7044  
finds necessary or incidental to the performance of its duties 7045

and the execution of its powers under sections 4582.21 to 7046  
4582.54 of the Revised Code. Any such rule shall be posted at no 7047  
less than five public places in the port authority, as 7048  
determined by the board of directors, for a period of not fewer 7049  
than fifteen days, and shall be available for public inspection 7050  
at the principal office of the port authority during regular 7051  
business hours. No person shall violate any lawful rule adopted 7052  
and posted as provided in this division. 7053

(15) Do any of the following, in regard to any interests 7054  
in any real or personal property, or any combination thereof, 7055  
including, without limitation, machinery, equipment, plants, 7056  
factories, offices, and other structures and facilities related 7057  
to, useful for, or in furtherance of any authorized purpose, for 7058  
such consideration and in such manner, consistent with Article 7059  
VIII of the Ohio Constitution, as the board in its sole 7060  
discretion may determine: 7061

(a) Loan moneys to any person or governmental entity for 7062  
the acquisition, construction, furnishing, and equipping of the 7063  
property; 7064

(b) Acquire, construct, maintain, repair, furnish, and 7065  
equip the property; 7066

(c) Sell to, exchange with, lease, convey other interests 7067  
in, or lease with an option to purchase the same or any lesser 7068  
interest in the property to the same or any other person or 7069  
governmental entity; 7070

(d) Guarantee the obligations of any person or 7071  
governmental entity. 7072

A port authority may accept and hold as consideration for 7073  
the conveyance of property or any interest therein such property 7074

or interests therein as the board in its discretion may 7075  
determine, notwithstanding any restrictions that apply to the 7076  
investment of funds by a port authority. 7077

(16) Sell, lease, or convey other interests in real and 7078  
personal property, and grant easements or rights-of-way over 7079  
property of the port authority. The board of directors shall 7080  
specify the consideration and any terms for the sale, lease, or 7081  
conveyance of other interests in real and personal property. Any 7082  
determination made by the board under this division shall be 7083  
conclusive. The sale, lease, or conveyance may be made without 7084  
advertising and the receipt of bids. 7085

(17) Exercise the right of eminent domain to appropriate 7086  
any land, rights, rights-of-way, franchises, easements, or other 7087  
property, necessary or proper for any authorized purpose, 7088  
pursuant to the procedure provided in sections 163.01 to 163.22 7089  
of the Revised Code, if funds equal to the appraised value of 7090  
the property to be acquired as a result of such proceedings are 7091  
available for that purpose. However, nothing contained in 7092  
sections 4582.201 to 4582.59 of the Revised Code shall authorize 7093  
a port authority to take or disturb property or facilities 7094  
belonging to any agency or political subdivision of this state, 7095  
public utility, cable operator, or common carrier, which 7096  
property or facilities are necessary and convenient in the 7097  
operation of the agency or political subdivision, public 7098  
utility, cable operator, or common carrier, unless provision is 7099  
made for the restoration, relocation, or duplication of such 7100  
property or facilities, or upon the election of the agency or 7101  
political subdivision, public utility, cable operator, or common 7102  
carrier, for the payment of compensation, if any, at the sole 7103  
cost of the port authority, provided that: 7104

(a) If any restoration or duplication proposed to be made under this section involves a relocation of the property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the public utility, cable operator, or common carrier to compete in its original area of operation;

(b) If any restoration or duplication made under this section involves a relocation of the property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A) (15) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility, cable operator, or common carrier.

As used in division (A) (17) of this section, "cable operator" has the same meaning as in the "Cable Communications Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," Pub. L. No. 104-104, 110 Stat. 56.

(18) (a) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.59 of the Revised Code.

(b) Except as provided in division (A) (18) (c) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under section 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or

other improvement undertaken by a port authority involves an 7135  
expenditure exceeding one hundred fifty thousand dollars and the 7136  
port authority is the contracting entity, the port authority 7137  
shall make a written contract after notice calling for bids for 7138  
the award of the contract has been given by publication twice, 7139  
with at least seven days between publications, in a newspaper of 7140  
general circulation in the area of the port authority or as 7141  
provided in section 7.16 of the Revised Code. Each such contract 7142  
shall be let to the lowest responsive and responsible bidder in 7143  
accordance with section 9.312 of the Revised Code. Every 7144  
contract shall be accompanied by or shall refer to plans and 7145  
specifications for the work to be done, prepared for and 7146  
approved by the port authority, signed by an authorized officer 7147  
of the port authority and by the contractor, and shall be 7148  
executed in triplicate. 7149

