

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 5**

**Representatives Williams, Willis**

**Cosponsors: Representatives Bird, Click, Creech, Fischer, Fowler Arthur, Gross,  
Johnson, Klopfenstein, Miller, K., Miller, M., Mullins, Newman, Ray**

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**A BILL**

To amend sections 109.57, 109.572, 109.578, 1  
109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2  
2923.14, 2929.01, 2929.13, 2929.14, 2941.141, 3  
2941.144, 2941.145, 2941.146, 2953.25, 2953.26, 4  
2953.32, 2953.34, 2953.61, 4723.28, 4729.16, 5  
4729.56, 4729.57, 4729.96, and 4752.09 and to 6  
enact sections 2941.1427, 2941.1428, and 7  
2953.321 of the Revised Code to enact the Repeat 8  
Offender Act to create a repeat offender 9  
classification, to create and modify certain 10  
firearm specifications, to increase the 11  
penalties for certain firearm offenses and 12  
specifications, to broaden the scope of relief 13  
from firearms disability, and to modify the 14  
sealing procedure for misdemeanors and fourth 15  
and fifth degree felonies. 16

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

**Section 1.** That sections 109.57, 109.572, 109.578, 17  
109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 2929.01, 18

2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 2941.146, 19  
2953.25, 2953.26, 2953.32, 2953.34, 2953.61, 4723.28, 4729.16, 20  
4729.56, 4729.57, 4729.96, and 4752.09 be amended and sections 21  
2941.1427, 2941.1428, and 2953.321 of the Revised Code be 22  
enacted to read as follows: 23

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 24  
criminal identification and investigation shall procure from 25  
wherever procurable and file for record photographs, pictures, 26  
descriptions, fingerprints, measurements, and other information 27  
that may be pertinent of all persons who have been convicted of 28  
committing within this state a felony, any crime constituting a 29  
misdemeanor on the first offense and a felony on subsequent 30  
offenses, or any misdemeanor described in division (A) (1) (a), 31  
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 32  
of all children under eighteen years of age who have been 33  
adjudicated delinquent children for committing within this state 34  
an act that would be a felony or an offense of violence if 35  
committed by an adult or who have been convicted of or pleaded 36  
guilty to committing within this state a felony or an offense of 37  
violence, and of all well-known and habitual criminals. The 38  
person in charge of any county, multicounty, municipal, 39  
municipal-county, or multicounty-municipal jail or workhouse, 40  
community-based correctional facility, halfway house, 41  
alternative residential facility, or state correctional 42  
institution and the person in charge of any state institution 43  
having custody of a person suspected of having committed a 44  
felony, any crime constituting a misdemeanor on the first 45  
offense and a felony on subsequent offenses, or any misdemeanor 46  
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 47  
section 109.572 of the Revised Code or having custody of a child 48  
under eighteen years of age with respect to whom there is 49

probable cause to believe that the child may have committed an 50  
act that would be a felony or an offense of violence if 51  
committed by an adult shall furnish such material to the 52  
superintendent of the bureau. Fingerprints, photographs, or 53  
other descriptive information of a child who is under eighteen 54  
years of age, has not been arrested or otherwise taken into 55  
custody for committing an act that would be a felony or an 56  
offense of violence who is not in any other category of child 57  
specified in this division, if committed by an adult, has not 58  
been adjudicated a delinquent child for committing an act that 59  
would be a felony or an offense of violence if committed by an 60  
adult, has not been convicted of or pleaded guilty to committing 61  
a felony or an offense of violence, and is not a child with 62  
respect to whom there is probable cause to believe that the 63  
child may have committed an act that would be a felony or an 64  
offense of violence if committed by an adult shall not be 65  
procured by the superintendent or furnished by any person in 66  
charge of any county, multicounty, municipal, municipal-county, 67  
or multicounty-municipal jail or workhouse, community-based 68  
correctional facility, halfway house, alternative residential 69  
facility, or state correctional institution, except as 70  
authorized in section 2151.313 of the Revised Code. 71

(2) Every clerk of a court of record in this state, other 72  
than the supreme court or a court of appeals, shall send to the 73  
superintendent of the bureau a weekly report containing a 74  
summary of each case involving a felony, involving any crime 75  
constituting a misdemeanor on the first offense and a felony on 76  
subsequent offenses, involving a misdemeanor described in 77  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 78  
of the Revised Code, or involving an adjudication in a case in 79  
which a child under eighteen years of age was alleged to be a 80

delinquent child for committing an act that would be a felony or 81  
an offense of violence if committed by an adult. The clerk of 82  
the court of common pleas shall include in the report and 83  
summary the clerk sends under this division all information 84  
described in divisions (A) (2) (a) to (f) of this section 85  
regarding a case before the court of appeals that is served by 86  
that clerk. The summary shall be written on the standard forms 87  
furnished by the superintendent pursuant to division (B) of this 88  
section and shall include the following information: 89

(a) The incident tracking number contained on the standard 90  
forms furnished by the superintendent pursuant to division (B) 91  
of this section; 92

(b) The style and number of the case; 93

(c) The date of arrest, offense, summons, or arraignment; 94

(d) The date that the person was convicted of or pleaded 95  
guilty to the offense, adjudicated a delinquent child for 96  
committing the act that would be a felony or an offense of 97  
violence if committed by an adult, found not guilty of the 98  
offense, or found not to be a delinquent child for committing an 99  
act that would be a felony or an offense of violence if 100  
committed by an adult, the date of an entry dismissing the 101  
charge, an entry declaring a mistrial of the offense in which 102  
the person is discharged, an entry finding that the person or 103  
child is not competent to stand trial, or an entry of a nolle 104  
prosequi, or the date of any other determination that 105  
constitutes final resolution of the case; 106

(e) A statement of the original charge with the section of 107  
the Revised Code that was alleged to be violated; 108

(f) If the person or child was convicted, pleaded guilty, 109

or was adjudicated a delinquent child, the sentence or terms of 110  
probation imposed or any other disposition of the offender or 111  
the delinquent child. 112

If the offense involved the disarming of a law enforcement 113  
officer or an attempt to disarm a law enforcement officer, the 114  
clerk shall clearly state that fact in the summary, and the 115  
superintendent shall ensure that a clear statement of that fact 116  
is placed in the bureau's records. 117

(3) The superintendent shall cooperate with and assist 118  
sheriffs, chiefs of police, and other law enforcement officers 119  
in the establishment of a complete system of criminal 120  
identification and in obtaining fingerprints and other means of 121  
identification of all persons arrested on a charge of a felony, 122  
any crime constituting a misdemeanor on the first offense and a 123  
felony on subsequent offenses, or a misdemeanor described in 124  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 125  
of the Revised Code and of all children under eighteen years of 126  
age arrested or otherwise taken into custody for committing an 127  
act that would be a felony or an offense of violence if 128  
committed by an adult. The superintendent also shall file for 129  
record the fingerprint impressions of all persons confined in a 130  
county, multicounty, municipal, municipal-county, or 131  
multicounty-municipal jail or workhouse, community-based 132  
correctional facility, halfway house, alternative residential 133  
facility, or state correctional institution for the violation of 134  
state laws and of all children under eighteen years of age who 135  
are confined in a county, multicounty, municipal, municipal- 136  
county, or multicounty-municipal jail or workhouse, community- 137  
based correctional facility, halfway house, alternative 138  
residential facility, or state correctional institution or in 139  
any facility for delinquent children for committing an act that 140

would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

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

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

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

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required

under division (A) of this section. The standard forms that the 171  
superintendent prepares pursuant to this division may be in a 172  
tangible format, in an electronic format, or in both tangible 173  
formats and electronic formats. 174

(C) (1) The superintendent may operate a center for 175  
electronic, automated, or other data processing for the storage 176  
and retrieval of information, data, and statistics pertaining to 177  
criminals and to children under eighteen years of age who are 178  
adjudicated delinquent children for committing an act that would 179  
be a felony or an offense of violence if committed by an adult, 180  
criminal activity, crime prevention, law enforcement, and 181  
criminal justice, and may establish and operate a statewide 182  
communications network to be known as the Ohio law enforcement 183  
gateway to gather and disseminate information, data, and 184  
statistics for the use of law enforcement agencies and for other 185  
uses specified in this division. The superintendent may gather, 186  
store, retrieve, and disseminate information, data, and 187  
statistics that pertain to children who are under eighteen years 188  
of age and that are gathered pursuant to sections 109.57 to 189  
109.61 of the Revised Code together with information, data, and 190  
statistics that pertain to adults and that are gathered pursuant 191  
to those sections. 192

(2) The superintendent or the superintendent's designee 193  
shall gather information of the nature described in division (C) 194  
(1) of this section that pertains to the offense and delinquency 195  
history of a person who has been convicted of, pleaded guilty 196  
to, or been adjudicated a delinquent child for committing a 197  
sexually oriented offense or a child-victim oriented offense for 198  
inclusion in the state registry of sex offenders and child- 199  
victim offenders maintained pursuant to division (A) (1) of 200  
section 2950.13 of the Revised Code and in the internet database 201

operated pursuant to division (A) (13) of that section and for 202  
possible inclusion in the internet database operated pursuant to 203  
division (A) (11) of that section. 204

(3) In addition to any other authorized use of 205  
information, data, and statistics of the nature described in 206  
division (C) (1) of this section, the superintendent or the 207  
superintendent's designee may provide and exchange the 208  
information, data, and statistics pursuant to the national crime 209  
prevention and privacy compact as described in division (A) (5) 210  
of this section. 211

(4) The Ohio law enforcement gateway shall contain the 212  
name, confidential address, and telephone number of program 213  
participants in the address confidentiality program established 214  
under sections 111.41 to 111.47 of the Revised Code. 215

(5) The attorney general may adopt rules under Chapter 216  
119. of the Revised Code establishing guidelines for the 217  
operation of and participation in the Ohio law enforcement 218  
gateway. The rules may include criteria for granting and 219  
restricting access to information gathered and disseminated 220  
through the Ohio law enforcement gateway. The attorney general 221  
shall adopt rules under Chapter 119. of the Revised Code that 222  
grant access to information in the gateway regarding an address 223  
confidentiality program participant under sections 111.41 to 224  
111.47 of the Revised Code to only chiefs of police, village 225  
marshals, county sheriffs, county prosecuting attorneys, and a 226  
designee of each of these individuals. The attorney general 227  
shall permit an office of a county coroner, the state medical 228  
board, and board of nursing to access and view, but not alter, 229  
information gathered and disseminated through the Ohio law 230  
enforcement gateway. 231



The attorney general may appoint a steering committee to 232  
advise the attorney general in the operation of the Ohio law 233  
enforcement gateway that is comprised of persons who are 234  
representatives of the criminal justice agencies in this state 235  
that use the Ohio law enforcement gateway and is chaired by the 236  
superintendent or the superintendent's designee. 237

(D) (1) The following are not public records under section 238  
149.43 of the Revised Code: 239

(a) Information and materials furnished to the 240  
superintendent pursuant to division (A) of this section; 241

(b) Information, data, and statistics gathered or 242  
disseminated through the Ohio law enforcement gateway pursuant 243  
to division (C) (1) of this section; 244

(c) Information and materials furnished to any board or 245  
person under division (F) or (G) of this section. 246

(2) The superintendent or the superintendent's designee 247  
shall gather and retain information so furnished under division 248  
(A) of this section that pertains to the offense and delinquency 249  
history of a person who has been convicted of, pleaded guilty 250  
to, or been adjudicated a delinquent child for committing a 251  
sexually oriented offense or a child-victim oriented offense for 252  
the purposes described in division (C) (2) of this section. 253

(E) (1) The attorney general shall adopt rules, in 254  
accordance with Chapter 119. of the Revised Code and subject to 255  
division (E) (2) of this section, setting forth the procedure by 256  
which a person may receive or release information gathered by 257  
the superintendent pursuant to division (A) of this section. A 258  
reasonable fee may be charged for this service. If a temporary 259  
employment service submits a request for a determination of 260

whether a person the service plans to refer to an employment 261  
position has been convicted of or pleaded guilty to an offense 262  
listed or described in division (A) (1), (2), or (3) of section 263  
109.572 of the Revised Code, the request shall be treated as a 264  
single request and only one fee shall be charged. 265

(2) Except as otherwise provided in this division or 266  
division (E) (3) or (4) of this section, a rule adopted under 267  
division (E) (1) of this section may provide only for the release 268  
of information gathered pursuant to division (A) of this section 269  
that relates to the conviction of a person, or a person's plea 270  
of guilty to, a criminal offense or to the arrest of a person as 271  
provided in division (E) (3) of this section. The superintendent 272  
shall not release, and the attorney general shall not adopt any 273  
rule under division (E) (1) of this section that permits the 274  
release of, any information gathered pursuant to division (A) of 275  
this section that relates to an adjudication of a child as a 276  
delinquent child, or that relates to a criminal conviction of a 277  
person under eighteen years of age if the person's case was 278  
transferred back to a juvenile court under division (B) (2) or 279  
(3) of section 2152.121 of the Revised Code and the juvenile 280  
court imposed a disposition or serious youthful offender 281  
disposition upon the person under either division, unless either 282  
of the following applies with respect to the adjudication or 283  
conviction: 284

(a) The adjudication or conviction was for a violation of 285  
section 2903.01 or 2903.02 of the Revised Code. 286

(b) The adjudication or conviction was for a sexually 287  
oriented offense, the juvenile court was required to classify 288  
the child a juvenile offender registrant for that offense under 289  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 290

classification has not been removed, and the records of the 291  
adjudication or conviction have not been sealed or expunged 292  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 293  
pursuant to section 2953.32 or 2953.321 of the Revised Code. 294

(3) A rule adopted under division (E)(1) of this section 295  
may provide for the release of information gathered pursuant to 296  
division (A) of this section that relates to the arrest of a 297  
person who is eighteen years of age or older when the person has 298  
not been convicted as a result of that arrest if any of the 299  
following applies: 300

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

(b) A criminal action resulting from the arrest is 302  
pending, and the superintendent confirms that the criminal 303  
action has not been resolved at the time the criminal records 304  
check is performed. 305

(c) The bureau cannot reasonably determine whether a 306  
criminal action resulting from the arrest is pending, and not 307  
more than one year has elapsed since the date of the arrest. 308

(4) A rule adopted under division (E)(1) of this section 309  
may provide for the release of information gathered pursuant to 310  
division (A) of this section that relates to an adjudication of 311  
a child as a delinquent child if not more than five years have 312  
elapsed since the date of the adjudication, the adjudication was 313  
for an act that would have been a felony if committed by an 314  
adult, the records of the adjudication have not been sealed or 315  
expunged pursuant to sections 2151.355 to 2151.358 of the 316  
Revised Code, and the request for information is made under 317  
division (F) of this section or under section 109.572 of the 318  
Revised Code. In the case of an adjudication for a violation of 319

the terms of community control or supervised release, the five- 320  
year period shall be calculated from the date of the 321  
adjudication to which the community control or supervised 322  
release pertains. 323

(F) (1) As used in division (F) (2) of this section, "head 324  
start agency" means an entity in this state that has been 325  
approved to be an agency for purposes of subchapter II of the 326  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 327  
U.S.C.A. 9831, as amended. 328

(2) (a) In addition to or in conjunction with any request 329  
that is required to be made under section 109.572, 2151.86, 330  
3301.32, 3301.541, division (C) of section 3310.58, or section 331  
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 332  
5153.111 of the Revised Code or that is made under section 333  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 334  
board of education of any school district; the director of 335  
developmental disabilities; any county board of developmental 336  
disabilities; any provider or subcontractor as defined in 337  
section 5123.081 of the Revised Code; the chief administrator of 338  
any chartered nonpublic school; the chief administrator of a 339  
registered private provider that is not also a chartered 340  
nonpublic school; the chief administrator of any home health 341  
agency; the chief administrator of or person operating any child 342  
care center, type A family child care home, or type B family 343  
child care home licensed under Chapter 5104. of the Revised 344  
Code; the chief administrator of or person operating any 345  
authorized private before and after school care program; the 346  
chief administrator of any head start agency; the executive 347  
director of a public children services agency; a private company 348  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 349  
the Revised Code; or an employer described in division (J) (2) of 350

section 3327.10 of the Revised Code may request that the 351  
superintendent of the bureau investigate and determine, with 352  
respect to any individual who has applied for employment in any 353  
position after October 2, 1989, or any individual wishing to 354  
apply for employment with a board of education may request, with 355  
regard to the individual, whether the bureau has any information 356  
gathered under division (A) of this section that pertains to 357  
that individual. On receipt of the request, subject to division 358  
(E) (2) of this section, the superintendent shall determine 359  
whether that information exists and, upon request of the person, 360  
board, or entity requesting information, also shall request from 361  
the federal bureau of investigation any criminal records it has 362  
pertaining to that individual. The superintendent or the 363  
superintendent's designee also may request criminal history 364  
records from other states or the federal government pursuant to 365  
the national crime prevention and privacy compact set forth in 366  
section 109.571 of the Revised Code. Within thirty days of the 367  
date that the superintendent receives a request, subject to 368  
division (E) (2) of this section, the superintendent shall send 369  
to the board, entity, or person a report of any information that 370  
the superintendent determines exists, including information 371  
contained in records that have been sealed under section 2953.32 372  
or 2953.321 of the Revised Code, and, within thirty days of its 373  
receipt, subject to division (E) (2) of this section, shall send 374  
the board, entity, or person a report of any information 375  
received from the federal bureau of investigation, other than 376  
information the dissemination of which is prohibited by federal 377  
law. 378

(b) When a board of education or a registered private 379  
provider is required to receive information under this section 380  
as a prerequisite to employment of an individual pursuant to 381

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

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

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

(4) When the superintendent of the bureau receives a

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

(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the bureau has any information

gathered under division (A) of this section that pertains to 443  
that applicant. 444

In addition to or in conjunction with any request that is 445  
required to be made under section 173.38 of the Revised Code 446  
with respect to an individual who has applied for employment in 447  
a direct-care position, the chief administrator of a provider, 448  
as defined in section 173.39 of the Revised Code, may request 449  
that the superintendent investigate and determine, with respect 450  
to any individual who has applied for employment in a position 451  
that is not a direct-care position, whether the bureau has any 452  
information gathered under division (A) of this section that 453  
pertains to that applicant. 454

In addition to or in conjunction with any request that is 455  
required to be made under section 3712.09 of the Revised Code 456  
with respect to an individual who has applied for employment in 457  
a position that involves providing direct care to a pediatric 458  
respite care patient, the chief administrator of a pediatric 459  
respite care program may request that the superintendent of the 460  
bureau investigate and determine, with respect to any individual 461  
who has applied for employment in a position that does not 462  
involve providing direct care to a pediatric respite care 463  
patient, whether the bureau has any information gathered under 464  
division (A) of this section that pertains to that individual. 465

On receipt of a request under this division, the 466  
superintendent shall determine whether that information exists 467  
and, on request of the individual requesting information, shall 468  
also request from the federal bureau of investigation any 469  
criminal records it has pertaining to the applicant. The 470  
superintendent or the superintendent's designee also may request 471  
criminal history records from other states or the federal 472



government pursuant to the national crime prevention and privacy 473  
compact set forth in section 109.571 of the Revised Code. Within 474  
thirty days of the date a request is received, subject to 475  
division (E) (2) of this section, the superintendent shall send 476  
to the requester a report of any information determined to 477  
exist, including information contained in records that have been 478  
sealed under section 2953.32 or 2953.321 of the Revised Code, 479  
and, within thirty days of its receipt, shall send the requester 480  
a report of any information received from the federal bureau of 481  
investigation, other than information the dissemination of which 482  
is prohibited by federal law. 483

(H) Information obtained by a government entity or person 484  
under this section is confidential and shall not be released or 485  
disseminated. 486

(I) The superintendent may charge a reasonable fee for 487  
providing information or criminal records under division (F) (2) 488  
or (G) of this section. 489

(J) As used in this section: 490

(1) "Pediatric respite care program" and "pediatric care 491  
patient" have the same meanings as in section 3712.01 of the 492  
Revised Code. 493

(2) "Sexually oriented offense" and "child-victim oriented 494  
offense" have the same meanings as in section 2950.01 of the 495  
Revised Code. 496

(3) "Registered private provider" means a nonpublic school 497  
or entity registered with the department of education and 498  
workforce under section 3310.41 of the Revised Code to 499  
participate in the autism scholarship program or section 3310.58 500  
of the Revised Code to participate in the Jon Peterson special 501

needs scholarship program. 502

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 503  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 504  
Code, a completed form prescribed pursuant to division (C) (1) of 505  
this section, and a set of fingerprint impressions obtained in 506  
the manner described in division (C) (2) of this section, the 507  
superintendent of the bureau of criminal identification and 508  
investigation shall conduct a criminal records check in the 509  
manner described in division (B) of this section to determine 510  
whether any information exists that indicates that the person 511  
who is the subject of the request previously has been convicted 512  
of or pleaded guilty to any of the following: 513

(a) A violation of section 2903.01, 2903.02, 2903.03, 514  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 515  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 516  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 517  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 518  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 519  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 520  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 521  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 522  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 523  
of the Revised Code, felonious sexual penetration in violation 524  
of former section 2907.12 of the Revised Code, a violation of 525  
section 2905.04 of the Revised Code as it existed prior to July 526  
1, 1996, a violation of section 2919.23 of the Revised Code that 527  
would have been a violation of section 2905.04 of the Revised 528  
Code as it existed prior to July 1, 1996, had the violation been 529  
committed prior to that date, or a violation of section 2925.11 530  
of the Revised Code that is not a minor drug possession offense; 531

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

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11,

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 562

(b) An existing or former law of this state, any other 563  
state, or the United States that is substantially equivalent to 564  
any of the offenses listed in division (A)(2)(a) of this 565  
section. 566

(3) On receipt of a request pursuant to section 173.27, 567  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 568  
5123.081, or 5123.169 of the Revised Code, a completed form 569  
prescribed pursuant to division (C)(1) of this section, and a 570  
set of fingerprint impressions obtained in the manner described 571  
in division (C)(2) of this section, the superintendent of the 572  
bureau of criminal identification and investigation shall 573  
conduct a criminal records check of the person for whom the 574  
request is made. The superintendent shall conduct the criminal 575  
records check in the manner described in division (B) of this 576  
section to determine whether any information exists that 577  
indicates that the person who is the subject of the request 578  
previously has been convicted of, has pleaded guilty to, or 579  
(except in the case of a request pursuant to section 5164.34, 580  
5164.341, or 5164.342 of the Revised Code) has been found 581  
eligible for intervention in lieu of conviction for any of the 582  
following, regardless of the date of the conviction, the date of 583  
entry of the guilty plea, or (except in the case of a request 584  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 585  
Revised Code) the date the person was found eligible for 586  
intervention in lieu of conviction: 587

(a) A violation of section 959.13, 959.131, 2903.01, 588  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 589  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 590  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 591

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 592  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 593  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 594  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 595  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 596  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 597  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 598  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 599  
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 600  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 601  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 602  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 603  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 604  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 605  
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 606  
Revised Code; 607

(b) Felonious sexual penetration in violation of former 608  
section 2907.12 of the Revised Code; 609

(c) A violation of section 2905.04 of the Revised Code as 610  
it existed prior to July 1, 1996; 611

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 612  
the Revised Code when the underlying offense that is the object 613  
of the conspiracy, attempt, or complicity is one of the offenses 614  
listed in divisions (A)(3)(a) to (c) of this section; 615

(e) A violation of an existing or former municipal 616  
ordinance or law of this state, any other state, or the United 617  
States that is substantially equivalent to any of the offenses 618  
listed in divisions (A)(3)(a) to (d) of this section. 619

(4) On receipt of a request pursuant to section 2151.86 or 620

2151.904 of the Revised Code, a completed form prescribed 621  
pursuant to division (C)(1) of this section, and a set of 622  
fingerprint impressions obtained in the manner described in 623  
division (C)(2) of this section, the superintendent of the 624  
bureau of criminal identification and investigation shall 625  
conduct a criminal records check in the manner described in 626  
division (B) of this section to determine whether any 627  
information exists that indicates that the person who is the 628  
subject of the request previously has been convicted of or 629  
pleaded guilty to any of the following: 630

(a) A violation of section 959.13, 2151.421, 2903.01, 631  
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 632  
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 633  
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 634  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 635  
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 636  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 637  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 638  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 639  
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 640  
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 641  
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 642  
Revised Code, a violation of section 2905.04 of the Revised Code 643  
as it existed prior to July 1, 1996, a violation of section 644  
2919.23 of the Revised Code that would have been a violation of 645  
section 2905.04 of the Revised Code as it existed prior to July 646  
1, 1996, had the violation been committed prior to that date, a 647  
violation of section 2925.11 of the Revised Code that is not a 648  
minor drug possession offense, two or more OVI or OVUAC 649  
violations committed within the three years immediately 650  
preceding the submission of the application or petition that is 651

the basis of the request, or felonious sexual penetration in 652  
violation of former section 2907.12 of the Revised Code, or a 653  
violation of Chapter 2919. of the Revised Code that is a felony; 654

(b) A violation of an existing or former law of this 655  
state, any other state, or the United States that is 656  
substantially equivalent to any of the offenses listed in 657  
division (A)(4)(a) of this section. 658

(5) Upon receipt of a request pursuant to section 5104.013 659  
of the Revised Code, a completed form prescribed pursuant to 660  
division (C)(1) of this section, and a set of fingerprint 661  
impressions obtained in the manner described in division (C)(2) 662  
of this section, the superintendent of the bureau of criminal 663  
identification and investigation shall conduct a criminal 664  
records check in the manner described in division (B) of this 665  
section to determine whether any information exists that 666  
indicates that the person who is the subject of the request has 667  
been convicted of or pleaded guilty to any of the following: 668

(a) A violation of section 2151.421, 2903.01, 2903.02, 669  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 670  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 671  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 672  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 673  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 674  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 675  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 676  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 677  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 678  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 679  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 680  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 681

2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 682  
3716.11 of the Revised Code, felonious sexual penetration in 683  
violation of former section 2907.12 of the Revised Code, a 684  
violation of section 2905.04 of the Revised Code as it existed 685  
prior to July 1, 1996, a violation of section 2919.23 of the 686  
Revised Code that would have been a violation of section 2905.04 687  
of the Revised Code as it existed prior to July 1, 1996, had the 688  
violation been committed prior to that date, a violation of 689  
section 2925.11 of the Revised Code that is not a minor drug 690  
possession offense, a violation of section 2923.02 or 2923.03 of 691  
the Revised Code that relates to a crime specified in this 692  
division, or a second violation of section 4511.19 of the 693  
Revised Code within five years of the date of application for 694  
licensure or certification. 695

(b) A violation of an existing or former law of this 696  
state, any other state, or the United States that is 697  
substantially equivalent to any of the offenses or violations 698  
described in division (A) (5) (a) of this section. 699

(6) Upon receipt of a request pursuant to section 5153.111 700  
of the Revised Code, a completed form prescribed pursuant to 701  
division (C) (1) of this section, and a set of fingerprint 702  
impressions obtained in the manner described in division (C) (2) 703  
of this section, the superintendent of the bureau of criminal 704  
identification and investigation shall conduct a criminal 705  
records check in the manner described in division (B) of this 706  
section to determine whether any information exists that 707  
indicates that the person who is the subject of the request 708  
previously has been convicted of or pleaded guilty to any of the 709  
following: 710

(a) A violation of section 2903.01, 2903.02, 2903.03, 711



2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 712  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 713  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 714  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 715  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 716  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 717  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 718  
Code, felonious sexual penetration in violation of former 719  
section 2907.12 of the Revised Code, a violation of section 720  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 721  
a violation of section 2919.23 of the Revised Code that would 722  
have been a violation of section 2905.04 of the Revised Code as 723  
it existed prior to July 1, 1996, had the violation been 724  
committed prior to that date, or a violation of section 2925.11 725  
of the Revised Code that is not a minor drug possession offense; 726

(b) A violation of an existing or former law of this 727  
state, any other state, or the United States that is 728  
substantially equivalent to any of the offenses listed in 729  
division (A) (6) (a) of this section. 730

(7) On receipt of a request for a criminal records check 731  
from an individual pursuant to section 4749.03 or 4749.06 of the 732  
Revised Code, accompanied by a completed copy of the form 733  
prescribed in division (C) (1) of this section and a set of 734  
fingerprint impressions obtained in a manner described in 735  
division (C) (2) of this section, the superintendent of the 736  
bureau of criminal identification and investigation shall 737  
conduct a criminal records check in the manner described in 738  
division (B) of this section to determine whether any 739  
information exists indicating that the person who is the subject 740  
of the request has been convicted of or pleaded guilty to any 741  
criminal offense in this state or in any other state. If the 742

individual indicates that a firearm will be carried in the 743  
course of business, the superintendent shall require information 744  
from the federal bureau of investigation as described in 745  
division (B) (2) of this section. Subject to division (F) of this 746  
section, the superintendent shall report the findings of the 747  
criminal records check and any information the federal bureau of 748  
investigation provides to the director of public safety. 749

(8) On receipt of a request pursuant to section 1321.37, 750  
1321.53, or 4763.05 of the Revised Code, a completed form 751  
prescribed pursuant to division (C) (1) of this section, and a 752  
set of fingerprint impressions obtained in the manner described 753  
in division (C) (2) of this section, the superintendent of the 754  
bureau of criminal identification and investigation shall 755  
conduct a criminal records check with respect to any person who 756  
has applied for a license, permit, or certification from the 757  
department of commerce or a division in the department. The 758  
superintendent shall conduct the criminal records check in the 759  
manner described in division (B) of this section to determine 760  
whether any information exists that indicates that the person 761  
who is the subject of the request previously has been convicted 762  
of or pleaded guilty to any criminal offense in this state, any 763  
other state, or the United States. 764

(9) On receipt of a request for a criminal records check 765  
from the treasurer of state under section 113.041 of the Revised 766  
Code or from an individual under section 928.03, 4701.08, 767  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 768  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 769  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 770  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 771  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 772  
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 773

4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 774  
accompanied by a completed form prescribed under division (C) (1) 775  
of this section and a set of fingerprint impressions obtained in 776  
the manner described in division (C) (2) of this section, the 777  
superintendent of the bureau of criminal identification and 778  
investigation shall conduct a criminal records check in the 779  
manner described in division (B) of this section to determine 780  
whether any information exists that indicates that the person 781  
who is the subject of the request has been convicted of or 782  
pleaded guilty to any criminal offense in this state or any 783  
other state. Subject to division (F) of this section, the 784  
superintendent shall send the results of a check requested under 785  
section 113.041 of the Revised Code to the treasurer of state 786  
and shall send the results of a check requested under any of the 787  
other listed sections to the licensing board specified by the 788  
individual in the request. 789

(10) On receipt of a request pursuant to section 124.74, 790  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 791  
Code, a completed form prescribed pursuant to division (C) (1) of 792  
this section, and a set of fingerprint impressions obtained in 793  
the manner described in division (C) (2) of this section, the 794  
superintendent of the bureau of criminal identification and 795  
investigation shall conduct a criminal records check in the 796  
manner described in division (B) of this section to determine 797  
whether any information exists that indicates that the person 798  
who is the subject of the request previously has been convicted 799  
of or pleaded guilty to any criminal offense under any existing 800  
or former law of this state, any other state, or the United 801  
States. 802

(11) On receipt of a request for a criminal records check 803  
from an appointing or licensing authority under section 3772.07 804

of the Revised Code, a completed form prescribed under division 805  
(C) (1) of this section, and a set of fingerprint impressions 806  
obtained in the manner prescribed in division (C) (2) of this 807  
section, the superintendent of the bureau of criminal 808  
identification and investigation shall conduct a criminal 809  
records check in the manner described in division (B) of this 810  
section to determine whether any information exists that 811  
indicates that the person who is the subject of the request 812  
previously has been convicted of or pleaded guilty or no contest 813  
to any offense under any existing or former law of this state, 814  
any other state, or the United States that makes the person 815  
ineligible for appointment or retention under section 3772.07 of 816  
the Revised Code or that is a disqualifying offense as defined 817  
in that section or substantially equivalent to a disqualifying 818  
offense, as applicable. 819

(12) On receipt of a request pursuant to section 2151.33 820  
or 2151.412 of the Revised Code, a completed form prescribed 821  
pursuant to division (C) (1) of this section, and a set of 822  
fingerprint impressions obtained in the manner described in 823  
division (C) (2) of this section, the superintendent of the 824  
bureau of criminal identification and investigation shall 825  
conduct a criminal records check with respect to any person for 826  
whom a criminal records check is required under that section. 827  
The superintendent shall conduct the criminal records check in 828  
the manner described in division (B) of this section to 829  
determine whether any information exists that indicates that the 830  
person who is the subject of the request previously has been 831  
convicted of or pleaded guilty to any of the following: 832

(a) A violation of section 2903.01, 2903.02, 2903.03, 833  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 834  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 835

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 836  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 837  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 838  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 839  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 840  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 841

(b) An existing or former law of this state, any other 842  
state, or the United States that is substantially equivalent to 843  
any of the offenses listed in division (A)(12)(a) of this 844  
section. 845

(13) On receipt of a request pursuant to section 3796.12 846  
of the Revised Code, a completed form prescribed pursuant to 847  
division (C)(1) of this section, and a set of fingerprint 848  
impressions obtained in a manner described in division (C)(2) of 849  
this section, the superintendent of the bureau of criminal 850  
identification and investigation shall conduct a criminal 851  
records check in the manner described in division (B) of this 852  
section to determine whether any information exists that 853  
indicates that the person who is the subject of the request 854  
previously has been convicted of or pleaded guilty to a 855  
disqualifying offense as specified in rules adopted under 856  
section 9.79 and division (B)(2)(b) of section 3796.03 of the 857  
Revised Code if the person who is the subject of the request is 858  
an administrator or other person responsible for the daily 859  
operation of, or an owner or prospective owner, officer or 860  
prospective officer, or board member or prospective board member 861  
of, an entity seeking a license from the department of commerce 862  
under Chapter 3796. of the Revised Code. 863

(14) On receipt of a request required by section 3796.13 864  
of the Revised Code, a completed form prescribed pursuant to 865

division (C) (1) of this section, and a set of fingerprint 866  
impressions obtained in a manner described in division (C) (2) of 867  
this section, the superintendent of the bureau of criminal 868  
identification and investigation shall conduct a criminal 869  
records check in the manner described in division (B) of this 870  
section to determine whether any information exists that 871  
indicates that the person who is the subject of the request 872  
previously has been convicted of or pleaded guilty to a 873  
disqualifying offense as specified in rules adopted under 874  
division (B) (14) (a) of section 3796.03 of the Revised Code if 875  
the person who is the subject of the request is seeking 876  
employment with an entity licensed by the department of commerce 877  
under Chapter 3796. of the Revised Code. 878

(15) On receipt of a request pursuant to section 4768.06 879  
of the Revised Code, a completed form prescribed under division 880  
(C) (1) of this section, and a set of fingerprint impressions 881  
obtained in the manner described in division (C) (2) of this 882  
section, the superintendent of the bureau of criminal 883  
identification and investigation shall conduct a criminal 884  
records check in the manner described in division (B) of this 885  
section to determine whether any information exists indicating 886  
that the person who is the subject of the request has been 887  
convicted of or pleaded guilty to any criminal offense in this 888  
state or in any other state. 889

(16) On receipt of a request pursuant to division (B) of 890  
section 4764.07 or division (A) of section 4735.143 of the 891  
Revised Code, a completed form prescribed under division (C) (1) 892  
of this section, and a set of fingerprint impressions obtained 893  
in the manner described in division (C) (2) of this section, the 894  
superintendent of the bureau of criminal identification and 895  
investigation shall conduct a criminal records check in the 896

manner described in division (B) of this section to determine 897  
whether any information exists indicating that the person who is 898  
the subject of the request has been convicted of or pleaded 899  
guilty to any criminal offense in any state or the United 900  
States. 901

(17) On receipt of a request for a criminal records check 902  
under section 147.022 of the Revised Code, a completed form 903  
prescribed under division (C)(1) of this section, and a set of 904  
fingerprint impressions obtained in the manner prescribed in 905  
division (C)(2) of this section, the superintendent of the 906  
bureau of criminal identification and investigation shall 907  
conduct a criminal records check in the manner described in 908  
division (B) of this section to determine whether any 909  
information exists that indicates that the person who is the 910  
subject of the request previously has been convicted of or 911  
pleaded guilty or no contest to any criminal offense under any 912  
existing or former law of this state, any other state, or the 913  
United States. 914

(18) Upon receipt of a request pursuant to division (F) of 915  
section 2915.081 or division (E) of section 2915.082 of the 916  
Revised Code, a completed form prescribed under division (C)(1) 917  
of this section, and a set of fingerprint impressions obtained 918  
in the manner described in division (C)(2) of this section, the 919  
superintendent of the bureau of criminal identification and 920  
investigation shall conduct a criminal records check in the 921  
manner described in division (B) of this section to determine 922  
whether any information exists indicating that the person who is 923  
the subject of the request has been convicted of or pleaded 924  
guilty or no contest to any offense that is a violation of 925  
Chapter 2915. of the Revised Code or to any offense under any 926  
existing or former law of this state, any other state, or the 927

United States that is substantially equivalent to such an 928  
offense. 929

(19) On receipt of a request pursuant to section 3775.03 930  
of the Revised Code, a completed form prescribed under division 931  
(C) (1) of this section, and a set of fingerprint impressions 932  
obtained in the manner described in division (C) (2) of this 933  
section, the superintendent of the bureau of criminal 934  
identification and investigation shall conduct a criminal 935  
records check in the manner described in division (B) of this 936  
section and shall request information from the federal bureau of 937  
investigation to determine whether any information exists 938  
indicating that the person who is the subject of the request has 939  
been convicted of any offense under any existing or former law 940  
of this state, any other state, or the United States that is a 941  
disqualifying offense as defined in section 3772.07 of the 942  
Revised Code. 943

(B) Subject to division (F) of this section, the 944  
superintendent shall conduct any criminal records check to be 945  
conducted under this section as follows: 946

(1) The superintendent shall review or cause to be 947  
reviewed any relevant information gathered and compiled by the 948  
bureau under division (A) of section 109.57 of the Revised Code 949  
that relates to the person who is the subject of the criminal 950  
records check, including, if the criminal records check was 951  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 952  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 953  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 954  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 955  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 956  
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 957



5123.169, or 5153.111 of the Revised Code, any relevant 958  
information contained in records that have been sealed under 959  
section 2953.32 or 2953.321 of the Revised Code; 960

(2) If the request received by the superintendent asks for 961  
information from the federal bureau of investigation, the 962  
superintendent shall request from the federal bureau of 963  
investigation any information it has with respect to the person 964  
who is the subject of the criminal records check, including 965  
fingerprint-based checks of national crime information databases 966  
as described in 42 U.S.C. 671 if the request is made pursuant to 967  
section 2151.86 or 5104.013 of the Revised Code or if any other 968  
Revised Code section requires fingerprint-based checks of that 969  
nature, and shall review or cause to be reviewed any information 970  
the superintendent receives from that bureau. If a request under 971  
section 3319.39 of the Revised Code asks only for information 972  
from the federal bureau of investigation, the superintendent 973  
shall not conduct the review prescribed by division (B) (1) of 974  
this section. 975

(3) The superintendent or the superintendent's designee 976  
may request criminal history records from other states or the 977  
federal government pursuant to the national crime prevention and 978  
privacy compact set forth in section 109.571 of the Revised 979  
Code. 980

(4) The superintendent shall include in the results of the 981  
criminal records check a list or description of the offenses 982  
listed or described in the relevant provision of division (A) of 983  
this section. The superintendent shall exclude from the results 984  
any information the dissemination of which is prohibited by 985  
federal law. 986

(5) The superintendent shall send the results of the 987

criminal records check to the person to whom it is to be sent 988  
not later than the following number of days after the date the 989  
superintendent receives the request for the criminal records 990  
check, the completed form prescribed under division (C) (1) of 991  
this section, and the set of fingerprint impressions obtained in 992  
the manner described in division (C) (2) of this section: 993

(a) If the superintendent is required by division (A) of 994  
this section (other than division (A) (3) of this section) to 995  
conduct the criminal records check, thirty; 996

(b) If the superintendent is required by division (A) (3) 997  
of this section to conduct the criminal records check, sixty. 998

(C) (1) The superintendent shall prescribe a form to obtain 999  
the information necessary to conduct a criminal records check 1000  
from any person for whom a criminal records check is to be 1001  
conducted under this section. The form that the superintendent 1002  
prescribes pursuant to this division may be in a tangible 1003  
format, in an electronic format, or in both tangible and 1004  
electronic formats. 1005

(2) The superintendent shall prescribe standard impression 1006  
sheets to obtain the fingerprint impressions of any person for 1007  
whom a criminal records check is to be conducted under this 1008  
section. Any person for whom a records check is to be conducted 1009  
under this section shall obtain the fingerprint impressions at a 1010  
county sheriff's office, municipal police department, or any 1011  
other entity with the ability to make fingerprint impressions on 1012  
the standard impression sheets prescribed by the superintendent. 1013  
The office, department, or entity may charge the person a 1014  
reasonable fee for making the impressions. The standard 1015  
impression sheets the superintendent prescribes pursuant to this 1016  
division may be in a tangible format, in an electronic format, 1017

or in both tangible and electronic formats. 1018

(3) Subject to division (D) of this section, the 1019  
superintendent shall prescribe and charge a reasonable fee for 1020  
providing a criminal records check under this section. The 1021  
person requesting the criminal records check shall pay the fee 1022  
prescribed pursuant to this division. In the case of a request 1023  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1024  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1025  
fee shall be paid in the manner specified in that section. 1026

(4) The superintendent of the bureau of criminal 1027  
identification and investigation may prescribe methods of 1028  
forwarding fingerprint impressions and information necessary to 1029  
conduct a criminal records check, which methods shall include, 1030  
but not be limited to, an electronic method. 1031

(D) The results of a criminal records check conducted 1032  
under this section, other than a criminal records check 1033  
specified in division (A)(7) of this section, are valid for the 1034  
person who is the subject of the criminal records check for a 1035  
period of one year from the date upon which the superintendent 1036  
completes the criminal records check. If during that period the 1037  
superintendent receives another request for a criminal records 1038  
check to be conducted under this section for that person, the 1039  
superintendent shall provide the results from the previous 1040  
criminal records check of the person at a lower fee than the fee 1041  
prescribed for the initial criminal records check. 1042

(E) When the superintendent receives a request for 1043  
information from a registered private provider, the 1044  
superintendent shall proceed as if the request was received from 1045  
a school district board of education under section 3319.39 of 1046  
the Revised Code. The superintendent shall apply division (A)(1) 1047

(c) of this section to any such request for an applicant who is 1048  
a teacher. 1049

(F) (1) Subject to division (F) (2) of this section, all 1050  
information regarding the results of a criminal records check 1051  
conducted under this section that the superintendent reports or 1052  
sends under division (A) (7) or (9) of this section to the 1053  
director of public safety, the treasurer of state, or the 1054  
person, board, or entity that made the request for the criminal 1055  
records check shall relate to the conviction of the subject 1056  
person, or the subject person's plea of guilty to, a criminal 1057  
offense. 1058

(2) Division (F) (1) of this section does not limit, 1059  
restrict, or preclude the superintendent's release of 1060  
information that relates to the arrest of a person who is 1061  
eighteen years of age or older, to an adjudication of a child as 1062  
a delinquent child, or to a criminal conviction of a person 1063  
under eighteen years of age in circumstances in which a release 1064  
of that nature is authorized under division (E) (2), (3), or (4) 1065  
of section 109.57 of the Revised Code pursuant to a rule adopted 1066  
under division (E) (1) of that section. 1067