Each bid shall be awarded in accordance with sections 7150  
153.54, 153.57, and 153.571 of the Revised Code. The port 7151  
authority may reject any and all bids. 7152

(c) The board of directors by rule may provide criteria 7153  
for the negotiation and award without competitive bidding of any 7154  
contract as to which the port authority is the contracting 7155  
entity for the construction of any building or structure or 7156  
other improvement under any of the following circumstances: 7157

(i) There exists a real and present emergency that 7158  
threatens damage or injury to persons or property of the port 7159  
authority or other persons, provided that a statement specifying 7160  
the nature of the emergency that is the basis for the 7161  
negotiation and award of a contract without competitive bidding 7162  
shall be signed by the officer of the port authority that 7163  
executes that contract at the time of the contract's execution 7164

and shall be attached to the contract. 7165

(ii) A commonly recognized industry or other standard or 7166  
specification does not exist and cannot objectively be 7167  
articulated for the improvement. 7168

(iii) The contract is for any energy conservation measure 7169  
as defined in section 307.041 of the Revised Code. 7170

(iv) With respect to material to be incorporated into the 7171  
improvement, only a single source or supplier exists for the 7172  
material. 7173

(v) A single bid is received by the port authority after 7174  
complying with the provisions of division (A) (18) (b) of this 7175  
section. 7176

(d) (i) If a contract is to be negotiated and awarded 7177  
without competitive bidding for the reason set forth in division 7178  
(A) (18) (c) (ii) of this section, the port authority shall publish 7179  
a notice calling for technical proposals twice, with at least 7180  
seven days between publications, in a newspaper of general 7181  
circulation in the area of the port authority or as provided in 7182  
section 7.16 of the Revised Code. After receipt of the technical 7183  
proposals, the port authority may negotiate with and award a 7184  
contract for the improvement to the proposer making the proposal 7185  
considered to be the most advantageous to the port authority. 7186

(ii) If a contract is to be negotiated and awarded without 7187  
competitive bidding for the reason set forth in division (A) (18) 7188  
(c) (iv) of this section, any construction activities related to 7189  
the incorporation of the material into the improvement also may 7190  
be provided without competitive bidding by the source or 7191  
supplier of that material. 7192

(e) (i) Any purchase, exchange, sale, lease, lease with an 7193

option to purchase, conveyance of other interests in, or other 7194  
contract with a person or governmental entity that pertains to 7195  
the acquisition, construction, maintenance, repair, furnishing, 7196  
equipping, or operation of any real or personal property, or any 7197  
combination thereof, related to, useful for, or in furtherance 7198  
of an activity contemplated by Section 13 or 16 of Article VIII, 7199  
Ohio Constitution, shall be made in such manner and subject to 7200  
such terms and conditions as may be determined by the board of 7201  
directors in its discretion. 7202

(ii) Division (A) (18) (e) (i) of this section applies to all 7203  
contracts that are subject to the division, notwithstanding any 7204  
other provision of law that might otherwise apply, including, 7205  
without limitation, any requirement of notice, any requirement 7206  
of competitive bidding or selection, or any requirement for the 7207  
provision of security. 7208

(iii) Divisions (A) (18) (e) (i) and (ii) of this section do 7209  
not apply to either of the following: any contract secured by or 7210  
to be paid from moneys raised by taxation or the proceeds of 7211  
obligations secured by a pledge of moneys raised by taxation; or 7212  
any contract secured exclusively by or to be paid exclusively 7213  
from the general revenues of the port authority. For the 7214  
purposes of this section, any revenues derived by the port 7215  
authority under a lease or other agreement that, by its terms, 7216  
contemplates the use of amounts payable under the agreement 7217  
either to pay the costs of the improvement that is the subject 7218  
of the contract or to secure obligations of the port authority 7219  
issued to finance costs of such improvement, are excluded from 7220  
general revenues. 7221

(19) Employ managers, superintendents, and other employees 7222  
and retain or contract with consulting engineers, financial 7223

consultants, accounting experts, architects, attorneys, and any 7224  
other consultants and independent contractors as are necessary 7225  
in its judgment to carry out this chapter, and fix the 7226  
compensation thereof. All expenses thereof shall be payable from 7227  
any available funds of the port authority or from funds 7228  
appropriated for that purpose by a political subdivision 7229  
creating or participating in the creation of the port authority. 7230