(G) As used in this section: 1068

(1) "Criminal records check" means any criminal records 1069  
check conducted by the superintendent of the bureau of criminal 1070  
identification and investigation in accordance with division (B) 1071  
of this section. 1072

(2) "Minor drug possession offense" has the same meaning 1073  
as in section 2925.01 of the Revised Code. 1074

(3) "OVI or OVUAC violation" means a violation of section 1075  
4511.19 of the Revised Code or a violation of an existing or 1076

former law of this state, any other state, or the United States 1077  
that is substantially equivalent to section 4511.19 of the 1078  
Revised Code. 1079

(4) "Registered private provider" means a nonpublic school 1080  
or entity registered with the department of education and 1081  
workforce under section 3310.41 of the Revised Code to 1082  
participate in the autism scholarship program or section 3310.58 1083  
of the Revised Code to participate in the Jon Peterson special 1084  
needs scholarship program. 1085

**Sec. 109.578.** (A) On receipt of a request pursuant to 1086  
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1087  
Code, a completed form prescribed pursuant to division (C)(1) of 1088  
this section, and a set of fingerprint impressions obtained in 1089  
the manner described in division (C)(2) of this section, the 1090  
superintendent of the bureau of criminal identification and 1091  
investigation shall conduct a criminal records check in the 1092  
manner described in division (B) of this section to determine 1093  
whether any information exists that indicates that the person 1094  
who is the subject of the request previously has been convicted 1095  
of or pleaded guilty to any of the following: 1096

(1) A felony; 1097

(2) A violation of section 2909.03 of the Revised Code; 1098

(3) A violation of an existing or former law of this 1099  
state, any other state, or the United States that is 1100  
substantially equivalent to any of the offenses listed in 1101  
division (A)(1) or (2) of this section. 1102

(B) Subject to division (E) of this section, the 1103  
superintendent shall conduct any criminal records check pursuant 1104  
to division (A) of this section as follows: 1105

(1) The superintendent shall review or cause to be 1106  
reviewed any relevant information gathered and compiled by the 1107  
bureau under division (A) of section 109.57 of the Revised Code 1108  
that relates to the person who is the subject of the request, 1109  
including any relevant information contained in records that 1110  
have been sealed under section 2953.32 or 2953.321 of the 1111  
Revised Code. 1112

(2) If the request received by the superintendent asks for 1113  
information from the federal bureau of investigation, the 1114  
superintendent shall request from the federal bureau of 1115  
investigation any information it has with respect to the person 1116  
who is the subject of the request and shall review or cause to 1117  
be reviewed any information the superintendent receives from 1118  
that bureau. 1119

(C) (1) The superintendent shall prescribe a form to obtain 1120  
the information necessary to conduct a criminal records check 1121  
from any person for whom a criminal records check is requested 1122  
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1123  
the Revised Code. The form that the superintendent prescribes 1124  
pursuant to this division may be in a tangible format, in an 1125  
electronic format, or in both tangible and electronic formats. 1126

(2) The superintendent shall prescribe standard impression 1127  
sheets to obtain the fingerprint impressions of any person for 1128  
whom a criminal records check is requested pursuant to section 1129  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1130  
person for whom a records check is requested pursuant to any of 1131  
those sections shall obtain the fingerprint impressions at a 1132  
county sheriff's office, a municipal police department, or any 1133  
other entity with the ability to make fingerprint impressions on 1134  
the standard impression sheets prescribed by the superintendent. 1135

The office, department, or entity may charge the person a 1136  
reasonable fee for making the impressions. The standard 1137  
impression sheets the superintendent prescribes pursuant to this 1138  
division may be in a tangible format, in an electronic format, 1139  
or in both tangible and electronic formats. 1140

(3) Subject to division (D) of this section, the 1141  
superintendent shall prescribe and charge a reasonable fee for 1142  
providing a criminal records check requested under section 1143  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1144  
person making the criminal records request shall pay the fee 1145  
prescribed pursuant to this division. 1146

(4) The superintendent may prescribe methods of forwarding 1147  
fingerprint impressions and information necessary to conduct a 1148  
criminal records check. The methods shall include, but are not 1149  
limited to, an electronic method. 1150

(D) A determination whether any information exists that 1151  
indicates that a person previously has been convicted of or 1152  
pleaded guilty to any offense listed or described in division 1153  
(A) of this section and that the superintendent made with 1154  
respect to information considered in a criminal records check in 1155  
accordance with this section is valid for the person who is the 1156  
subject of the criminal records check for a period of one year 1157  
from the date upon which the superintendent makes the 1158  
determination. During the period in which the determination in 1159  
regard to a person is valid, if another request under this 1160  
section is made for a criminal records check for that person, 1161  
the superintendent shall provide the information that is the 1162  
basis for the superintendent's initial determination at a lower 1163  
fee than the fee prescribed for the initial criminal records 1164  
check. 1165

(E) (1) Subject to division (E) (2) of this section, all 1166  
information regarding the results of a criminal records check 1167  
conducted under this section that the superintendent reports or 1168  
sends under this section to the person, board, or entity that 1169  
made the request for the criminal records check shall relate to 1170  
the conviction of the subject person, or the subject person's 1171  
plea of guilty to, a criminal offense. 1172

(2) Division (E) (1) of this section does not limit, 1173  
restrict, or preclude the superintendent's release of 1174  
information that relates to the arrest of a person who is 1175  
eighteen years of age or older, to an adjudication of a child as 1176  
a delinquent child, or to a criminal conviction of a person 1177  
under eighteen years of age in circumstances in which a release 1178  
of that nature is authorized under division (E) (2), (3), or (4) 1179  
of section 109.57 of the Revised Code pursuant to a rule adopted 1180  
under division (E) (1) of that section. 1181

(F) As used in this section, "criminal records check" 1182  
means any criminal records check conducted by the superintendent 1183  
of the bureau of criminal identification and investigation in 1184  
accordance with division (B) of this section. 1185

**Sec. 109.579.** (A) On receipt of a request pursuant to 1186  
division (B) of section 4123.444 of the Revised Code, a 1187  
completed form prescribed pursuant to division (C) (1) of this 1188  
section, and a set of fingerprint impressions obtained in the 1189  
manner described in division (C) (2) of this section, the 1190  
superintendent of the bureau of criminal identification and 1191  
investigation shall conduct a criminal records check in the 1192  
manner described in division (B) of this section to determine 1193  
whether any information exists that indicates that the person 1194  
who is the subject of the request previously has been convicted 1195



of or pleaded guilty to any criminal offense involving theft, 1196  
receiving stolen property, embezzlement, forgery, fraud, passing 1197  
bad checks, money laundering, drug trafficking, or any criminal 1198  
offense involving money or securities, as set forth in Chapters 1199  
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 1200  
Revised Code or other law of this state, or the laws of any 1201  
other state or of the United States that are substantially 1202  
equivalent to those offenses. 1203

(B) The superintendent shall conduct a criminal records 1204  
check pursuant to division (A) of this section as follows: 1205

(1) The superintendent shall review or cause to be 1206  
reviewed any relevant information gathered and compiled by the 1207  
bureau under division (A) of section 109.57 of the Revised Code 1208  
that relates to the person who is the subject of the request, 1209  
including any relevant information contained in records that 1210  
have been sealed under section 2953.32 or 2953.321 of the 1211  
Revised Code. 1212

(2) If the request received by the superintendent asks for 1213  
information from the federal bureau of investigation, the 1214  
superintendent shall request from the federal bureau of 1215  
investigation any information it has with respect to the person 1216  
who is the subject of the request. The superintendent shall 1217  
review or cause to be reviewed any information that the 1218  
superintendent receives from the federal bureau of 1219  
investigation. 1220

(3) The superintendent shall forward the results of a 1221  
criminal records check conducted pursuant to this division to 1222  
the administrator of workers' compensation. 1223

(C) (1) The superintendent shall prescribe a form to obtain 1224

the information necessary to conduct a criminal records check 1225  
from any person for whom a criminal records check is requested 1226  
pursuant to division (B) of section 4123.444 of the Revised 1227  
Code. The form that the superintendent prescribes pursuant to 1228  
this division may be in a tangible format, in an electronic 1229  
format, or in both tangible and electronic formats. 1230

(2) The superintendent shall prescribe standard impression 1231  
sheets to obtain the fingerprint impressions of any person for 1232  
whom a criminal records check is requested pursuant to section 1233  
4123.444 of the Revised Code. Any person for whom the 1234  
administrator requests the superintendent to conduct a criminal 1235  
records check pursuant to that section shall have the person's 1236  
fingerprint impressions made at a county sheriff's office, a 1237  
municipal police department, or any other entity with the 1238  
ability to make fingerprint impressions on the standard 1239  
impression sheets prescribed by the superintendent. The office, 1240  
department, or entity may charge the person a reasonable fee for 1241  
making the impressions. The standard impression sheets the 1242  
superintendent prescribes pursuant to this division may be in a 1243  
tangible format, in an electronic format, or in both tangible 1244  
and electronic formats. 1245

(3) The superintendent may prescribe methods of forwarding 1246  
fingerprint impressions and information necessary to conduct a 1247  
criminal records check. The methods shall include, but are not 1248  
limited to, electronic methods. 1249

(D) A determination whether any information exists that 1250  
indicates that a person previously has been convicted of or 1251  
pleaded guilty to any offense listed or described in division 1252  
(A) of this section that the superintendent makes pursuant to 1253  
information considered in a criminal records check under this 1254

section is valid for the person who is the subject of that 1255  
criminal records check for a period of one year after the date 1256  
the superintendent makes that determination. 1257

(E) The superintendent shall prescribe and charge a 1258  
reasonable fee for providing a criminal records check requested 1259  
under section 4123.444 of the Revised Code. If another request 1260  
for a criminal records check is made under this section for a 1261  
person for whom a valid determination under division (D) of this 1262  
section is available, the superintendent shall provide the 1263  
determination for a reduced fee. 1264

**Sec. 2151.357.** (A) If the court orders the records of a 1265  
person sealed pursuant to section 2151.356 of the Revised Code, 1266  
the person who is subject of the order properly may, and the 1267  
court shall, reply that no record exists with respect to the 1268  
person upon any inquiry in the matter, and the court, except as 1269  
provided in division (D) of this section, shall do all of the 1270  
following: 1271

(1) Order that the proceedings in a case described in 1272  
divisions (B) and (C) of section 2151.356 of the Revised Code be 1273  
deemed never to have occurred; 1274

(2) Except as provided in division (C) of this section, 1275  
delete all index references to the case and the person so that 1276  
the references are permanently irretrievable; 1277

(3) Order that all original records of the case maintained 1278  
by any public office or agency, except fingerprints held by a 1279  
law enforcement agency, DNA specimens collected pursuant to 1280  
section 2152.74 of the Revised Code, and DNA records derived 1281  
from DNA specimens pursuant to section 109.573 of the Revised 1282  
Code, be delivered to the court; 1283

(4) Order each public office or agency, upon the 1284  
delivering of records to the court under division (A) (3) of this 1285  
section, to expunge remaining records of the case that are the 1286  
subject of the sealing order that are maintained by that public 1287  
office or agency, except fingerprints, DNA specimens, and DNA 1288  
records described under division (A) (3) of this section; 1289

(5) Send notice of the order to seal to any public office 1290  
or agency that the court has reason to believe may have a record 1291  
of the sealed record including, but not limited to, the bureau 1292  
of criminal identification and investigation; 1293

(6) Seal all of the records delivered to the court under 1294  
division (A) (3) of this section, in a separate file in which 1295  
only sealed records are maintained. 1296

(B) Except as provided in division (D) of this section, an 1297  
order to seal under section 2151.356 of the Revised Code applies 1298  
to every public office or agency that has a record relating to 1299  
the case, regardless of whether it receives notice of the 1300  
hearing on the sealing of the record or a copy of the order. 1301  
Except as provided in division (D) of this section, upon the 1302  
written request of a person whose record has been sealed and the 1303  
presentation of a copy of the order and compliance with division 1304  
(A) (3) of this section, a public office or agency shall expunge 1305  
its record relating to the case, except a record of the 1306  
adjudication or arrest or taking into custody that is maintained 1307  
for compiling statistical data and that does not contain any 1308  
reference to the person who is the subject of the order. 1309

(C) The court that maintains sealed records pursuant to 1310  
this section may maintain a manual or computerized index of the 1311  
sealed records and shall make the index available only for the 1312  
purposes set forth in division (E) of this section. 1313

(1) Each entry regarding a sealed record in the index of sealed records shall contain all of the following:

(a) The name of the person who is the subject of the sealed record;

(b) An alphanumeric identifier relating to the person who is the subject of the sealed record;

(c) The word "sealed";

(d) The name of the court that has custody of the sealed record.

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed.

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an

adjudication that an individual is a delinquent child may be 1342  
presented to a district superintendent as evidence to support 1343  
the contention that the superintendent should recommend that the 1344  
permanent exclusion of the individual who is the subject of the 1345  
sealing order be revoked. Except as otherwise authorized by this 1346  
division and sections 3301.121 and 3313.662 of the Revised Code, 1347  
any school employee in possession of or having access to the 1348  
sealed adjudication records of an individual that were the basis 1349  
of a permanent exclusion of the individual is subject to 1350  
division (F) of this section. 1351

(E) Inspection of records that have been ordered sealed 1352  
under section 2151.356 of the Revised Code may be made only by 1353  
the following persons or for the following purposes: 1354

(1) By the court; 1355

(2) If the records in question pertain to an act that 1356  
would be an offense of violence that would be a felony if 1357  
committed by an adult, by any law enforcement officer or any 1358  
prosecutor, or the assistants of a law enforcement officer or 1359  
prosecutor, for any valid law enforcement or prosecutorial 1360  
purpose; 1361

(3) Upon application by the person who is the subject of 1362  
the sealed records, by the person that is named in that 1363  
application; 1364

(4) If the records in question pertain to an alleged 1365  
violation of division (E) (1) of section 4301.69 of the Revised 1366  
Code, by any law enforcement officer or any prosecutor, or the 1367  
assistants of a law enforcement officer or prosecutor, for the 1368  
purpose of determining whether the person is eligible for 1369  
diversion under division (E) (2) of section 4301.69 of the 1370

Revised Code; 1371

(5) At the request of a party in a civil action that is 1372  
based on a case the records for which are the subject of a 1373  
sealing order issued under section 2151.356 of the Revised Code, 1374  
as needed for the civil action. The party also may copy the 1375  
records as needed for the civil action. The sealed records shall 1376  
be used solely in the civil action and are otherwise 1377  
confidential and subject to the provisions of this section; 1378

(6) By the attorney general or an authorized employee of 1379  
the attorney general or the court for purposes of determining 1380  
whether a child is a public registry-qualified juvenile offender 1381  
registrant, as defined in section 2950.01 of the Revised Code, 1382  
for purposes of Chapter 2950. of the Revised Code. 1383

(F) No officer or employee of the state or any of its 1384  
political subdivisions shall knowingly release, disseminate, or 1385  
make available for any purpose involving employment, bonding, 1386  
licensing, or education to any person or to any department, 1387  
agency, or other instrumentality of the state or of any of its 1388  
political subdivisions any information or other data concerning 1389  
any arrest, taking into custody, complaint, indictment, 1390  
information, trial, hearing, adjudication, or correctional 1391  
supervision, the records of which have been sealed pursuant to 1392  
section 2151.356 of the Revised Code and the release, 1393  
dissemination, or making available of which is not expressly 1394  
permitted by this section. Whoever violates this division is 1395  
guilty of divulging confidential information, a misdemeanor of 1396  
the fourth degree. 1397

(G) In any application for employment, license, or other 1398  
right or privilege, any appearance as a witness, or any other 1399  
inquiry, a person may not be questioned with respect to any 1400

arrest or taking into custody for which the records were sealed. 1401  
If an inquiry is made in violation of this division, the person 1402  
may respond as if the sealed arrest or taking into custody did 1403  
not occur, and the person shall not be subject to any adverse 1404  
action because of the arrest or taking into custody or the 1405  
response. 1406

(H) The judgment rendered by the court under this chapter 1407  
shall not impose any of the civil disabilities ordinarily 1408  
imposed by conviction of a crime in that the child is not a 1409  
criminal by reason of the adjudication, and no child shall be 1410  
charged with or convicted of a crime in any court except as 1411  
provided by this chapter. The disposition of a child under the 1412  
judgment rendered or any evidence given in court shall not 1413  
operate to disqualify a child in any future civil service 1414  
examination, appointment, or application. Evidence of a judgment 1415  
rendered and the disposition of a child under the judgment is 1416  
not admissible to impeach the credibility of the child in any 1417  
action or proceeding. Otherwise, the disposition of a child 1418  
under the judgment rendered or any evidence given in court is 1419  
admissible as evidence for or against the child in any action or 1420  
proceeding in any court in accordance with the Rules of Evidence 1421  
and also may be considered by any court as to the matter of 1422  
sentence or to the granting of probation, and a court may 1423  
consider the judgment rendered and the disposition of a child 1424  
under that judgment for purposes of determining whether the 1425  
child, for a future criminal conviction or guilty plea, is a 1426  
repeat violent offender or a repeat offender, as defined in 1427  
section 2929.01 of the Revised Code. 1428

**Sec. 2901.08.** (A) If a person is alleged to have committed 1429  
an offense and if the person previously has been adjudicated a 1430  
delinquent child or juvenile traffic offender for a violation of 1431



a law or ordinance, except as provided in division (B) of this 1432  
section, the adjudication as a delinquent child or as a juvenile 1433  
traffic offender is a conviction for a violation of the law or 1434  
ordinance for purposes of determining the offense with which the 1435  
person should be charged and, if the person is convicted of or 1436  
pleads guilty to an offense, the sentence to be imposed upon the 1437  
person relative to the conviction or guilty plea. 1438

(B) A previous adjudication of a person as a delinquent 1439  
child or juvenile traffic offender for a violation of a law or 1440  
ordinance is not a conviction for a violation of the law or 1441  
ordinance for purposes of determining any of the following: 1442

(1) Whether the person is a repeat violent offender, as 1443  
defined in section 2929.01 of the Revised Code, or whether the 1444  
person should be sentenced as a repeat violent offender under 1445  
division (B) (2) of section 2929.14 and section 2941.149 of the 1446  
Revised Code; 1447

(2) Whether the person is a violent career criminal as 1448  
defined in section 2923.132 of the Revised Code, whether the 1449  
person has committed unlawful use of a weapon by a violent 1450  
career criminal in violation of section 2923.132 of the Revised 1451  
Code or should be sentenced for that offense under that section, 1452  
or whether the person should be sentenced under division (K) of 1453  
section 2929.14 of the Revised Code as a violent career criminal 1454  
who had a firearm on or about the person's person or under the 1455  
person's control while committing a violent felony offense and 1456  
displayed or brandished the firearm, indicated that the offender 1457  
possessed a firearm, or used the firearm to facilitate the 1458  
offense; 1459

(3) Whether the person is a repeat offender, as defined in 1460  
section 2929.01 of the Revised Code, or whether the person 1461

should be sentenced as a repeat offender under division (B)(12) 1462  
of section 2929.14 and section 2941.1427 of the Revised Code. 1463

**Sec. 2923.125.** It is the intent of the general assembly 1464  
that Ohio concealed handgun license law be compliant with the 1465  
national instant criminal background check system, that the 1466  
bureau of alcohol, tobacco, firearms, and explosives is able to 1467  
determine that Ohio law is compliant with the national instant 1468  
criminal background check system, and that no person shall be 1469  
eligible to receive a concealed handgun license permit under 1470  
section 2923.125 or 2923.1213 of the Revised Code unless the 1471  
person is eligible lawfully to receive or possess a firearm in 1472  
the United States. 1473

(A) This section applies with respect to the application 1474  
for and issuance by this state of concealed handgun licenses 1475  
other than concealed handgun licenses on a temporary emergency 1476  
basis that are issued under section 2923.1213 of the Revised 1477  
Code. Upon the request of a person who wishes to obtain a 1478  
concealed handgun license with respect to which this section 1479  
applies or to renew a concealed handgun license with respect to 1480  
which this section applies, a sheriff, as provided in division 1481  
(I) of this section, shall provide to the person free of charge 1482  
an application form and the web site address at which a 1483  
printable version of the application form that can be downloaded 1484  
and the pamphlet described in division (B) of section 109.731 of 1485  
the Revised Code may be found. A sheriff shall accept a 1486  
completed application form and the fee, items, materials, and 1487  
information specified in divisions (B)(1) to (5) of this section 1488  
at the times and in the manners described in division (I) of 1489  
this section. 1490

(B) An applicant for a concealed handgun license who is a 1491

resident of this state shall submit a completed application form 1492  
and all of the material and information described in divisions 1493  
(B) (1) to (6) of this section to the sheriff of the county in 1494  
which the applicant resides or to the sheriff of any county 1495  
adjacent to the county in which the applicant resides. An 1496  
applicant for a license who resides in another state shall 1497  
submit a completed application form and all of the material and 1498  
information described in divisions (B) (1) to (7) of this section 1499  
to the sheriff of the county in which the applicant is employed 1500  
or to the sheriff of any county adjacent to the county in which 1501  
the applicant is employed: 1502

(1) (a) A nonrefundable license fee as described in either 1503  
of the following: 1504

(i) For an applicant who has been a resident of this state 1505  
for five or more years, a fee of sixty-seven dollars; 1506

(ii) For an applicant who has been a resident of this 1507  
state for less than five years or who is not a resident of this 1508  
state, but who is employed in this state, a fee of sixty-seven 1509  
dollars plus the actual cost of having a background check 1510  
performed by the federal bureau of investigation. 1511

(b) No sheriff shall require an applicant to pay for the 1512  
cost of a background check performed by the bureau of criminal 1513  
identification and investigation. 1514

(c) A sheriff shall waive the payment of the license fee 1515  
described in division (B) (1) (a) of this section in connection 1516  
with an initial or renewal application for a license that is 1517  
submitted by an applicant who is an active or reserve member of 1518  
the armed forces of the United States or has retired from or was 1519  
honorably discharged from military service in the active or 1520

reserve armed forces of the United States, a retired peace 1521  
officer, a retired person described in division (B) (1) (b) of 1522  
section 109.77 of the Revised Code, or a retired federal law 1523  
enforcement officer who, prior to retirement, was authorized 1524  
under federal law to carry a firearm in the course of duty, 1525  
unless the retired peace officer, person, or federal law 1526  
enforcement officer retired as the result of a mental 1527  
disability. 1528

(d) The sheriff shall deposit all fees paid by an 1529  
applicant under division (B) (1) (a) of this section into the 1530  
sheriff's concealed handgun license issuance fund established 1531  
pursuant to section 311.42 of the Revised Code. The county shall 1532  
distribute the fees in accordance with section 311.42 of the 1533  
Revised Code. 1534

(2) A color photograph of the applicant that was taken 1535  
within thirty days prior to the date of the application; 1536

(3) One or more of the following competency 1537  
certifications, each of which shall reflect that, regarding a 1538  
certification described in division (B) (3) (a), (b), (c), (e), or 1539  
(f) of this section, within the three years immediately 1540  
preceding the application the applicant has performed that to 1541  
which the competency certification relates and that, regarding a 1542  
certification described in division (B) (3) (d) of this section, 1543  
the applicant currently is an active or reserve member of the 1544  
armed forces of the United States, the applicant has retired 1545  
from or was honorably discharged from military service in the 1546  
active or reserve armed forces of the United States, or within 1547  
the ten years immediately preceding the application the 1548  
retirement of the peace officer, person described in division 1549  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1550

enforcement officer to which the competency certification 1551  
relates occurred: 1552

(a) An original or photocopy of a certificate of 1553  
completion of a firearms safety, training, or requalification or 1554  
firearms safety instructor course, class, or program that was 1555  
offered by or under the auspices of a national gun advocacy 1556  
organization and that complies with the requirements set forth 1557  
in division (G) of this section; 1558

(b) An original or photocopy of a certificate of 1559  
completion of a firearms safety, training, or requalification or 1560  
firearms safety instructor course, class, or program that 1561  
satisfies all of the following criteria: 1562

(i) It was open to members of the general public. 1563

(ii) It utilized qualified instructors who were certified 1564  
by a national gun advocacy organization, the executive director 1565  
of the Ohio peace officer training commission pursuant to 1566  
section 109.75 or 109.78 of the Revised Code, or a governmental 1567  
official or entity of another state. 1568

(iii) It was offered by or under the auspices of a law 1569  
enforcement agency of this or another state or the United 1570  
States, a public or private college, university, or other 1571  
similar postsecondary educational institution located in this or 1572  
another state, a firearms training school located in this or 1573  
another state, or another type of public or private entity or 1574  
organization located in this or another state. 1575

(iv) It complies with the requirements set forth in 1576  
division (G) of this section. 1577

(c) An original or photocopy of a certificate of 1578  
completion of a state, county, municipal, or department of 1579

natural resources peace officer training school that is approved 1580  
by the executive director of the Ohio peace officer training 1581  
commission pursuant to section 109.75 of the Revised Code and 1582  
that complies with the requirements set forth in division (G) of 1583  
this section, or the applicant has satisfactorily completed and 1584  
been issued a certificate of completion of a basic firearms 1585  
training program, a firearms requalification training program, 1586  
or another basic training program described in section 109.78 or 1587  
109.801 of the Revised Code that complies with the requirements 1588  
set forth in division (G) of this section; 1589

(d) A document that evidences both of the following: 1590

(i) That the applicant is an active or reserve member of 1591  
the armed forces of the United States, has retired from or was 1592  
honorably discharged from military service in the active or 1593  
reserve armed forces of the United States, is a retired trooper 1594  
of the state highway patrol, or is a retired peace officer or 1595  
federal law enforcement officer described in division (B) (1) of 1596  
this section or a retired person described in division (B) (1) (b) 1597  
of section 109.77 of the Revised Code and division (B) (1) of 1598  
this section; 1599

(ii) That, through participation in the military service 1600  
or through the former employment described in division (B) (3) (d) 1601  
(i) of this section, the applicant acquired experience with 1602  
handling handguns or other firearms, and the experience so 1603  
acquired was equivalent to training that the applicant could 1604  
have acquired in a course, class, or program described in 1605  
division (B) (3) (a), (b), or (c) of this section. 1606

(e) A certificate or another similar document that 1607  
evidences satisfactory completion of a firearms training, 1608  
safety, or requalification or firearms safety instructor course, 1609

class, or program that is not otherwise described in division 1610  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1611  
by an instructor who was certified by an official or entity of 1612  
the government of this or another state or the United States or 1613  
by a national gun advocacy organization, and that complies with 1614  
the requirements set forth in division (G) of this section; 1615

(f) An affidavit that attests to the applicant's 1616  
satisfactory completion of a course, class, or program described 1617  
in division (B) (3) (a), (b), (c), or (e) of this section and that 1618  
is subscribed by the applicant's instructor or an authorized 1619  
representative of the entity that offered the course, class, or 1620  
program or under whose auspices the course, class, or program 1621  
was offered; 1622

(g) A document that evidences that the applicant has 1623  
successfully completed the Ohio peace officer training program 1624  
described in section 109.79 of the Revised Code. 1625

(4) A certification by the applicant that the applicant 1626  
has read the pamphlet prepared by the Ohio peace officer 1627  
training commission pursuant to section 109.731 of the Revised 1628  
Code that reviews firearms, dispute resolution, and use of 1629  
deadly force matters. 1630

(5) A set of fingerprints of the applicant provided as 1631  
described in section 311.41 of the Revised Code through use of 1632  
an electronic fingerprint reading device or, if the sheriff to 1633  
whom the application is submitted does not possess and does not 1634  
have ready access to the use of such a reading device, on a 1635  
standard impression sheet prescribed pursuant to division (C) (2) 1636  
of section 109.572 of the Revised Code. 1637

(6) If the applicant is not a citizen or national of the 1638

United States, the name of the applicant's country of 1639  
citizenship and the applicant's alien registration number issued 1640  
by the United States citizenship and immigration services 1641  
agency. 1642

(7) If the applicant resides in another state, adequate 1643  
proof of employment in Ohio. 1644

(C) Upon receipt of the completed application form, 1645  
supporting documentation, and, if not waived, license fee of an 1646  
applicant under this section, a sheriff, in the manner specified 1647  
in section 311.41 of the Revised Code, shall conduct or cause to 1648  
be conducted the criminal records check and the incompetency 1649  
records check described in section 311.41 of the Revised Code. 1650

(D) (1) Except as provided in division (D) (3) of this 1651  
section, within forty-five days after a sheriff's receipt of an 1652  
applicant's completed application form for a concealed handgun 1653  
license under this section, the supporting documentation, and, 1654  
if not waived, the license fee, the sheriff shall make available 1655  
through the law enforcement automated data system in accordance 1656  
with division (H) of this section the information described in 1657  
that division and, upon making the information available through 1658  
the system, shall issue to the applicant a concealed handgun 1659  
license that shall expire as described in division (D) (2) (a) of 1660  
this section if all of the following apply: 1661

(a) The applicant is legally living in the United States. 1662  
For purposes of division (D) (1) (a) of this section, if a person 1663  
is absent from the United States in compliance with military or 1664  
naval orders as an active or reserve member of the armed forces 1665  
of the United States and if prior to leaving the United States 1666  
the person was legally living in the United States, the person, 1667  
solely by reason of that absence, shall not be considered to 1668



have lost the person's status as living in the United States. 1669

(b) The applicant is at least twenty-one years of age. 1670

(c) The applicant is not a fugitive from justice. 1671

(d) The applicant is not under indictment for or otherwise 1672  
charged with a felony; an offense under Chapter 2925., 3719., or 1673  
4729. of the Revised Code that involves the illegal possession, 1674  
use, sale, administration, or distribution of or trafficking in 1675  
a drug of abuse; a misdemeanor offense of violence; or a 1676  
violation of section 2903.14 or 2923.1211 of the Revised Code. 1677

(e) Except as otherwise provided in division (D) (4) or (5) 1678  
of this section, the applicant has not been convicted of or 1679  
pleaded guilty to a felony or an offense under Chapter 2925., 1680  
3719., or 4729. of the Revised Code that involves the illegal 1681  
possession, use, sale, administration, or distribution of or 1682  
trafficking in a drug of abuse; has not been adjudicated a 1683  
delinquent child for committing an act that if committed by an 1684  
adult would be a felony or would be an offense under Chapter 1685  
2925., 3719., or 4729. of the Revised Code that involves the 1686  
illegal possession, use, sale, administration, or distribution 1687  
of or trafficking in a drug of abuse; has not been convicted of, 1688  
pleaded guilty to, or adjudicated a delinquent child for 1689  
committing a violation of section 2903.13 of the Revised Code 1690  
when the victim of the violation is a peace officer, regardless 1691  
of whether the applicant was sentenced under division (C) (4) of 1692  
that section; and has not been convicted of, pleaded guilty to, 1693  
or adjudicated a delinquent child for committing any other 1694  
offense that is not previously described in this division that 1695  
is a misdemeanor punishable by imprisonment for a term exceeding 1696  
one year. 1697

(f) Except as otherwise provided in division (D) (4) or (5) 1698  
of this section, the applicant, within three years of the date 1699  
of the application, has not been convicted of or pleaded guilty 1700  
to a misdemeanor offense of violence other than a misdemeanor 1701  
violation of section 2921.33 of the Revised Code or a violation 1702  
of section 2903.13 of the Revised Code when the victim of the 1703  
violation is a peace officer, or a misdemeanor violation of 1704  
section 2923.1211 of the Revised Code; and has not been 1705  
adjudicated a delinquent child for committing an act that if 1706  
committed by an adult would be a misdemeanor offense of violence 1707  
other than a misdemeanor violation of section 2921.33 of the 1708  
Revised Code or a violation of section 2903.13 of the Revised 1709  
Code when the victim of the violation is a peace officer or for 1710  
committing an act that if committed by an adult would be a 1711  
misdemeanor violation of section 2923.1211 of the Revised Code. 1712

(g) Except as otherwise provided in division (D) (1) (e) of 1713  
this section, the applicant, within five years of the date of 1714  
the application, has not been convicted of, pleaded guilty to, 1715  
or adjudicated a delinquent child for committing two or more 1716  
violations of section 2903.13 or 2903.14 of the Revised Code. 1717

(h) Except as otherwise provided in division (D) (4) or (5) 1718  
of this section, the applicant, within ten years of the date of 1719  
the application, has not been convicted of, pleaded guilty to, 1720  
or adjudicated a delinquent child for committing a violation of 1721  
section 2921.33 of the Revised Code. 1722

(i) The applicant has not been committed to any mental 1723  
institution, is not under adjudication of mental incompetence, 1724  
has not been found by a court to be a person with a mental 1725  
illness subject to court order, and is not an involuntary 1726  
patient other than one who is a patient only for purposes of 1727

observation. As used in this division, "person with a mental 1728  
illness subject to court order" and "patient" have the same 1729  
meanings as in section 5122.01 of the Revised Code. 1730

(j) The applicant is not currently subject to a civil 1731  
protection order, a temporary protection order, or a protection 1732  
order issued by a court of another state. 1733

(k) The applicant certifies that the applicant desires a 1734  
legal means to carry a concealed handgun for defense of the 1735  
applicant or a member of the applicant's family while engaged in 1736  
lawful activity. 1737

(l) The applicant submits a competency certification of 1738  
the type described in division (B) (3) of this section and 1739  
submits a certification of the type described in division (B) (4) 1740  
of this section regarding the applicant's reading of the 1741  
pamphlet prepared by the Ohio peace officer training commission 1742  
pursuant to section 109.731 of the Revised Code. 1743

(m) The applicant currently is not subject to a suspension 1744  
imposed under division (A) (2) of section 2923.128 of the Revised 1745  
Code of a concealed handgun license that previously was issued 1746  
to the applicant under this section or section 2923.1213 of the 1747  
Revised Code or a similar suspension imposed by another state 1748  
regarding a concealed handgun license issued by that state. 1749

(n) If the applicant resides in another state, the 1750  
applicant is employed in this state. 1751

(o) The applicant certifies that the applicant is not an 1752  
unlawful user of or addicted to any controlled substance as 1753  
defined in 21 U.S.C. 802. 1754

(p) If the applicant is not a United States citizen, the 1755  
applicant is an alien and has not been admitted to the United 1756

States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26). 1757  
1758

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions. 1759  
1760

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable. 1761  
1762  
1763

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state. 1764  
1765  
1766  
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(2) (a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance. 1768  
1769  
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If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code. 1771  
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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check 1776  
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results using the appropriate challenge and review procedure 1786  
specified in that section, the time for filing the appeal 1787  
pursuant to section 119.12 of the Revised Code and this division 1788  
is tolled during the pendency of the request or the challenge 1789  
and review. 1790

(c) If the court in an appeal under section 119.12 of the 1791  
Revised Code and division (D) (2) (b) of this section enters a 1792  
judgment sustaining the sheriff's refusal to grant to the 1793  
applicant a concealed handgun license, the applicant may file a 1794  
new application beginning one year after the judgment is 1795  
entered. If the court enters a judgment in favor of the 1796  
applicant, that judgment shall not restrict the authority of a 1797  
sheriff to suspend or revoke the license pursuant to section 1798  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1799  
the license for any proper cause that may occur after the date 1800  
the judgment is entered. In the appeal, the court shall have 1801  
full power to dispose of all costs. 1802

(3) If the sheriff with whom an application for a 1803  
concealed handgun license was filed under this section becomes 1804  
aware that the applicant has been arrested for or otherwise 1805  
charged with an offense that would disqualify the applicant from 1806  
holding the license, the sheriff shall suspend the processing of 1807  
the application until the disposition of the case arising from 1808  
the arrest or charge. 1809

(4) If an applicant has been convicted of or pleaded 1810  
guilty to an offense identified in division (D) (1) (e), (f), or 1811  
(h) of this section or has been adjudicated a delinquent child 1812  
for committing an act or violation identified in any of those 1813  
divisions, and if a court has ordered the sealing or expungement 1814  
of the records of that conviction, guilty plea, or adjudication 1815

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1816  
2953.35, or section 2953.39 of the Revised Code or the applicant 1817  
has been relieved under operation of law or legal process from 1818  
the disability ~~imposed~~ pursuant to section ~~2923.13~~ 2923.14 of 1819  
the Revised Code relative to that conviction, guilty plea, or 1820  
adjudication, the sheriff with whom the application was 1821  
submitted shall not consider the conviction, guilty plea, or 1822  
adjudication in making a determination under division (D) (1) or 1823  
(F) of this section or, in relation to an application for a 1824  
concealed handgun license on a temporary emergency basis 1825  
submitted under section 2923.1213 of the Revised Code, in making 1826  
a determination under division (B) (2) of that section. 1827

(5) If an applicant has been convicted of or pleaded 1828  
guilty to a minor misdemeanor offense or has been adjudicated a 1829  
delinquent child for committing an act or violation that is a 1830  
minor misdemeanor offense, the sheriff with whom the application 1831  
was submitted shall not consider the conviction, guilty plea, or 1832  
adjudication in making a determination under division (D) (1) or 1833  
(F) of this section or, in relation to an application for a 1834  
concealed handgun license on a temporary basis submitted under 1835  
section 2923.1213 of the Revised Code, in making a determination 1836  
under division (B) (2) of that section. 1837

(E) If a concealed handgun license issued under this 1838  
section is lost or is destroyed, the licensee may obtain from 1839  
the sheriff who issued that license a duplicate license upon the 1840  
payment of a fee of fifteen dollars and the submission of an 1841  
affidavit attesting to the loss or destruction of the license. 1842  
The sheriff, in accordance with the procedures prescribed in 1843  
section 109.731 of the Revised Code, shall place on the 1844  
replacement license a combination of identifying numbers 1845  
different from the combination on the license that is being 1846

replaced. 1847

(F) (1) (a) Except as provided in division (F) (1) (b) of this 1848  
section, a licensee who wishes to renew a concealed handgun 1849  
license issued under this section may do so at any time before 1850  
the expiration date of the license or at any time after the 1851  
expiration date of the license by filing with the sheriff of the 1852  
county in which the applicant resides or with the sheriff of an 1853  
adjacent county, or in the case of an applicant who resides in 1854  
another state with the sheriff of the county that issued the 1855  
applicant's previous concealed handgun license an application 1856  
for renewal of the license obtained pursuant to division (D) of 1857  
this section, a certification by the applicant that, subsequent 1858  
to the issuance of the license, the applicant has reread the 1859  
pamphlet prepared by the Ohio peace officer training commission 1860  
pursuant to section 109.731 of the Revised Code that reviews 1861  
firearms, dispute resolution, and use of deadly force matters, 1862  
and a nonrefundable license renewal fee in an amount determined 1863  
pursuant to division (F) (4) of this section unless the fee is 1864  
waived. 1865

(b) A person on active duty in the armed forces of the 1866  
United States or in service with the peace corps, volunteers in 1867  
service to America, or the foreign service of the United States 1868  
is exempt from the license requirements of this section for the 1869  
period of the person's active duty or service and for six months 1870  
thereafter, provided the person was a licensee under this 1871  
section at the time the person commenced the person's active 1872  
duty or service or had obtained a license while on active duty 1873  
or service. The spouse or a dependent of any such person on 1874  
active duty or in service also is exempt from the license 1875  
requirements of this section for the period of the person's 1876  
active duty or service and for six months thereafter, provided 1877

the spouse or dependent was a licensee under this section at the 1878  
time the person commenced the active duty or service or had 1879  
obtained a license while the person was on active duty or 1880  
service, and provided further that the person's active duty or 1881  
service resulted in the spouse or dependent relocating outside 1882  
of this state during the period of the active duty or service. 1883  
This division does not prevent such a person or the person's 1884  
spouse or dependent from making an application for the renewal 1885  
of a concealed handgun license during the period of the person's 1886  
active duty or service. 1887

(2) A sheriff shall accept a completed renewal 1888  
application, the license renewal fee, and the information 1889  
specified in division (F)(1) of this section at the times and in 1890  
the manners described in division (I) of this section. Upon 1891  
receipt of a completed renewal application, of certification 1892  
that the applicant has reread the specified pamphlet prepared by 1893  
the Ohio peace officer training commission, and of a license 1894  
renewal fee unless the fee is waived, a sheriff, in the manner 1895  
specified in section 311.41 of the Revised Code shall conduct or 1896  
cause to be conducted the criminal records check and the 1897  
incompetency records check described in section 311.41 of the 1898  
Revised Code. The sheriff shall renew the license if the sheriff 1899  
determines that the applicant continues to satisfy the 1900  
requirements described in division (D)(1) of this section, 1901  
except that the applicant is not required to meet the 1902  
requirements of division (D)(1)(1) of this section. A renewed 1903  
license shall expire five years after the date of issuance. A 1904  
renewed license is subject to division (E) of this section and 1905  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1906  
shall comply with divisions (D)(2) and (3) of this section when 1907  
the circumstances described in those divisions apply to a 1908



requested license renewal. If a sheriff denies the renewal of a  
concealed handgun license, the applicant may appeal the denial,  
or challenge the criminal record check results that were the  
basis of the denial if applicable, in the same manner as  
specified in division (D)(2)(b) of this section and in section  
2923.127 of the Revised Code, regarding the denial of a license  
under this section.