(20) Receive and accept from any state or federal agency 7231  
grants and loans for or in aid of the construction of any port 7232  
authority facility or for research and development with respect 7233  
to port authority facilities, and receive and accept aid or 7234  
contributions from any source of money, property, labor, or 7235  
other things of value, to be held, used, and applied only for 7236  
the purposes for which the grants and contributions are made; 7237

(21) Engage in research and development with respect to 7238  
port authority facilities; 7239

(22) Purchase fire and extended coverage and liability 7240  
insurance for any port authority facility and for the principal 7241  
office and branch offices of the port authority, insurance 7242  
protecting the port authority and its officers and employees 7243  
against liability for damage to property or injury to or death 7244  
of persons arising from its operations, and any other insurance 7245  
the port authority may agree to provide under any resolution 7246  
authorizing its port authority revenue bonds or in any trust 7247  
agreement securing the same; 7248

(23) Charge, alter, and collect rentals and other charges 7249  
for the use or services of any port authority facility as 7250  
provided in section 4582.43 of the Revised Code; 7251

(24) Provide coverage for its employees under Chapters 7252



145., 4123., and 4141. of the Revised Code;	7253
(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.	7254 7255 7256 7257 7258
(26) <u>Act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code;</u>	7259 7260 7261
(27) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.	7262 7263 7264
(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.	7265 7266 7267 7268
(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor.	7269 7270
<b>Sec. 5505.068.</b> (A) As used in this section and in section 5505.0610 of the Revised Code:	7271 7272
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to <del>1707.45</del> <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	7273 7274 7275 7276
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	7277 7278
(3) "Ohio-qualified agent" means an agent designated as such by the state highway patrol retirement board.	7279 7280

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state highway patrol retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

(B) The state highway patrol retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.

(2) The agent is authorized to conduct business in this state;

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.

(C) The state highway patrol retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;

(2) The execution speed and trade settlement capabilities of the agent;

(3) The responsiveness, reliability, and integrity of the agent;

(4) The nature and value of research provided by the agent; 7309  
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(5) Any special capabilities of the agent. 7311

(D) (1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section. 7312  
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(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board. 7320  
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(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final. 7323  
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**Section 2.** That existing sections 3.111, 145.114, 742.114, 1707.01, 1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 1707.44, 1707.99, 1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 3307.152, 3309.157, 4582.06, 4582.31, and 5505.068 of the Revised Code are hereby repealed. 7329  
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**Section 3.** In enacting section 1707.50 of the Revised Code 7338  
in Section 1 of this act, the General Assembly finds all of the 7339  
following: 7340

(A) Whereas adequate financing of essential investor 7341  
protection enforcement is necessary to achieve maximum 7342  
compliance with state law, to ensure, for businesses that raise 7343  
money via crowdfunding, an effective disincentive to engage in 7344  
unlawful, fraudulent, and anticompetitive business practices, 7345  
and to provide appropriate regulation of an emerging and quickly 7346  
evolving industry. 7347

(B) Although self-policing efforts by industry watchdog 7348  
groups may have some success in educating some fundraisers about 7349  
their obligations under state consumer and investor laws, in 7350  
other cases the only meaningful deterrent to unlawful conduct is 7351  
the vigorous assessment and collection of civil penalties. 7352

(C) It is in the public interest to provide that civil 7353  
penalties for violations of law may also be assessed and 7354  
collected by aggrieved crowdfunding investors acting as private 7355  
attorneys general enforcement. 7356

**Section 4.** The General Assembly, applying the principle 7357  
stated in division (B) of section 1.52 of the Revised Code that 7358  
amendments are to be harmonized if reasonably capable of 7359  
simultaneous operation, finds that the following sections, 7360  
presented in this act as composites of the sections as amended 7361  
by the acts indicated, are the resulting versions of the 7362  
sections in effect prior to the effective date of the sections 7363  
as presented in this act: 7364

Section 2151.34 of the Revised Code as amended by both 7365  
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 7366

Section 2903.214 of the Revised Code as amended by both	7367
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly.	7368
Section 2919.26 of the Revised Code as amended by both	7369
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly.	7370
Section 2929.01 of the Revised Code as amended by both	7371
Sub. H.B. 63 and Am. Sub. S.B. 1 of the 132nd General Assembly.	7372
Section 2929.18 of the Revised Code as amended by both	7373
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly.	7374
Section 3113.31 of the Revised Code as amended by both	7375
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly.	7376