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

(4) An applicant for a renewal concealed handgun license  
under this section shall submit to the sheriff of the county in  
which the applicant resides or to the sheriff of any county  
adjacent to the county in which the applicant resides, or in the  
case of an applicant who resides in another state to the sheriff  
of the county that issued the applicant's previous concealed  
handgun license, a nonrefundable license fee as described in  
either of the following:

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

(b) For an applicant who has been a resident of this state  
for less than five years or who is not a resident of this state

but who is employed in this state, a fee of fifty dollars plus 1939  
the actual cost of having a background check performed by the 1940  
federal bureau of investigation. 1941

(5) The concealed handgun license of a licensee who is no 1942  
longer a resident of this state or no longer employed in this 1943  
state, as applicable, is valid until the date of expiration on 1944  
the license, and the licensee is prohibited from renewing the 1945  
concealed handgun license. 1946

(G) (1) Each course, class, or program described in 1947  
division (B) (3) (a), (b), (c), or (e) of this section shall 1948  
provide to each person who takes the course, class, or program 1949  
the web site address at which the pamphlet prepared by the Ohio 1950  
peace officer training commission pursuant to section 109.731 of 1951  
the Revised Code that reviews firearms, dispute resolution, and 1952  
use of deadly force matters may be found. Each such course, 1953  
class, or program described in one of those divisions shall 1954  
include at least eight hours of training in the safe handling 1955  
and use of a firearm that shall include training, provided as 1956  
described in division (G) (3) of this section, on all of the 1957  
following: 1958

(a) The ability to name, explain, and demonstrate the 1959  
rules for safe handling of a handgun and proper storage 1960  
practices for handguns and ammunition; 1961

(b) The ability to demonstrate and explain how to handle 1962  
ammunition in a safe manner; 1963

(c) The ability to demonstrate the knowledge, skills, and 1964  
attitude necessary to shoot a handgun in a safe manner; 1965

(d) Gun handling training; 1966

(e) A minimum of two hours of in-person training that 1967

consists of range time and live-fire training. 1968

(2) To satisfactorily complete the course, class, or 1969  
program described in division (B) (3) (a), (b), (c), or (e) of 1970  
this section, the applicant shall pass a competency examination 1971  
that shall include both of the following: 1972

(a) A written section, provided as described in division 1973  
(G) (3) of this section, on the ability to name and explain the 1974  
rules for the safe handling of a handgun and proper storage 1975  
practices for handguns and ammunition; 1976

(b) An in-person physical demonstration of competence in 1977  
the use of a handgun and in the rules for safe handling and 1978  
storage of a handgun and a physical demonstration of the 1979  
attitude necessary to shoot a handgun in a safe manner. 1980

(3) (a) Except as otherwise provided in this division, the 1981  
training specified in division (G) (1) (a) of this section shall 1982  
be provided to the person receiving the training in person by an 1983  
instructor. If the training specified in division (G) (1) (a) of 1984  
this section is provided by a course, class, or program 1985  
described in division (B) (3) (a) of this section, or it is 1986  
provided by a course, class, or program described in division 1987  
(B) (3) (b), (c), or (e) of this section and the instructor is a 1988  
qualified instructor certified by a national gun advocacy 1989  
organization, the training so specified, other than the training 1990  
that requires the person receiving the training to demonstrate 1991  
handling abilities, may be provided online or as a combination 1992  
of in-person and online training, as long as the online training 1993  
includes an interactive component that regularly engages the 1994  
person. 1995

(b) Except as otherwise provided in this division, the 1996

written section of the competency examination specified in 1997  
division (G) (2) (a) of this section shall be administered to the 1998  
person taking the competency examination in person by an 1999  
instructor. If the training specified in division (G) (1) (a) of 2000  
this section is provided to the person receiving the training by 2001  
a course, class, or program described in division (B) (3) (a) of 2002  
this section, or it is provided by a course, class, or program 2003  
described in division (B) (3) (b), (c), or (e) of this section and 2004  
the instructor is a qualified instructor certified by a national 2005  
gun advocacy organization, the written section of the competency 2006  
examination specified in division (G) (2) (a) of this section may 2007  
be administered online, as long as the online training includes 2008  
an interactive component that regularly engages the person. 2009

(4) The competency certification described in division (B) 2010  
(3) (a), (b), (c), or (e) of this section shall be dated and 2011  
shall attest that the course, class, or program the applicant 2012  
successfully completed met the requirements described in 2013  
division (G) (1) of this section and that the applicant passed 2014  
the competency examination described in division (G) (2) of this 2015  
section. 2016

(H) Upon deciding to issue a concealed handgun license, 2017  
deciding to issue a replacement concealed handgun license, or 2018  
deciding to renew a concealed handgun license pursuant to this 2019  
section, and before actually issuing or renewing the license, 2020  
the sheriff shall make available through the law enforcement 2021  
automated data system all information contained on the license. 2022  
If the license subsequently is suspended under division (A) (1) 2023  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2024  
to division (B) (1) of section 2923.128 of the Revised Code, or 2025  
lost or destroyed, the sheriff also shall make available through 2026  
the law enforcement automated data system a notation of that 2027

fact. The superintendent of the state highway patrol shall 2028  
ensure that the law enforcement automated data system is so 2029  
configured as to permit the transmission through the system of 2030  
the information specified in this division. 2031

(I) (1) A sheriff shall accept a completed application form 2032  
or renewal application, and the fee, items, materials, and 2033  
information specified in divisions (B) (1) to (5) or division (F) 2034  
of this section, whichever is applicable, and shall provide an 2035  
application form or renewal application to any person during at 2036  
least fifteen hours a week and shall provide the web site 2037  
address at which a printable version of the application form 2038  
that can be downloaded and the pamphlet described in division 2039  
(B) of section 109.731 of the Revised Code may be found at any 2040  
time, upon request. The sheriff shall post notice of the hours 2041  
during which the sheriff is available to accept or provide the 2042  
information described in this division. 2043

(2) A sheriff shall transmit a notice to the attorney 2044  
general, in a manner determined by the attorney general, every 2045  
time a license is issued that waived payment under division (B) 2046  
(1) (c) of this section for an applicant who is an active or 2047  
reserve member of the armed forces of the United States or has 2048  
retired from or was honorably discharged from military service 2049  
in the active or reserve armed forces of the United States. The 2050  
attorney general shall monitor and inform sheriffs issuing 2051  
licenses under this section when the amount of license fee 2052  
payments waived and transmitted to the attorney general reach 2053  
one million five hundred thousand dollars each year. Once a 2054  
sheriff is informed that the payments waived reached one million 2055  
five hundred thousand dollars in any year, a sheriff shall no 2056  
longer waive payment of a license fee for an applicant who is an 2057  
active or reserve member of the armed forces of the United 2058

States or has retired from or was honorably discharged from 2059  
military service in the active or reserve armed forces of the 2060  
United States for the remainder of that year. 2061

**Sec. 2923.13.** (A) Unless relieved from disability under 2062  
operation of law or legal process, no person shall knowingly 2063  
acquire, have, carry, or use any firearm or dangerous ordnance, 2064  
if any of the following apply: 2065

(1) The person is a fugitive from justice. 2066

(2) The person is under indictment for or has been 2067  
convicted of any felony offense of violence or has been 2068  
adjudicated a delinquent child for the commission of an offense 2069  
that, if committed by an adult, would have been a felony offense 2070  
of violence. 2071

(3) The person is under indictment for or has been 2072  
convicted of any felony offense involving the illegal 2073  
possession, use, sale, administration, distribution, or 2074  
trafficking in any drug of abuse or has been adjudicated a 2075  
delinquent child for the commission of an offense that, if 2076  
committed by an adult, would have been a felony offense 2077  
involving the illegal possession, use, sale, administration, 2078  
distribution, or trafficking in any drug of abuse. 2079

(4) The person has a drug dependency, is in danger of drug 2080  
dependence, or has chronic alcoholism. 2081

(5) The person is under adjudication of mental 2082  
incompetence, has been committed to a mental institution, has 2083  
been found by a court to be a person with a mental illness 2084  
subject to court order, or is an involuntary patient other than 2085  
one who is a patient only for purposes of observation. As used 2086  
in this division, "person with a mental illness subject to court 2087

order" and "patient" have the same meanings as in section 2088  
5122.01 of the Revised Code. 2089

~~(B)~~ (B) (1) Whoever violates this section is guilty of 2090  
having weapons while under disability~~,-~~. 2091

(2) Except as provided in division (B) (4) of this section, 2092  
a violation of division (A) (1), (3), (4), or (5) of this section 2093  
is a felony of the ~~third~~ fourth degree. 2094

(3) Except as otherwise provided in division (B) (5) of 2095  
this section, a violation of division (A) (2) of this section is 2096  
a felony of the third degree and there is a presumption that a 2097  
prison term shall be imposed for the offense. 2098

(4) If the offender previously has been convicted of or 2099  
pleaded guilty to a violation of this section, a violation of 2100  
division (A) (1), (3), (4), or (5) of this section is a felony of 2101  
the third degree. 2102

(5) If the offender previously has been convicted of or 2103  
pleaded guilty to a violation of this section, a violation of 2104  
division (A) (2) of this section is a felony of the second 2105  
degree. 2106

(C) For the purposes of this section, "under operation of 2107  
law or legal process" shall not itself include mere completion, 2108  
termination, or expiration of a sentence imposed as a result of 2109  
a criminal conviction. 2110

**Sec. 2923.14.** ~~(A) (1)~~ (A) (1) (a) Except as otherwise 2111  
provided in division (A) (2) of this section, any of the 2112  
following persons who are prohibited from carrying firearms, 2113  
openly or concealed, may apply to the court of common pleas 2114  
specified in division (A) (1) (b) of this section for relief from 2115  
such prohibition: 2116

(i) Any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition under section 2923.13 of the Revised Code; 2117  
2118  
2119  
2120

(ii) Any person who is prohibited from shipping, transporting, receiving, or possessing firearms in interstate or foreign commerce under 18 U.S.C. 922(g), as amended or reenacted; 2121  
2122  
2123  
2124

(iii) Any person who is prohibited from obtaining a concealed handgun license or a concealed handgun license on a temporary emergency basis under division (D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code; 2125  
2126  
2127  
2128

(iv) Any person who is prohibited from carrying a concealed handgun as a qualifying adult under division (D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code. 2129  
2130  
2131

(b) An application for relief from the prohibition shall be filed in the court of common pleas of the county in which the person resides or, if the person is not a resident of this state and the prohibition is based on an indictment, a conviction of or plea of guilty to an offense, or a delinquent child adjudication, in the county in which the indictment was entered or in which the conviction, guilty plea, or adjudication occurred. 2132  
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(2) Division (A)(1) of this section does not apply to a person who has been convicted of or pleaded guilty to a violation of section 2923.132 of the Revised Code or to a person who, two or more times, has been convicted of or pleaded guilty to a felony and a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, ~~or~~ 2941.1424, 2140  
2141  
2142  
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2145



or 2941.1427 of the Revised Code. 2146

(B) The application shall recite the following: 2147

(1) All indictments, convictions or guilty pleas, or 2148  
adjudications upon which the applicant's disability is based, 2149  
the sentence imposed and served, and any release granted under a 2150  
community control sanction, post-release control sanction, or 2151  
parole, any partial or conditional pardon granted, or other 2152  
disposition of each case, or, if the disability is based upon a 2153  
factor other than an indictment, a conviction or guilty plea, or 2154  
an adjudication, the factor upon which the disability is based 2155  
and all details related to that factor; 2156

(2) Facts showing the applicant to be a fit subject for 2157  
relief under this section. 2158

(C) A copy of the application shall be served on the 2159  
county prosecutor. The county prosecutor shall cause the matter 2160  
to be investigated and shall raise before the court any 2161  
objections to granting relief that the investigation reveals. 2162

(D) Upon hearing, the court may grant the applicant relief 2163  
pursuant to this section, if all of the following apply: 2164

(1) One of the following applies: 2165

(a) If the disability is based upon an indictment, a 2166  
conviction or guilty plea, or an adjudication, the applicant has 2167  
been fully discharged from imprisonment, community control, 2168  
post-release control, and parole, or, if the applicant is under 2169  
indictment, has been released on bail or recognizance. 2170

(b) If the disability is based upon a factor other than an 2171  
indictment, a conviction or guilty plea, or an adjudication, 2172  
that factor no longer is applicable to the applicant. 2173

(2) The applicant has led a law-abiding life since	2174
discharge or release, and appears likely to continue to do so.	2175
(3) The applicant is not otherwise prohibited by law from	2176
acquiring, having, or using firearms.	2177
(E) Costs of the proceeding shall be charged as in other	2178
civil cases, and taxed to the applicant.	2179
(F) Relief from disability granted pursuant to this	2180
section restores the applicant to all civil firearm rights to	2181
the full extent enjoyed by any citizen, and is subject to the	2182
following conditions:	2183
(1) Applies only with respect to indictments, convictions_	2184
<u>or guilty pleas</u> , or adjudications, or to the other factor,	2185
recited in the application as the basis for the applicant's	2186
disability;	2187
(2) Applies only with respect to firearms lawfully	2188
acquired, possessed, carried, or used by the applicant;	2189
(3) May be revoked by the court at any time for good cause	2190
shown and upon notice to the applicant;	2191
(4) Is automatically void upon commission by the applicant	2192
of any offense set forth in division (A) (2) or (3) of section	2193
2923.13 of the Revised Code, or upon the applicant's becoming	2194
one of the class of persons named in division (A) (1), (4), or	2195
(5) of that section.	2196
(G) As used in this section:	2197
(1) "Community control sanction" has the same meaning as	2198
in section 2929.01 of the Revised Code.	2199
(2) "Post-release control" and "post-release control	2200

sanction" have the same meanings as in section 2967.01 of the Revised Code.

(3) "Qualifying adult" has the same meaning as in section 2923.111 of the Revised Code.

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

(A)(1) "Alternative residential facility" means, subject to divisions (A)(2) and (3) 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.

(3) "Alternative residential facility" includes a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code and when the center is being used for an OVI term of confinement, as defined by that section.

(B) "Basic probation supervision" means a requirement that

the offender maintain contact with a person appointed to 2229  
supervise the offender in accordance with sanctions imposed by 2230  
the court or imposed by the parole board pursuant to section 2231  
2967.28 of the Revised Code. "Basic probation supervision" 2232  
includes basic parole supervision and basic post-release control 2233  
supervision. 2234

(C) "Cocaine," "fentanyl-related compound," "hashish," 2235  
"L.S.D.," and "unit dose" have the same meanings as in section 2236  
2925.01 of the Revised Code. 2237

(D) "Community-based correctional facility" means a 2238  
community-based correctional facility and program or district 2239  
community-based correctional facility and program developed 2240  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2241

(E) "Community control sanction" means a sanction that is 2242  
not a prison term and that is described in section 2929.15, 2243  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2244  
that is not a jail term and that is described in section 2245  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2246  
control sanction" includes probation if the sentence involved 2247  
was imposed for a felony that was committed prior to July 1, 2248  
1996, or if the sentence involved was imposed for a misdemeanor 2249  
that was committed prior to January 1, 2004. 2250

(F) "Controlled substance," "marihuana," "schedule I," and 2251  
"schedule II" have the same meanings as in section 3719.01 of 2252  
the Revised Code. 2253

(G) "Curfew" means a requirement that an offender during a 2254  
specified period of time be at a designated place. 2255

(H) "Day reporting" means a sanction pursuant to which an 2256  
offender is required each day to report to and leave a center or 2257

other approved reporting location at specified times in order to 2258  
participate in work, education or training, treatment, and other 2259  
approved programs at the center or outside the center. 2260

(I) "Deadly weapon" has the same meaning as in section 2261  
2923.11 of the Revised Code. 2262

(J) "Drug and alcohol use monitoring" means a program 2263  
under which an offender agrees to submit to random chemical 2264  
analysis of the offender's blood, breath, or urine to determine 2265  
whether the offender has ingested any alcohol or other drugs. 2266

(K) "Drug treatment program" means any program under which 2267  
a person undergoes assessment and treatment designed to reduce 2268  
or completely eliminate the person's physical or emotional 2269  
reliance upon alcohol, another drug, or alcohol and another drug 2270  
and under which the person may be required to receive assessment 2271  
and treatment on an outpatient basis or may be required to 2272  
reside at a facility other than the person's home or residence 2273  
while undergoing assessment and treatment. 2274

(L) "Economic loss" means any economic detriment suffered 2275  
by a victim as a direct and proximate result of the commission 2276  
of an offense and includes any loss of income due to lost time 2277  
at work because of any injury caused to the victim, any property 2278  
loss, medical cost, or funeral expense incurred as a result of 2279  
the commission of the offense, and the cost of any accounting or 2280  
auditing done to determine the extent of loss if the cost is 2281  
incurred and payable by the victim. "Economic loss" does not 2282  
include non-economic loss or any punitive or exemplary damages. 2283

(M) "Education or training" includes study at, or in 2284  
conjunction with a program offered by, a university, college, or 2285  
technical college or vocational study and also includes the 2286

completion of primary school, secondary school, and literacy 2287  
curricula or their equivalent. 2288

(N) "Firearm" has the same meaning as in section 2923.11 2289  
of the Revised Code. 2290

(O) "Halfway house" means a facility licensed by the 2291  
division of parole and community services of the department of 2292  
rehabilitation and correction pursuant to section 2967.14 of the 2293  
Revised Code as a suitable facility for the care and treatment 2294  
of adult offenders. 2295

(P) "House arrest" means a period of confinement of an 2296  
offender that is in the offender's home or in other premises 2297  
specified by the sentencing court or by the parole board 2298  
pursuant to section 2967.28 of the Revised Code and during which 2299  
all of the following apply: 2300

(1) The offender is required to remain in the offender's 2301  
home or other specified premises for the specified period of 2302  
confinement, except for periods of time during which the 2303  
offender is at the offender's place of employment or at other 2304  
premises as authorized by the sentencing court or by the parole 2305  
board. 2306

(2) The offender is required to report periodically to a 2307  
person designated by the court or parole board. 2308

(3) The offender is subject to any other restrictions and 2309  
requirements that may be imposed by the sentencing court or by 2310  
the parole board. 2311

(Q) "Intensive probation supervision" means a requirement 2312  
that an offender maintain frequent contact with a person 2313  
appointed by the court, or by the parole board pursuant to 2314  
section 2967.28 of the Revised Code, to supervise the offender 2315

while the offender is seeking or maintaining necessary 2316  
employment and participating in training, education, and 2317  
treatment programs as required in the court's or parole board's 2318  
order. "Intensive probation supervision" includes intensive 2319  
parole supervision and intensive post-release control 2320  
supervision. 2321

(R) "Jail" means a jail, workhouse, minimum security jail, 2322  
or other residential facility used for the confinement of 2323  
alleged or convicted offenders that is operated by a political 2324  
subdivision or a combination of political subdivisions of this 2325  
state. 2326

(S) "Jail term" means the term in a jail that a sentencing 2327  
court imposes or is authorized to impose pursuant to section 2328  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2329  
provision of the Revised Code that authorizes a term in a jail 2330  
for a misdemeanor conviction. 2331

(T) "Mandatory jail term" means the term in a jail that a 2332  
sentencing court is required to impose pursuant to division (G) 2333  
of section 1547.99 of the Revised Code, division (E) of section 2334  
2903.06 or division (D) of section 2903.08 of the Revised Code, 2335  
division (F) of section 2929.24 of the Revised Code, division 2336  
(B) of section 4510.14 of the Revised Code, or division (G) of 2337  
section 4511.19 of the Revised Code or pursuant to any other 2338  
provision of the Revised Code that requires a term in a jail for 2339  
a misdemeanor conviction. 2340

(U) "Delinquent child" has the same meaning as in section 2341  
2152.02 of the Revised Code. 2342

(V) "License violation report" means a report that is made 2343  
by a sentencing court, or by the parole board pursuant to 2344

section 2967.28 of the Revised Code, to the regulatory or 2345  
licensing board or agency that issued an offender a professional 2346  
license or a license or permit to do business in this state and 2347  
that specifies that the offender has been convicted of or 2348  
pleaded guilty to an offense that may violate the conditions 2349  
under which the offender's professional license or license or 2350  
permit to do business in this state was granted or an offense 2351  
for which the offender's professional license or license or 2352  
permit to do business in this state may be revoked or suspended. 2353

(W) "Major drug offender" means an offender who is 2354  
convicted of or pleads guilty to the possession of, sale of, or 2355  
offer to sell any drug, compound, mixture, preparation, or 2356  
substance that consists of or contains at least one thousand 2357  
grams of hashish; at least one hundred grams of cocaine; at 2358  
least one thousand unit doses or one hundred grams of heroin; at 2359  
least five thousand unit doses of L.S.D. or five hundred grams 2360  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2361  
distillate form; at least fifty grams of a controlled substance 2362  
analog; at least one thousand unit doses or one hundred grams of 2363  
a fentanyl-related compound; or at least one hundred times the 2364  
amount of any other schedule I or II controlled substance other 2365  
than marihuana that is necessary to commit a felony of the third 2366  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2367  
of the Revised Code that is based on the possession of, sale of, 2368  
or offer to sell the controlled substance. 2369

(X) "Mandatory prison term" means any of the following: 2370

(1) Subject to division (X)(2) of this section, the term 2371  
in prison that must be imposed for the offenses or circumstances 2372  
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~(22) of 2373  
section 2929.13 and division (B) of section 2929.14 of the 2374



Revised Code. Except as provided in sections 2925.02, 2925.03, 2375  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2376  
maximum or another specific term is required under section 2377  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2378  
described in this division may be any prison term authorized for 2379  
the level of offense except that if the offense is a felony of 2380  
the first or second degree committed on or after March 22, 2019, 2381  
a mandatory prison term described in this division may be one of 2382  
the terms prescribed in division (A) (1) (a) or (2) (a) of section 2383  
2929.14 of the Revised Code, whichever is applicable, that is 2384  
authorized as the minimum term for the offense. 2385

(2) The term of sixty or one hundred twenty days in prison 2386  
that a sentencing court is required to impose for a third or 2387  
fourth degree felony OVI offense pursuant to division (G) (2) of 2388  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2389  
of the Revised Code or the term of one, two, three, four, or 2390  
five years in prison that a sentencing court is required to 2391  
impose pursuant to division (G) (2) of section 2929.13 of the 2392  
Revised Code. 2393

(3) The term in prison imposed pursuant to division (A) of 2394  
section 2971.03 of the Revised Code for the offenses and in the 2395  
circumstances described in division (F) (11) of section 2929.13 2396  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2397  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2398  
section 2971.03 of the Revised Code and that term as modified or 2399  
terminated pursuant to section 2971.05 of the Revised Code. 2400

(Y) "Monitored time" means a period of time during which 2401  
an offender continues to be under the control of the sentencing 2402  
court or parole board, subject to no conditions other than 2403  
leading a law-abiding life. 2404

(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction and includes a violation sanction center operated under authority of section 2967.141 of the Revised Code.

(BB) (1) "Prison term" includes either of the following sanctions for an offender:

(a) A stated prison term;

(b) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 5120.031, 5120.032, or 5120.073 of the Revised Code or shortened pursuant to section 2967.26 of the Revised Code.

(2) With respect to a non-life felony indefinite prison term, references in any provision of law to a reduction of, or deduction from, the prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term.

~~(CC)~~ (CC) (1) "Repeat offender" means a person about whom both of the following apply:

(a) The person is being sentenced for committing or for complicity in committing a violation of section 2923.13 of the Revised Code or a felony offense of violence, and the violation of the offense involved a firearm.

(b) The person previously was convicted of or pleaded guilty to one or more offenses described in division (CC) (1) (a) of this section and the violation involved a firearm.

(2) As used in division (CC) of this section, "involved a firearm" means either of the following: 2433  
2434

(a) The offender had a firearm on or about the offender's person while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used the firearm to facilitate the offense. 2435  
2436  
2437  
2438

(b) The offender had a firearm under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used the firearm to facilitate the offense. 2439  
2440  
2441  
2442

(DD) "Repeat violent offender" means a person about whom both of the following apply: 2443  
2444

(1) The person is being sentenced for committing or for complicity in committing any of the following: 2445  
2446

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree; 2447  
2448  
2449  
2450

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) of this section. 2451  
2452  
2453  
2454

(2) The person previously was convicted of or pleaded guilty to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) or (b) of this section. 2455  
2456  
2457

~~(DD)~~ (EE) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction 2458  
2459  
2460

imposed pursuant to any provision of sections 2929.14 to 2929.18 2461  
or 2929.24 to 2929.28 of the Revised Code. 2462

~~(EE)~~ (FF) "Sentence" means the sanction or combination of 2463  
sanctions imposed by the sentencing court on an offender who is 2464  
convicted of or pleads guilty to an offense. 2465

~~(FF) (1)~~ (GG) (1) "Stated prison term" means the prison 2466  
term, mandatory prison term, or combination of all prison terms 2467  
and mandatory prison terms imposed by the sentencing court 2468  
pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised 2469  
Code or under section 2919.25 of the Revised Code. "Stated 2470  
prison term" includes any credit received by the offender for 2471  
time spent in jail awaiting trial, sentencing, or transfer to 2472  
prison for the offense and any time spent under house arrest or 2473  
house arrest with electronic monitoring imposed after earning 2474  
credits pursuant to section 2967.193 or 2967.194 of the Revised 2475  
Code. If an offender is serving a prison term as a risk 2476  
reduction sentence under sections 2929.143 and 5120.036 of the 2477  
Revised Code, "stated prison term" includes any period of time 2478  
by which the prison term imposed upon the offender is shortened 2479  
by the offender's successful completion of all assessment and 2480  
treatment or programming pursuant to those sections. 2481

(2) As used in the definition of "stated prison term" set 2482  
forth in division ~~(FF) (1)~~ (GG) (1) of this section, a prison term 2483  
is a definite prison term imposed under section 2929.14 of the 2484  
Revised Code or any other provision of law, is the minimum and 2485  
maximum prison terms under a non-life felony indefinite prison 2486  
term, or is a term of life imprisonment except to the extent 2487  
that the use of that definition in a section of the Revised Code 2488  
clearly is not intended to include a term of life imprisonment. 2489  
With respect to an offender sentenced to a non-life felony 2490

indefinite prison term, references in section 2967.191, 2491  
2967.193, or 2967.194 of the Revised Code or any other provision 2492  
of law to a reduction of, or deduction from, the offender's 2493  
stated prison term or to release of the offender before the 2494  
expiration of the offender's stated prison term mean a reduction 2495  
in, or deduction from, the minimum term imposed as part of the 2496  
indefinite term or a release of the offender before the 2497  
expiration of that minimum term, references in section 2929.19 2498  
or 2967.28 of the Revised Code to a stated prison term with 2499  
respect to a prison term imposed for a violation of a post- 2500  
release control sanction mean the minimum term so imposed, and 2501  
references in any provision of law to an offender's service of 2502  
the offender's stated prison term or the expiration of the 2503  
offender's stated prison term mean service or expiration of the 2504  
minimum term so imposed plus any additional period of 2505  
incarceration under the sentence that is required under section 2506  
2967.271 of the Revised Code. 2507

~~(GG)~~ (HH) "Victim-offender mediation" means a 2508  
reconciliation or mediation program that involves an offender 2509  
and the victim of the offense committed by the offender and that 2510  
includes a meeting in which the offender and the victim may 2511  
discuss the offense, discuss restitution, and consider other 2512  
sanctions for the offense. 2513

~~(HH)~~ (II) "Fourth degree felony OVI offense" means a 2514  
violation of division (A) of section 4511.19 of the Revised Code 2515  
that, under division (G) of that section, is a felony of the 2516  
fourth degree. 2517

~~(II)~~ (JJ) "Mandatory term of local incarceration" means 2518  
the term of sixty or one hundred twenty days in a jail, a 2519  
community-based correctional facility, a halfway house, or an 2520

alternative residential facility that a sentencing court may 2521  
impose upon a person who is convicted of or pleads guilty to a 2522  
fourth degree felony OVI offense pursuant to division (G)(1) of 2523  
section 2929.13 of the Revised Code and division (G)(1)(d) or 2524  
(e) of section 4511.19 of the Revised Code. 2525

~~(JJ)~~(KK) "Designated homicide, assault, or kidnapping 2526  
offense," "violent sex offense," "sexual motivation 2527  
specification," "sexually violent offense," "sexually violent 2528  
predator," and "sexually violent predator specification" have 2529  
the same meanings as in section 2971.01 of the Revised Code. 2530

~~(KK)~~(LL) "Sexually oriented offense," "child-victim 2531  
oriented offense," and "tier III sex offender/child-victim 2532  
offender" have the same meanings as in section 2950.01 of the 2533  
Revised Code. 2534

~~(LL)~~(MM) An offense is "committed in the vicinity of a 2535  
child" if the offender commits the offense within thirty feet of 2536  
or within the same residential unit as a child who is under 2537  
eighteen years of age, regardless of whether the offender knows 2538  
the age of the child or whether the offender knows the offense 2539  
is being committed within thirty feet of or within the same 2540  
residential unit as the child and regardless of whether the 2541  
child actually views the commission of the offense. 2542

~~(MM)~~(NN) "Family or household member" has the same 2543  
meaning as in section 2919.25 of the Revised Code. 2544

~~(NN)~~(OO) "Motor vehicle" and "manufactured home" have the 2545  
same meanings as in section 4501.01 of the Revised Code. 2546

~~(OO)~~(PP) "Detention" and "detention facility" have the 2547  
same meanings as in section 2921.01 of the Revised Code. 2548

~~(PP)~~(QQ) "Third degree felony OVI offense" means a 2549

violation of division (A) of section 4511.19 of the Revised Code 2550  
that, under division (G) of that section, is a felony of the 2551  
third degree. 2552

~~(QQ)~~ (RR) "Random drug testing" has the same meaning as in 2553  
section 5120.63 of the Revised Code. 2554

~~(RR)~~ (SS) "Felony sex offense" has the same meaning as in 2555  
section 2967.28 of the Revised Code. 2556

~~(SS)~~ (TT) "Body armor" has the same meaning as in section 2557  
2941.1411 of the Revised Code. 2558

~~(TT)~~ (UU) "Electronic monitoring" means monitoring through 2559  
the use of an electronic monitoring device. 2560

~~(UU)~~ (VV) "Electronic monitoring device" means any of the 2561  
following: 2562

(1) Any device that can be operated by electrical or 2563  
battery power and that conforms with all of the following: 2564

(a) The device has a transmitter that can be attached to a 2565  
person, that will transmit a specified signal to a receiver of 2566  
the type described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this 2567  
section if the transmitter is removed from the person, turned 2568  
off, or altered in any manner without prior court approval in 2569  
relation to electronic monitoring or without prior approval of 2570  
the department of rehabilitation and correction in relation to 2571  
the use of an electronic monitoring device for an inmate on 2572  
transitional control or otherwise is tampered with, that can 2573  
transmit continuously and periodically a signal to that receiver 2574  
when the person is within a specified distance from the 2575  
receiver, and that can transmit an appropriate signal to that 2576  
receiver if the person to whom it is attached travels a 2577  
specified distance from that receiver. 2578

(b) The device has a receiver that can receive 2579  
continuously the signals transmitted by a transmitter of the 2580  
type described in division ~~(UU) (1) (a)~~ (VV) (1) (a) of this 2581  
section, can transmit continuously those signals by a wireless 2582  
or landline telephone connection to a central monitoring 2583  
computer of the type described in division ~~(UU) (1) (e)~~ (VV) (1) (c) 2584  
of this section, and can transmit continuously an appropriate 2585  
signal to that central monitoring computer if the device has 2586  
been turned off or altered without prior court approval or 2587  
otherwise tampered with. The device is designed specifically for 2588  
use in electronic monitoring, is not a converted wireless phone 2589  
or another tracking device that is clearly not designed for 2590  
electronic monitoring, and provides a means of text-based or 2591  
voice communication with the person. 2592

(c) The device has a central monitoring computer that can 2593  
receive continuously the signals transmitted by a wireless or 2594  
landline telephone connection by a receiver of the type 2595  
described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this section and 2596  
can monitor continuously the person to whom an electronic 2597  
monitoring device of the type described in division ~~(UU) (1) (a)~~ 2598  
(VV) (1) (a) of this section is attached. 2599

(2) Any device that is not a device of the type described 2600  
in division ~~(UU) (1)~~ (VV) (1) of this section and that conforms 2601  
with all of the following: 2602

(a) The device includes a transmitter and receiver that 2603  
can monitor and determine the location of a subject person at 2604  
any time, or at a designated point in time, through the use of a 2605  
central monitoring computer or through other electronic means. 2606

(b) The device includes a transmitter and receiver that 2607  
can determine at any time, or at a designated point in time, 2608



through the use of a central monitoring computer or other 2609  
electronic means the fact that the transmitter is turned off or 2610  
altered in any manner without prior approval of the court in 2611  
relation to the electronic monitoring or without prior approval 2612  
of the department of rehabilitation and correction in relation 2613  
to the use of an electronic monitoring device for an inmate on 2614  
transitional control or otherwise is tampered with. 2615

(3) Any type of technology that can adequately track or 2616  
determine the location of a subject person at any time and that 2617  
is approved by the director of rehabilitation and correction, 2618  
including, but not limited to, any satellite technology, voice 2619  
tracking system, or retinal scanning system that is so approved. 2620

~~(VV)~~ (WW) "Non-economic loss" means nonpecuniary harm 2621  
suffered by a victim of an offense as a result of or related to 2622  
the commission of the offense, including, but not limited to, 2623  
pain and suffering; loss of society, consortium, companionship, 2624  
care, assistance, attention, protection, advice, guidance, 2625  
counsel, instruction, training, or education; mental anguish; 2626  
and any other intangible loss. 2627

~~(WW)~~ (XX) "Prosecutor" has the same meaning as in section 2628  
2935.01 of the Revised Code. 2629

~~(XX)~~ (YY) "Continuous alcohol monitoring" means the 2630  
ability to automatically test and periodically transmit alcohol 2631  
consumption levels and tamper attempts at least every hour, 2632  
regardless of the location of the person who is being monitored. 2633

~~(YY)~~ (ZZ) A person is "adjudicated a sexually violent 2634  
predator" if the person is convicted of or pleads guilty to a 2635  
violent sex offense and also is convicted of or pleads guilty to 2636  
a sexually violent predator specification that was included in 2637

the indictment, count in the indictment, or information charging 2638  
that violent sex offense or if the person is convicted of or 2639  
pleads guilty to a designated homicide, assault, or kidnapping 2640  
offense and also is convicted of or pleads guilty to both a 2641  
sexual motivation specification and a sexually violent predator 2642  
specification that were included in the indictment, count in the 2643  
indictment, or information charging that designated homicide, 2644  
assault, or kidnapping offense. 2645

~~(ZZ)~~ (AAA) An offense is "committed in proximity to a 2646  
school" if the offender commits the offense in a school safety 2647  
zone or within five hundred feet of any school building or the 2648  
boundaries of any school premises, regardless of whether the 2649  
offender knows the offense is being committed in a school safety 2650  
zone or within five hundred feet of any school building or the 2651  
boundaries of any school premises. 2652

~~(AAA)~~ (BBB) "Human trafficking" means a scheme or plan to 2653  
which all of the following apply: 2654

(1) Its object is one or both of the following: 2655

(a) To subject a victim or victims to involuntary 2656  
servitude, as defined in section 2905.31 of the Revised Code or 2657  
to compel a victim or victims to engage in sexual activity for 2658  
hire, to engage in a performance that is obscene, sexually 2659  
oriented, or nudity oriented, or to be a model or participant in 2660  
the production of material that is obscene, sexually oriented, 2661  
or nudity oriented; 2662

(b) To facilitate, encourage, or recruit a victim who is a 2663  
minor or is a person with a developmental disability, or victims 2664  
who are minors or are persons with developmental disabilities, 2665  
for any purpose listed in divisions (A) (2) (a) to (c) of section 2666

2905.32 of the Revised Code. 2667

(2) It involves at least two felony offenses, whether or 2668  
not there has been a prior conviction for any of the felony 2669  
offenses, to which all of the following apply: 2670

(a) Each of the felony offenses is a violation of section 2671  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 2672  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 2673  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 2674  
is a violation of a law of any state other than this state that 2675  
is substantially similar to any of the sections or divisions of 2676  
the Revised Code identified in this division. 2677

(b) At least one of the felony offenses was committed in 2678  
this state. 2679

(c) The felony offenses are related to the same scheme or 2680  
plan and are not isolated instances. 2681

~~(BBB)~~ (CCC) "Material," "nudity," "obscene," 2682  
"performance," and "sexual activity" have the same meanings as 2683  
in section 2907.01 of the Revised Code. 2684

~~(CCC)~~ (DDD) "Material that is obscene, sexually oriented, 2685  
or nudity oriented" means any material that is obscene, that 2686  
shows a person participating or engaging in sexual activity, 2687  
masturbation, or bestiality, or that shows a person in a state 2688  
of nudity. 2689

~~(DDD)~~ (EEE) "Performance that is obscene, sexually 2690  
oriented, or nudity oriented" means any performance that is 2691  
obscene, that shows a person participating or engaging in sexual 2692  
activity, masturbation, or bestiality, or that shows a person in 2693  
a state of nudity. 2694

~~(EEE)~~ (FFF) "Accelerant" means a fuel or oxidizing agent, 2695  
such as an ignitable liquid, used to initiate a fire or increase 2696  
the rate of growth or spread of a fire. 2697

~~(FFF)~~ (GGG) "Permanent disabling harm" means serious 2698  
physical harm that results in permanent injury to the 2699  
intellectual, physical, or sensory functions and that 2700  
permanently and substantially impairs a person's ability to meet 2701  
one or more of the ordinary demands of life, including the 2702  
functions of caring for one's self, performing manual tasks, 2703  
walking, seeing, hearing, speaking, breathing, learning, and 2704  
working. 2705

~~(GGG)~~ (HHH) "Non-life felony indefinite prison term" means 2706  
a prison term imposed under division (A) (1) (a) or (2) (a) of 2707  
section 2929.14 and section 2929.144 of the Revised Code for a 2708  
felony of the first or second degree committed on or after March 2709  
22, 2019. 2710

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 2711  
or (G) of this section and unless a specific sanction is 2712  
required to be imposed or is precluded from being imposed 2713  
pursuant to law, a court that imposes a sentence upon an 2714  
offender for a felony may impose any sanction or combination of 2715  
sanctions on the offender that are provided in sections 2929.14 2716  
to 2929.18 of the Revised Code. 2717

If the offender is eligible to be sentenced to community 2718  
control sanctions, the court shall consider the appropriateness 2719  
of imposing a financial sanction pursuant to section 2929.18 of 2720  
the Revised Code or a sanction of community service pursuant to 2721  
section 2929.17 of the Revised Code as the sole sanction for the 2722  
offense. Except as otherwise provided in this division, if the 2723  
court is required to impose a mandatory prison term for the 2724

offense for which sentence is being imposed, the court also 2725  
shall impose any financial sanction pursuant to section 2929.18 2726  
of the Revised Code that is required for the offense and may 2727  
impose any other financial sanction pursuant to that section but 2728  
may not impose any additional sanction or combination of 2729  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2730

If the offender is being sentenced for a fourth degree 2731  
felony OVI offense or for a third degree felony OVI offense, in 2732  
addition to the mandatory term of local incarceration or the 2733  
mandatory prison term required for the offense by division (G) 2734  
(1) or (2) of this section, the court shall impose upon the 2735  
offender a mandatory fine in accordance with division (B) (3) of 2736  
section 2929.18 of the Revised Code and may impose whichever of 2737  
the following is applicable: 2738

(1) For a fourth degree felony OVI offense for which 2739  
sentence is imposed under division (G) (1) of this section, an 2740  
additional community control sanction or combination of 2741  
community control sanctions under section 2929.16 or 2929.17 of 2742  
the Revised Code. If the court imposes upon the offender a 2743  
community control sanction and the offender violates any 2744  
condition of the community control sanction, the court may take 2745  
any action prescribed in division (B) of section 2929.15 of the 2746  
Revised Code relative to the offender, including imposing a 2747  
prison term on the offender pursuant to that division. 2748

(2) For a third or fourth degree felony OVI offense for 2749  
which sentence is imposed under division (G) (2) of this section, 2750  
an additional prison term as described in division (B) (4) of 2751  
section 2929.14 of the Revised Code or a community control 2752  
sanction as described in division (G) (2) of this section. 2753

(B) (1) (a) Except as provided in division (B) (1) (b) of this 2754

section, if an offender is convicted of or pleads guilty to a 2755  
felony of the fourth or fifth degree that is not an offense of 2756  
violence or that is a qualifying assault offense, the court 2757  
shall sentence the offender to a community control sanction or 2758  
combination of community control sanctions if all of the 2759  
following apply: 2760

(i) The offender previously has not been convicted of or 2761  
pleaded guilty to a felony offense. 2762

(ii) The most serious charge against the offender at the 2763  
time of sentencing is a felony of the fourth or fifth degree. 2764

(iii) The offender previously has not been convicted of or 2765  
pleaded guilty to a misdemeanor offense of violence that the 2766  
offender committed within two years prior to the offense for 2767  
which sentence is being imposed. 2768

(b) The court has discretion to impose a prison term upon 2769  
an offender who is convicted of or pleads guilty to a felony of 2770  
the fourth or fifth degree that is not an offense of violence or 2771  
that is a qualifying assault offense if any of the following 2772  
apply: 2773

(i) The offender committed the offense while having a 2774  
firearm on or about the offender's person or under the 2775  
offender's control. 2776

(ii) If the offense is a qualifying assault offense, the 2777  
offender caused serious physical harm to another person while 2778  
committing the offense, and, if the offense is not a qualifying 2779  
assault offense, the offender caused physical harm to another 2780  
person while committing the offense. 2781

(iii) The offender violated a term of the conditions of 2782  
bond as set by the court. 2783

(iv) The offense is a sex offense that is a fourth or 2784  
fifth degree felony violation of any provision of Chapter 2907. 2785  
of the Revised Code. 2786

(v) In committing the offense, the offender attempted to 2787  
cause or made an actual threat of physical harm to a person with 2788  
a deadly weapon. 2789

(vi) In committing the offense, the offender attempted to 2790  
cause or made an actual threat of physical harm to a person, and 2791  
the offender previously was convicted of an offense that caused 2792  
physical harm to a person. 2793

(vii) The offender held a public office or position of 2794  
trust, and the offense related to that office or position; the 2795  
offender's position obliged the offender to prevent the offense 2796  
or to bring those committing it to justice; or the offender's 2797  
professional reputation or position facilitated the offense or 2798  
was likely to influence the future conduct of others. 2799

(viii) The offender committed the offense for hire or as 2800  
part of an organized criminal activity. 2801

(ix) The offender at the time of the offense was serving, 2802  
or the offender previously had served, a prison term. 2803

(x) The offender committed the offense while under a 2804  
community control sanction, while on probation, or while 2805  
released from custody on a bond or personal recognizance. 2806

(c) A sentencing court may impose an additional penalty 2807  
under division (B) of section 2929.15 of the Revised Code upon 2808  
an offender sentenced to a community control sanction under 2809  
division (B)(1)(a) of this section if the offender violates the 2810  
conditions of the community control sanction, violates a law, or 2811  
leaves the state without the permission of the court or the 2812

offender's probation officer. 2813

(2) If division (B) (1) of this section does not apply, 2814  
except as provided in division (E), (F), or (G) of this section, 2815  
in determining whether to impose a prison term as a sanction for 2816  
a felony of the fourth or fifth degree, the sentencing court 2817  
shall comply with the purposes and principles of sentencing 2818  
under section 2929.11 of the Revised Code and with section 2819  
2929.12 of the Revised Code. 2820

(C) Except as provided in division (D), (E), (F), or (G) 2821  
of this section, in determining whether to impose a prison term 2822  
as a sanction for a felony of the third degree or a felony drug 2823  
offense that is a violation of a provision of Chapter 2925. of 2824  
the Revised Code and that is specified as being subject to this 2825  
division for purposes of sentencing, the sentencing court shall 2826  
comply with the purposes and principles of sentencing under 2827  
section 2929.11 of the Revised Code and with section 2929.12 of 2828  
the Revised Code. 2829

(D) (1) Except as provided in division (E) or (F) of this 2830  
section, for a felony of the first or second degree, for a 2831  
felony drug offense that is a violation of any provision of 2832  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2833  
presumption in favor of a prison term is specified as being 2834  
applicable, ~~and~~ for a violation of division (A) (4) or (B) of 2835  
section 2907.05 of the Revised Code for which a presumption in 2836  
favor of a prison term is specified as being applicable, and for 2837  
a violation of section 2923.13 of the Revised Code for which a 2838  
presumption in favor of a prison term is specified in division 2839  
(B) (3) of that section as being applicable, it is presumed that 2840  
a prison term is necessary in order to comply with the purposes 2841  
and principles of sentencing under section 2929.11 of the 2842



Revised Code. Division (D) (2) of this section does not apply to 2843  
a presumption established under this division for a violation of 2844  
division (A) (4) of section 2907.05 of the Revised Code. 2845

(2) Notwithstanding the presumption established under 2846  
division (D) (1) of this section for the offenses listed in that 2847  
division other than a violation of division (A) (4) or (B) of 2848  
section 2907.05 of the Revised Code, the sentencing court may 2849  
impose a community control sanction or a combination of 2850  
community control sanctions instead of a prison term on an 2851  
offender for a felony of the first or second degree or for a 2852  
felony drug offense that is a violation of any provision of 2853  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2854  
presumption in favor of a prison term is specified as being 2855  
applicable if it makes both of the following findings: 2856

(a) A community control sanction or a combination of 2857  
community control sanctions would adequately punish the offender 2858  
and protect the public from future crime, because the applicable 2859  
factors under section 2929.12 of the Revised Code indicating a 2860  
lesser likelihood of recidivism outweigh the applicable factors 2861  
under that section indicating a greater likelihood of 2862  
recidivism. 2863

(b) A community control sanction or a combination of 2864  
community control sanctions would not demean the seriousness of 2865  
the offense, because one or more factors under section 2929.12 2866  
of the Revised Code that indicate that the offender's conduct 2867  
was less serious than conduct normally constituting the offense 2868  
are applicable, and they outweigh the applicable factors under 2869  
that section that indicate that the offender's conduct was more 2870  
serious than conduct normally constituting the offense. 2871

(E) (1) Except as provided in division (F) of this section, 2872

for any drug offense that is a violation of any provision of 2873  
Chapter 2925. of the Revised Code and that is a felony of the 2874  
third, fourth, or fifth degree, the applicability of a 2875  
presumption under division (D) of this section in favor of a 2876  
prison term or of division (B) or (C) of this section in 2877  
determining whether to impose a prison term for the offense 2878  
shall be determined as specified in section 2925.02, 2925.03, 2879  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2880  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2881  
regarding the violation. 2882

(2) If an offender who was convicted of or pleaded guilty 2883  
to a felony violates the conditions of a community control 2884  
sanction imposed for the offense solely by reason of producing 2885  
positive results on a drug test, the court, as punishment for 2886  
the violation of the sanction, shall not order that the offender 2887  
be imprisoned unless the court determines on the record either 2888  
of the following: 2889

(a) The offender had been ordered as a sanction for the 2890  
felony to participate in a drug treatment program, in a drug 2891  
education program, or in narcotics anonymous or a similar 2892  
program, and the offender continued to use illegal drugs after a 2893  
reasonable period of participation in the program. 2894

(b) The imprisonment of the offender for the violation is 2895  
consistent with the purposes and principles of sentencing set 2896  
forth in section 2929.11 of the Revised Code. 2897

(3) A court that sentences an offender for a drug abuse 2898  
offense that is a felony of the third, fourth, or fifth degree 2899  
may require that the offender be assessed by a properly 2900  
credentialed professional within a specified period of time. The 2901  
court shall require the professional to file a written 2902

assessment of the offender with the court. If the offender is 2903  
eligible for a community control sanction and after considering 2904  
the written assessment, the court may impose a community control 2905  
sanction that includes addiction services and recovery supports 2906  
included in a community-based continuum of care established 2907  
under section 340.032 of the Revised Code. If the court imposes 2908  
addiction services and recovery supports as a community control 2909  
sanction, the court shall direct the level and type of addiction 2910  
services and recovery supports after considering the assessment 2911  
and recommendation of community addiction services providers. 2912

(F) Notwithstanding divisions (A) to (E) of this section, 2913  
the court shall impose a prison term or terms under sections 2914  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 2915  
section 2971.03 of the Revised Code and except as specifically 2916  
provided in section 2929.20, or section 2967.191 of the Revised 2917  
Code or when parole is authorized for the offense under section 2918  
2967.13 of the Revised Code shall not reduce the term or terms 2919  
pursuant to section 2929.20, division (A) (2) or (3) of section 2920  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 2921  
Chapter 5120. of the Revised Code for any of the following 2922  
offenses: 2923

(1) Aggravated murder when death is not imposed or murder; 2924

(2) Any rape, regardless of whether force was involved and 2925  
regardless of the age of the victim, or an attempt to commit 2926  
rape if, had the offender completed the rape that was attempted, 2927  
the offender would have been guilty of a violation of division 2928  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 2929  
sentenced under section 2971.03 of the Revised Code; 2930

(3) Gross sexual imposition or sexual battery, if the 2931  
victim is less than thirteen years of age and if any of the 2932

following applies: 2933

(a) Regarding gross sexual imposition, the offender 2934  
previously was convicted of or pleaded guilty to rape, the 2935  
former offense of felonious sexual penetration, gross sexual 2936  
imposition, or sexual battery, and the victim of the previous 2937  
offense was less than thirteen years of age; 2938

(b) Regarding gross sexual imposition, the offense was 2939  
committed on or after August 3, 2006, and evidence other than 2940  
the testimony of the victim was admitted in the case 2941  
corroborating the violation. 2942

(c) Regarding sexual battery, either of the following 2943  
applies: 2944

(i) The offense was committed prior to August 3, 2006, the 2945  
offender previously was convicted of or pleaded guilty to rape, 2946  
the former offense of felonious sexual penetration, or sexual 2947  
battery, and the victim of the previous offense was less than 2948  
thirteen years of age. 2949

(ii) The offense was committed on or after August 3, 2006. 2950

(4) A felony violation of section 2903.04, 2903.06, 2951  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 2952  
or 2923.132 of the Revised Code if the section requires the 2953  
imposition of a prison term; 2954

(5) A first, second, or third degree felony drug offense 2955  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2956  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2957  
or 4729.99 of the Revised Code, whichever is applicable 2958  
regarding the violation, requires the imposition of a mandatory 2959  
prison term; 2960

(6) Any offense that is a first or second degree felony 2961  
and that is not set forth in division (F) (1), (2), (3), or (4) 2962  
of this section, if the offender previously was convicted of or 2963  
pleaded guilty to aggravated murder, murder, any first or second 2964  
degree felony, or an offense under an existing or former law of 2965  
this state, another state, or the United States that is or was 2966  
substantially equivalent to one of those offenses; 2967

(7) Any offense that is a third degree felony and either 2968  
is a violation of section 2903.04 of the Revised Code or an 2969  
attempt to commit a felony of the second degree that is an 2970  
offense of violence and involved an attempt to cause serious 2971  
physical harm to a person or that resulted in serious physical 2972  
harm to a person if the offender previously was convicted of or 2973  
pleaded guilty to any of the following offenses: 2974

(a) Aggravated murder, murder, involuntary manslaughter, 2975  
rape, felonious sexual penetration as it existed under section 2976  
2907.12 of the Revised Code prior to September 3, 1996, a felony 2977  
of the first or second degree that resulted in the death of a 2978  
person or in physical harm to a person, or complicity in or an 2979  
attempt to commit any of those offenses; 2980

(b) An offense under an existing or former law of this 2981  
state, another state, or the United States that is or was 2982  
substantially equivalent to an offense listed in division (F) (7) 2983  
(a) of this section that resulted in the death of a person or in 2984  
physical harm to a person. 2985

(8) Any offense, other than a violation of section 2923.12 2986  
of the Revised Code, that is a felony, if the offender had a 2987  
firearm on or about the offender's person or under the 2988  
offender's control while committing the felony, with respect to 2989  
a portion of the sentence imposed pursuant to division (B) (1) (a) 2990

of section 2929.14 of the Revised Code for having the firearm; 2991

(9) Any offense of violence that is a felony, if the 2992  
offender wore or carried body armor while committing the felony 2993  
offense of violence, with respect to the portion of the sentence 2994  
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 2995  
Revised Code for wearing or carrying the body armor; 2996

(10) Corrupt activity in violation of section 2923.32 of 2997  
the Revised Code when the most serious offense in the pattern of 2998  
corrupt activity that is the basis of the offense is a felony of 2999  
the first degree; 3000

(11) Any violent sex offense or designated homicide, 3001  
assault, or kidnapping offense if, in relation to that offense, 3002  
the offender is adjudicated a sexually violent predator; 3003

(12) A violation of division (A)(1) or (2) of section 3004  
2921.36 of the Revised Code, or a violation of division (C) of 3005  
that section involving an item listed in division (A)(1) or (2) 3006  
of that section, if the offender is an officer or employee of 3007  
the department of rehabilitation and correction; 3008

(13) A violation of division (A)(1) or (2) of section 3009  
2903.06 of the Revised Code if the victim of the offense is a 3010  
peace officer, as defined in section 2935.01 of the Revised 3011  
Code, or an investigator of the bureau of criminal 3012  
identification and investigation, as defined in section 2903.11 3013  
of the Revised Code, with respect to the portion of the sentence 3014  
imposed pursuant to division (B)(5) of section 2929.14 of the 3015  
Revised Code; 3016

(14) A violation of division (A)(1) or (2) of section 3017  
2903.06 of the Revised Code if the offender has been convicted 3018  
of or pleaded guilty to three or more violations of division (A) 3019

of section 4511.19 of the Revised Code or an equivalent offense, 3020  
as defined in section 2941.1415 of the Revised Code, or three or 3021  
more violations of any combination of those offenses, with 3022  
respect to the portion of the sentence imposed pursuant to 3023  
division (B) (6) of section 2929.14 of the Revised Code; 3024

(15) Kidnapping, in the circumstances specified in section 3025  
2971.03 of the Revised Code and when no other provision of 3026  
division (F) of this section applies; 3027

(16) Kidnapping, abduction, compelling prostitution, 3028  
promoting prostitution, engaging in a pattern of corrupt 3029  
activity, a violation of division (A) (1) or (2) of section 3030  
2907.323 of the Revised Code that involves a minor, or 3031  
endangering children in violation of division (B) (1), (2), (3), 3032  
(4), or (5) of section 2919.22 of the Revised Code, if the 3033  
offender is convicted of or pleads guilty to a specification as 3034  
described in section 2941.1422 of the Revised Code that was 3035  
included in the indictment, count in the indictment, or 3036  
information charging the offense; 3037

(17) A felony violation of division (A) or (B) of section 3038  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3039  
that section, and division (D) (6) of that section, require the 3040  
imposition of a prison term; 3041

(18) A felony violation of section 2903.11, 2903.12, or 3042  
2903.13 of the Revised Code, if the victim of the offense was a 3043  
woman that the offender knew was pregnant at the time of the 3044  
violation, with respect to a portion of the sentence imposed 3045  
pursuant to division (B) (8) of section 2929.14 of the Revised 3046  
Code; 3047

(19) (a) Any violent felony offense if the offender is a 3048

violent career criminal and had a firearm on or about the 3049  
offender's person or under the offender's control during the 3050  
commission of the violent felony offense and displayed or 3051  
brandished the firearm, indicated that the offender possessed a 3052  
firearm, or used the firearm to facilitate the offense, with 3053  
respect to the portion of the sentence imposed under division 3054  
(K) of section 2929.14 of the Revised Code. 3055

(b) As used in division (F)(19)(a) of this section, 3056  
"violent career criminal" and "violent felony offense" have the 3057  
same meanings as in section 2923.132 of the Revised Code. 3058

(20) Any violation of division (A)(1) of section 2903.11 3059  
of the Revised Code if the offender used an accelerant in 3060  
committing the violation and the serious physical harm to 3061  
another or another's unborn caused by the violation resulted in 3062  
a permanent, serious disfigurement or permanent, substantial 3063  
incapacity or any violation of division (A)(2) of that section 3064  
if the offender used an accelerant in committing the violation, 3065  
the violation caused physical harm to another or another's 3066  
unborn, and the physical harm resulted in a permanent, serious 3067  
disfigurement or permanent, substantial incapacity, with respect 3068  
to a portion of the sentence imposed pursuant to division (B)(9) 3069  
of section 2929.14 of the Revised Code. The provisions of this 3070  
division and of division (D)(2) of section 2903.11, divisions 3071  
(B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of 3072  
the Revised Code shall be known as "Judy's Law." 3073

(21) Any violation of division (A) of section 2903.11 of 3074  
the Revised Code if the victim of the offense suffered permanent 3075  
disabling harm as a result of the offense and the victim was 3076  
under ten years of age at the time of the offense, with respect 3077  
to a portion of the sentence imposed pursuant to division (B) 3078



(10) of section 2929.14 of the Revised Code. 3079

(22) A felony violation of section 2925.03, 2925.05, or 3080  
2925.11 of the Revised Code, if the drug involved in the 3081  
violation is a fentanyl-related compound or a compound, mixture, 3082  
preparation, or substance containing a fentanyl-related compound 3083  
and the offender is convicted of or pleads guilty to a 3084  
specification of the type described in division (B) of section 3085  
2941.1410 of the Revised Code that was included in the 3086  
indictment, count in the indictment, or information charging the 3087  
offense, with respect to the portion of the sentence imposed 3088  
under division (B) (11) of section 2929.14 of the Revised Code. 3089

(G) Notwithstanding divisions (A) to (E) of this section, 3090  
if an offender is being sentenced for a fourth degree felony OVI 3091  
offense or for a third degree felony OVI offense, the court 3092  
shall impose upon the offender a mandatory term of local 3093  
incarceration or a mandatory prison term in accordance with the 3094  
following: 3095

(1) If the offender is being sentenced for a fourth degree 3096  
felony OVI offense and if the offender has not been convicted of 3097  
and has not pleaded guilty to a specification of the type 3098  
described in section 2941.1413 of the Revised Code, the court 3099  
may impose upon the offender a mandatory term of local 3100  
incarceration of sixty days or one hundred twenty days as 3101  
specified in division (G) (1) (d) of section 4511.19 of the 3102  
Revised Code. The court shall not reduce the term pursuant to 3103  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 3104  
2967.194, or any other provision of the Revised Code. The court 3105  
that imposes a mandatory term of local incarceration under this 3106  
division shall specify whether the term is to be served in a 3107  
jail, a community-based correctional facility, a halfway house, 3108

or an alternative residential facility, and the offender shall 3109  
serve the term in the type of facility specified by the court. A 3110  
mandatory term of local incarceration imposed under division (G) 3111  
(1) of this section is not subject to any other Revised Code 3112  
provision that pertains to a prison term except as provided in 3113  
division (A) (1) of this section. 3114

(2) If the offender is being sentenced for a third degree 3115  
felony OVI offense, or if the offender is being sentenced for a 3116  
fourth degree felony OVI offense and the court does not impose a 3117  
mandatory term of local incarceration under division (G) (1) of 3118  
this section, the court shall impose upon the offender a 3119  
mandatory prison term of one, two, three, four, or five years if 3120  
the offender also is convicted of or also pleads guilty to a 3121  
specification of the type described in section 2941.1413 of the 3122  
Revised Code or shall impose upon the offender a mandatory 3123  
prison term of sixty days or one hundred twenty days as 3124  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3125  
Revised Code if the offender has not been convicted of and has 3126  
not pleaded guilty to a specification of that type. The court 3127  
shall not reduce the term pursuant to section 2929.20, division 3128  
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3129  
provision of the Revised Code. The offender shall serve the 3130  
one-, two-, three-, four-, or five-year mandatory prison term 3131  
consecutively to and prior to the prison term imposed for the 3132  
underlying offense and consecutively to any other mandatory 3133  
prison term imposed in relation to the offense. In no case shall 3134  
an offender who once has been sentenced to a mandatory term of 3135  
local incarceration pursuant to division (G) (1) of this section 3136  
for a fourth degree felony OVI offense be sentenced to another 3137  
mandatory term of local incarceration under that division for 3138  
any violation of division (A) of section 4511.19 of the Revised 3139

Code. In addition to the mandatory prison term described in 3140  
division (G) (2) of this section, the court may sentence the 3141  
offender to a community control sanction under section 2929.16 3142  
or 2929.17 of the Revised Code, but the offender shall serve the 3143  
prison term prior to serving the community control sanction. The 3144  
department of rehabilitation and correction may place an 3145  
offender sentenced to a mandatory prison term under this 3146  
division in an intensive program prison established pursuant to 3147  
section 5120.033 of the Revised Code if the department gave the 3148  
sentencing judge prior notice of its intent to place the 3149  
offender in an intensive program prison established under that 3150  
section and if the judge did not notify the department that the 3151  
judge disapproved the placement. Upon the establishment of the 3152  
initial intensive program prison pursuant to section 5120.033 of 3153  
the Revised Code that is privately operated and managed by a 3154  
contractor pursuant to a contract entered into under section 3155  
9.06 of the Revised Code, both of the following apply: 3156

(a) The department of rehabilitation and correction shall 3157  
make a reasonable effort to ensure that a sufficient number of 3158  
offenders sentenced to a mandatory prison term under this 3159  
division are placed in the privately operated and managed prison 3160  
so that the privately operated and managed prison has full 3161  
occupancy. 3162

(b) Unless the privately operated and managed prison has 3163  
full occupancy, the department of rehabilitation and correction 3164  
shall not place any offender sentenced to a mandatory prison 3165  
term under this division in any intensive program prison 3166  
established pursuant to section 5120.033 of the Revised Code 3167  
other than the privately operated and managed prison. 3168

(H) If an offender is being sentenced for a sexually 3169

oriented offense or child-victim oriented offense that is a 3170  
felony committed on or after January 1, 1997, the judge shall 3171  
require the offender to submit to a DNA specimen collection 3172  
procedure pursuant to section 2901.07 of the Revised Code. 3173

(I) If an offender is being sentenced for a sexually 3174  
oriented offense or a child-victim oriented offense committed on 3175  
or after January 1, 1997, the judge shall include in the 3176  
sentence a summary of the offender's duties imposed under 3177  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3178  
Code and the duration of the duties. The judge shall inform the 3179  
offender, at the time of sentencing, of those duties and of 3180  
their duration. If required under division (A) (2) of section 3181  
2950.03 of the Revised Code, the judge shall perform the duties 3182  
specified in that section, or, if required under division (A) (6) 3183  
of section 2950.03 of the Revised Code, the judge shall perform 3184  
the duties specified in that division. 3185

(J) (1) Except as provided in division (J) (2) of this 3186  
section, when considering sentencing factors under this section 3187  
in relation to an offender who is convicted of or pleads guilty 3188  
to an attempt to commit an offense in violation of section 3189  
2923.02 of the Revised Code, the sentencing court shall consider 3190  
the factors applicable to the felony category of the violation 3191  
of section 2923.02 of the Revised Code instead of the factors 3192  
applicable to the felony category of the offense attempted. 3193

(2) When considering sentencing factors under this section 3194  
in relation to an offender who is convicted of or pleads guilty 3195  
to an attempt to commit a drug abuse offense for which the 3196  
penalty is determined by the amount or number of unit doses of 3197  
the controlled substance involved in the drug abuse offense, the 3198  
sentencing court shall consider the factors applicable to the 3199

felony category that the drug abuse offense attempted would be 3200  
if that drug abuse offense had been committed and had involved 3201  
an amount or number of unit doses of the controlled substance 3202  
that is within the next lower range of controlled substance 3203  
amounts than was involved in the attempt. 3204

(K) As used in this section: 3205

(1) "Community addiction services provider" has the same 3206  
meaning as in section 5119.01 of the Revised Code. 3207

(2) "Drug abuse offense" has the same meaning as in 3208  
section 2925.01 of the Revised Code. 3209

(3) "Minor drug possession offense" has the same meaning 3210  
as in section 2925.11 of the Revised Code. 3211

(4) "Qualifying assault offense" means a violation of 3212  
section 2903.13 of the Revised Code for which the penalty 3213  
provision in division (C) (8) (b) or (C) (9) (b) of that section 3214  
applies. 3215

(L) At the time of sentencing an offender for any sexually 3216  
oriented offense, if the offender is a tier III sex 3217  
offender/child-victim offender relative to that offense and the 3218  
offender does not serve a prison term or jail term, the court 3219  
may require that the offender be monitored by means of a global 3220  
positioning device. If the court requires such monitoring, the 3221  
cost of monitoring shall be borne by the offender. If the 3222  
offender is indigent, the cost of compliance shall be paid by 3223  
the crime victims reparations fund. 3224

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3225  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3226  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3227  
in division (D) (6) of section 2919.25 of the Revised Code and 3228

except in relation to an offense for which a sentence of death 3229  
or life imprisonment is to be imposed, if the court imposing a 3230  
sentence upon an offender for a felony elects or is required to 3231  
impose a prison term on the offender pursuant to this chapter, 3232  
the court shall impose a prison term that shall be one of the 3233  
following: 3234

(1) (a) For a felony of the first degree committed on or 3235  
after March 22, 2019, the prison term shall be an indefinite 3236  
prison term with a stated minimum term selected by the court of 3237  
three, four, five, six, seven, eight, nine, ten, or eleven years 3238  
and a maximum term that is determined pursuant to section 3239  
2929.144 of the Revised Code, except that if the section that 3240  
criminalizes the conduct constituting the felony specifies a 3241  
different minimum term or penalty for the offense, the specific 3242  
language of that section shall control in determining the 3243  
minimum term or otherwise sentencing the offender but the 3244  
minimum term or sentence imposed under that specific language 3245  
shall be considered for purposes of the Revised Code as if it 3246  
had been imposed under this division. 3247

(b) For a felony of the first degree committed prior to 3248  
March 22, 2019, the prison term shall be a definite prison term 3249  
of three, four, five, six, seven, eight, nine, ten, or eleven 3250  
years. 3251

(2) (a) For a felony of the second degree committed on or 3252  
after March 22, 2019, the prison term shall be an indefinite 3253  
prison term with a stated minimum term selected by the court of 3254  
two, three, four, five, six, seven, or eight years and a maximum 3255  
term that is determined pursuant to section 2929.144 of the 3256  
Revised Code, except that if the section that criminalizes the 3257  
conduct constituting the felony specifies a different minimum 3258

term or penalty for the offense, the specific language of that 3259  
section shall control in determining the minimum term or 3260  
otherwise sentencing the offender but the minimum term or 3261  
sentence imposed under that specific language shall be 3262  
considered for purposes of the Revised Code as if it had been 3263  
imposed under this division. 3264

(b) For a felony of the second degree committed prior to 3265  
March 22, 2019, the prison term shall be a definite term of two, 3266  
three, four, five, six, seven, or eight years. 3267

(3) (a) For a felony of the third degree that is a 3268  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3269  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3270  
Code, that is a violation of division (A) of section 4511.19 of 3271  
the Revised Code if the offender previously has been convicted 3272  
of or pleaded guilty to a violation of division (A) of that 3273  
section that was a felony, that is a violation of section 3274  
2911.02 or 2911.12 of the Revised Code if the offender 3275  
previously has been convicted of or pleaded guilty in two or 3276  
more separate proceedings to two or more violations of section 3277  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 3278  
that is a violation of division (B) of section 2921.331 of the 3279  
Revised Code if division (C) (5) of that section applies, the 3280  
prison term shall be a definite term of twelve, eighteen, 3281  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3282  
four, or sixty months. 3283

(b) For a felony of the third degree that is not an 3284  
offense for which division (A) (3) (a) of this section applies, 3285  
the prison term shall be a definite term of nine, twelve, 3286  
eighteen, twenty-four, thirty, or thirty-six months. 3287

(4) For a felony of the fourth degree, the prison term 3288

shall be a definite term of six, seven, eight, nine, ten, 3289  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3290  
or eighteen months. 3291

(5) For a felony of the fifth degree, the prison term 3292  
shall be a definite term of six, seven, eight, nine, ten, 3293  
eleven, or twelve months. 3294

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3295  
section, if an offender who is convicted of or pleads guilty to 3296  
a felony also is convicted of or pleads guilty to a 3297  
specification of the type described in section 2941.141, 3298  
2941.144, ~~or~~2941.145, or 2941.1428 of the Revised Code, the 3299  
court shall impose on the offender one of the following prison 3300  
terms: 3301

(i) A prison term of ~~six~~ten years if the specification is 3302  
of the type described in division (A) of section 2941.144 of the 3303  
Revised Code that charges the offender with having a firearm 3304  
that is an automatic firearm or that was equipped with a firearm 3305  
muffler or suppressor on or about the offender's person or under 3306  
the offender's control while committing the offense and 3307  
displayed the firearm, brandished the firearm, indicated that 3308  
the offender possessed the firearm, or used it to facilitate the 3309  
offense; 3310

(ii) A prison term of three years if the specification is 3311  
of the type described in division (A) of section 2941.145 of the 3312  
Revised Code that charges the offender with having a firearm on 3313  
or about the offender's person or under the offender's control 3314  
while committing the offense and displaying the firearm, 3315  
brandishing the firearm, indicating that the offender possessed 3316  
the firearm, or using it to facilitate the offense; 3317



(iii) A prison term of one year if the specification is of 3318  
the type described in division (A) of section 2941.141 of the 3319  
Revised Code that charges the offender with having a firearm on 3320  
or about the offender's person or under the offender's control 3321  
while committing the offense; 3322

(iv) A prison term of ~~nine~~fifteen years if the 3323  
specification is of the type described in division (D) of 3324  
section 2941.144 of the Revised Code that charges the offender 3325  
with having a firearm that is an automatic firearm or that was 3326  
equipped with a firearm muffler or suppressor on or about the 3327  
offender's person or under the offender's control while 3328  
committing the offense and displayed the firearm, brandished the 3329  
firearm, indicated that the offender possessed the firearm, or 3330  
used it to facilitate the offense and specifies that the 3331  
offender previously has been convicted of or pleaded guilty to a 3332  
specification of the type described in section 2941.141, 3333  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3334

(v) A prison term of ~~fifty-four months~~five years if the 3335  
specification is of the type described in division (D) of 3336  
section 2941.145 of the Revised Code that charges the offender 3337  
with having a firearm on or about the offender's person or under 3338  
the offender's control while committing the offense and 3339  
displaying the firearm, brandishing the firearm, indicating that 3340  
the offender possessed the firearm, or using the firearm to 3341  
facilitate the offense and that the offender previously has been 3342  
convicted of or pleaded guilty to a specification of the type 3343  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3344  
2941.1412 of the Revised Code; 3345

(vi) A prison term of eighteen months if the specification 3346  
is of the type described in division (D) of section 2941.141 of 3347

the Revised Code that charges the offender with having a firearm 3348  
on or about the offender's person or under the offender's 3349  
control while committing the offense and that the offender 3350  
previously has been convicted of or pleaded guilty to a 3351  
specification of the type described in section 2941.141, 3352  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3353

(vii) A prison term of five years if the specification is 3354  
of the type described in division (A) of section 2941.1428 of 3355  
the Revised Code that charges the offender with discharging a 3356  
firearm while committing the offense. 3357

(b) If a court imposes a prison term on an offender under 3358  
division (B) (1) (a) of this section, the prison term shall not be 3359  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3360  
section 2967.193 or 2967.194, or any other provision of Chapter 3361  
2967. or Chapter 5120. of the Revised Code. Except as provided 3362  
in division (B) (1) (g) of this section, a court shall not impose 3363  
more than one prison term on an offender under division (B) (1) 3364  
(a) of this section for felonies committed as part of the same 3365  
act or transaction. 3366

(c) (i) Except as provided in division (B) (1) (e) of this 3367  
section, if an offender who is convicted of or pleads guilty to 3368  
a violation of section 2923.161 of the Revised Code or to a 3369  
felony that includes, as an essential element, purposely or 3370  
knowingly causing or attempting to cause the death of or 3371  
physical harm to another, also is convicted of or pleads guilty 3372  
to a specification of the type described in division (A) of 3373  
section 2941.146 of the Revised Code that charges the offender 3374  
with committing the offense by discharging a firearm from a 3375  
motor vehicle other than a manufactured home, the court, after 3376  
imposing a prison term on the offender for the violation of 3377

section 2923.161 of the Revised Code or for the other felony 3378  
offense under division (A), (B) (2), or (B) (3) of this section, 3379  
shall impose an additional prison term of ~~five~~seven years upon 3380  
the offender that shall not be reduced pursuant to section 3381  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3382  
or any other provision of Chapter 2967. or Chapter 5120. of the 3383  
Revised Code. 3384

(ii) Except as provided in division (B) (1) (e) of this 3385  
section, if an offender who is convicted of or pleads guilty to 3386  
a violation of section 2923.161 of the Revised Code or to a 3387  
felony that includes, as an essential element, purposely or 3388  
knowingly causing or attempting to cause the death of or 3389  
physical harm to another, also is convicted of or pleads guilty 3390  
to a specification of the type described in division (C) of 3391  
section 2941.146 of the Revised Code that charges the offender 3392  
with committing the offense by discharging a firearm from a 3393  
motor vehicle other than a manufactured home and that the 3394  
offender previously has been convicted of or pleaded guilty to a 3395  
specification of the type described in section 2941.141, 3396  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3397  
the court, after imposing a prison term on the offender for the 3398  
violation of section 2923.161 of the Revised Code or for the 3399  
other felony offense under division (A), (B) (2), or (3) of this 3400  
section, shall impose an additional prison term of ninety months 3401  
upon the offender that shall not be reduced pursuant to section 3402  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3403  
or any other provision of Chapter 2967. or Chapter 5120. of the 3404  
Revised Code. 3405

(iii) A court shall not impose more than one additional 3406  
prison term on an offender under division (B) (1) (c) of this 3407  
section for felonies committed as part of the same act or 3408

transaction. If a court imposes an additional prison term on an 3409  
offender under division (B) (1) (c) of this section relative to an 3410  
offense, the court also shall impose a prison term under 3411  
division (B) (1) (a) of this section relative to the same offense, 3412  
provided the criteria specified in that division for imposing an 3413  
additional prison term are satisfied relative to the offender 3414  
and the offense. 3415

(d) If an offender who is convicted of or pleads guilty to 3416  
an offense of violence that is a felony also is convicted of or 3417  
pleads guilty to a specification of the type described in 3418  
section 2941.1411 of the Revised Code that charges the offender 3419  
with wearing or carrying body armor while committing the felony 3420  
offense of violence, the court shall impose on the offender an 3421  
additional prison term of two years. The prison term so imposed 3422  
shall not be reduced pursuant to section 2929.20, division (A) 3423  
(2) or (3) of section 2967.193 or 2967.194, or any other 3424  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3425  
A court shall not impose more than one prison term on an 3426  
offender under division (B) (1) (d) of this section for felonies 3427  
committed as part of the same act or transaction. If a court 3428  
imposes an additional prison term under division (B) (1) (a) or 3429  
(c) of this section, the court is not precluded from imposing an 3430  
additional prison term under division (B) (1) (d) of this section. 3431

(e) The court shall not impose any of the prison terms 3432  
described in division (B) (1) (a) of this section or any of the 3433  
additional prison terms described in division (B) (1) (c) of this 3434  
section upon an offender for a violation of section 2923.12 or 3435  
2923.123 of the Revised Code. The court shall not impose any of 3436  
the prison terms described in division (B) (1) (a) or (b) of this 3437  
section upon an offender for a violation of section 2923.122 3438  
that involves a deadly weapon that is a firearm other than a 3439

dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) (i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or

attempting to cause the death of or physical harm to another and 3470  
also is convicted of or pleads guilty to a specification of the 3471  
type described in division (B) of section 2941.1412 of the 3472  
Revised Code that charges the offender with committing the 3473  
offense by discharging a firearm at a peace officer, as defined 3474  
in section 2935.01 of the Revised Code, or a corrections 3475  
officer, as defined in section 2941.1412 of the Revised Code, 3476  
and that the offender previously has been convicted of or 3477  
pleaded guilty to a specification of the type described in 3478  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3479  
the Revised Code, the court, after imposing a prison term on the 3480  
offender for the felony offense under division (A), (B) (2), or 3481  
(3) of this section, shall impose an additional prison term of 3482  
one hundred twenty-six months upon the offender that shall not 3483  
be reduced pursuant to section 2929.20, division (A) (2) or (3) 3484  
of section 2967.193 or 2967.194, or any other provision of 3485  
Chapter 2967. or 5120. of the Revised Code. 3486

(iii) If an offender is convicted of or pleads guilty to 3487  
two or more felonies that include, as an essential element, 3488  
causing or attempting to cause the death or physical harm to 3489  
another and also is convicted of or pleads guilty to a 3490  
specification of the type described under division (B) (1) (f) of 3491  
this section in connection with two or more of the felonies of 3492  
which the offender is convicted or to which the offender pleads 3493  
guilty, the sentencing court shall impose on the offender the 3494  
prison term specified under division (B) (1) (f) of this section 3495  
for each of two of the specifications of which the offender is 3496  
convicted or to which the offender pleads guilty and, in its 3497  
discretion, also may impose on the offender the prison term 3498  
specified under that division for any or all of the remaining 3499  
specifications. If a court imposes an additional prison term on 3500

an offender under division (B) (1) (f) of this section relative to 3501  
an offense, the court shall not impose a prison term under 3502  
division (B) (1) (a) or (c) of this section relative to the same 3503  
offense. 3504

(g) If an offender is convicted of or pleads guilty to two 3505  
or more felonies, if one or more of those felonies are 3506  
aggravated murder, murder, attempted aggravated murder, 3507  
attempted murder, aggravated robbery, felonious assault, or 3508  
rape, and if the offender is convicted of or pleads guilty to a 3509  
specification of the type described under division (B) (1) (a) of 3510  
this section in connection with two or more of the felonies, the 3511  
sentencing court shall impose on the offender the prison term 3512  
specified under division (B) (1) (a) of this section for each of 3513  
the two most serious specifications of which the offender is 3514  
convicted or to which the offender pleads guilty and, in its 3515  
discretion, also may impose on the offender the prison term 3516  
specified under that division for any or all of the remaining 3517  
specifications. 3518

(2) (a) If division (B) (2) (b) of this section does not 3519  
apply, the court may impose on an offender, in addition to the 3520  
longest prison term authorized or required for the offense or, 3521  
for offenses for which division (A) (1) (a) or (2) (a) of this 3522  
section applies, in addition to the longest minimum prison term 3523  
authorized or required for the offense, an additional definite 3524  
prison term of one, two, three, four, five, six, seven, eight, 3525  
nine, or ten years if all of the following criteria are met: 3526

(i) The offender is convicted of or pleads guilty to a 3527  
specification of the type described in section 2941.149 of the 3528  
Revised Code that the offender is a repeat violent offender. 3529

(ii) The offense of which the offender currently is 3530

convicted or to which the offender currently pleads guilty is 3531  
aggravated murder and the court does not impose a sentence of 3532  
death or life imprisonment without parole, murder, terrorism and 3533  
the court does not impose a sentence of life imprisonment 3534  
without parole, any felony of the first degree that is an 3535  
offense of violence and the court does not impose a sentence of 3536  
life imprisonment without parole, or any felony of the second 3537  
degree that is an offense of violence and the trier of fact 3538  
finds that the offense involved an attempt to cause or a threat 3539  
to cause serious physical harm to a person or resulted in 3540  
serious physical harm to a person. 3541

(iii) The court imposes the longest prison term for the 3542  
offense or the longest minimum prison term for the offense, 3543  
whichever is applicable, that is not life imprisonment without 3544  
parole. 3545

(iv) The court finds that the prison terms imposed 3546  
pursuant to division (B) (2) (a) (iii) of this section and, if 3547  
applicable, division (B) (1) or (3) of this section are 3548  
inadequate to punish the offender and protect the public from 3549  
future crime, because the applicable factors under section 3550  
2929.12 of the Revised Code indicating a greater likelihood of 3551  
recidivism outweigh the applicable factors under that section 3552  
indicating a lesser likelihood of recidivism. 3553

(v) The court finds that the prison terms imposed pursuant 3554  
to division (B) (2) (a) (iii) of this section and, if applicable, 3555  
division (B) (1) or (3) of this section are demeaning to the 3556  
seriousness of the offense, because one or more of the factors 3557  
under section 2929.12 of the Revised Code indicating that the 3558  
offender's conduct is more serious than conduct normally 3559  
constituting the offense are present, and they outweigh the 3560



applicable factors under that section indicating that the 3561  
offender's conduct is less serious than conduct normally 3562  
constituting the offense. 3563

(b) The court shall impose on an offender the longest 3564  
prison term authorized or required for the offense or, for 3565  
offenses for which division (A) (1) (a) or (2) (a) of this section 3566  
applies, the longest minimum prison term authorized or required 3567  
for the offense, and shall impose on the offender an additional 3568  
definite prison term of one, two, three, four, five, six, seven, 3569  
eight, nine, or ten years if all of the following criteria are 3570  
met: 3571

(i) The offender is convicted of or pleads guilty to a 3572  
specification of the type described in section 2941.149 of the 3573  
Revised Code that the offender is a repeat violent offender. 3574

(ii) The offender within the preceding twenty years has 3575  
been convicted of or pleaded guilty to three or more offenses 3576  
described in division ~~(CC) (1)~~ (DD) (1) of section 2929.01 of the 3577  
Revised Code, including all offenses described in that division 3578  
of which the offender is convicted or to which the offender 3579  
pleads guilty in the current prosecution and all offenses 3580  
described in that division of which the offender previously has 3581  
been convicted or to which the offender previously pleaded 3582  
guilty, whether prosecuted together or separately. 3583

(iii) The offense or offenses of which the offender 3584  
currently is convicted or to which the offender currently pleads 3585  
guilty is aggravated murder and the court does not impose a 3586  
sentence of death or life imprisonment without parole, murder, 3587  
terrorism and the court does not impose a sentence of life 3588  
imprisonment without parole, any felony of the first degree that 3589  
is an offense of violence and the court does not impose a 3590

sentence of life imprisonment without parole, or any felony of 3591  
the second degree that is an offense of violence and the trier 3592  
of fact finds that the offense involved an attempt to cause or a 3593  
threat to cause serious physical harm to a person or resulted in 3594  
serious physical harm to a person. 3595

(c) For purposes of division (B) (2) (b) of this section, 3596  
two or more offenses committed at the same time or as part of 3597  
the same act or event shall be considered one offense, and that 3598  
one offense shall be the offense with the greatest penalty. 3599

(d) A sentence imposed under division (B) (2) (a) or (b) of 3600  
this section shall not be reduced pursuant to section 2929.20, 3601  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3602  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3603  
Code. The offender shall serve an additional prison term imposed 3604  
under division (B) (2) (a) or (b) of this section consecutively to 3605  
and prior to the prison term imposed for the underlying offense. 3606

(e) When imposing a sentence pursuant to division (B) (2) 3607  
(a) or (b) of this section, the court shall state its findings 3608  
explaining the imposed sentence. 3609

(3) Except when an offender commits a violation of section 3610  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3611  
for the violation is life imprisonment or commits a violation of 3612  
section 2903.02 of the Revised Code, if the offender commits a 3613  
violation of section 2925.03 or 2925.11 of the Revised Code and 3614  
that section classifies the offender as a major drug offender, 3615  
if the offender commits a violation of section 2925.05 of the 3616  
Revised Code and division (E) (1) of that section classifies the 3617  
offender as a major drug offender, if the offender commits a 3618  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3619  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3620

division (C) or (D) of section 3719.172, division (E) of section 3621  
4729.51, or division (J) of section 4729.54 of the Revised Code 3622  
that includes the sale, offer to sell, or possession of a 3623  
schedule I or II controlled substance, with the exception of 3624  
marihuana, and the court imposing sentence upon the offender 3625  
finds that the offender is guilty of a specification of the type 3626  
described in division (A) of section 2941.1410 of the Revised 3627  
Code charging that the offender is a major drug offender, if the 3628  
court imposing sentence upon an offender for a felony finds that 3629  
the offender is guilty of corrupt activity with the most serious 3630  
offense in the pattern of corrupt activity being a felony of the 3631  
first degree, or if the offender is guilty of an attempted 3632  
violation of section 2907.02 of the Revised Code and, had the 3633  
offender completed the violation of section 2907.02 of the 3634  
Revised Code that was attempted, the offender would have been 3635  
subject to a sentence of life imprisonment or life imprisonment 3636  
without parole for the violation of section 2907.02 of the 3637  
Revised Code, the court shall impose upon the offender for the 3638  
felony violation a mandatory prison term determined as described 3639  
in this division that cannot be reduced pursuant to section 3640  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3641  
or any other provision of Chapter 2967. or 5120. of the Revised 3642  
Code. The mandatory prison term shall be the maximum definite 3643  
prison term prescribed in division (A) (1) (b) of this section for 3644  
a felony of the first degree, except that for offenses for which 3645  
division (A) (1) (a) of this section applies, the mandatory prison 3646  
term shall be the longest minimum prison term prescribed in that 3647  
division for the offense. 3648

(4) If the offender is being sentenced for a third or 3649  
fourth degree felony OVI offense under division (G) (2) of 3650  
section 2929.13 of the Revised Code, the sentencing court shall 3651

impose upon the offender a mandatory prison term in accordance 3652  
with that division. In addition to the mandatory prison term, if 3653  
the offender is being sentenced for a fourth degree felony OVI 3654  
offense, the court, notwithstanding division (A)(4) of this 3655  
section, may sentence the offender to a definite prison term of 3656  
not less than six months and not more than thirty months, and if 3657  
the offender is being sentenced for a third degree felony OVI 3658  
offense, the sentencing court may sentence the offender to an 3659  
additional prison term of any duration specified in division (A) 3660  
(3) of this section. In either case, the additional prison term 3661  
imposed shall be reduced by the sixty or one hundred twenty days 3662  
imposed upon the offender as the mandatory prison term. The 3663  
total of the additional prison term imposed under division (B) 3664  
(4) of this section plus the sixty or one hundred twenty days 3665  
imposed as the mandatory prison term shall equal a definite term 3666  
in the range of six months to thirty months for a fourth degree 3667  
felony OVI offense and shall equal one of the authorized prison 3668  
terms specified in division (A)(3) of this section for a third 3669  
degree felony OVI offense. If the court imposes an additional 3670  
prison term under division (B)(4) of this section, the offender 3671  
shall serve the additional prison term after the offender has 3672  
served the mandatory prison term required for the offense. In 3673  
addition to the mandatory prison term or mandatory and 3674  
additional prison term imposed as described in division (B)(4) 3675  
of this section, the court also may sentence the offender to a 3676  
community control sanction under section 2929.16 or 2929.17 of 3677  
the Revised Code, but the offender shall serve all of the prison 3678  
terms so imposed prior to serving the community control 3679  
sanction. 3680

    If the offender is being sentenced for a fourth degree 3681  
felony OVI offense under division (G)(1) of section 2929.13 of 3682

the Revised Code and the court imposes a mandatory term of local incarceration, the court may impose a prison term as described in division (A) (1) of that section.

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 2941.1414 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison

term of three years. If a court imposes a prison term on an 3714  
offender under division (B) (6) of this section, the prison term 3715  
shall not be reduced pursuant to section 2929.20, division (A) 3716  
(2) or (3) of section 2967.193 or 2967.194, or any other 3717  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3718  
A court shall not impose more than one prison term on an 3719  
offender under division (B) (6) of this section for felonies 3720  
committed as part of the same act. 3721

(7) (a) If an offender is convicted of or pleads guilty to 3722  
a felony violation of section 2905.01, 2905.02, 2907.21, 3723  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3724  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3725  
section 2919.22 of the Revised Code and also is convicted of or 3726  
pleads guilty to a specification of the type described in 3727  
section 2941.1422 of the Revised Code that charges that the 3728  
offender knowingly committed the offense in furtherance of human 3729  
trafficking, the court shall impose on the offender a mandatory 3730  
prison term that is one of the following: 3731

(i) If the offense is a felony of the first degree, a 3732  
definite prison term of not less than five years and not greater 3733  
than eleven years, except that if the offense is a felony of the 3734  
first degree committed on or after March 22, 2019, the court 3735  
shall impose as the minimum prison term a mandatory term of not 3736  
less than five years and not greater than eleven years; 3737

(ii) If the offense is a felony of the second or third 3738  
degree, a definite prison term of not less than three years and 3739  
not greater than the maximum prison term allowed for the offense 3740  
by division (A) (2) (b) or (3) of this section, except that if the 3741  
offense is a felony of the second degree committed on or after 3742  
March 22, 2019, the court shall impose as the minimum prison 3743

term a mandatory term of not less than three years and not 3744  
greater than eight years; 3745

(iii) If the offense is a felony of the fourth or fifth 3746  
degree, a definite prison term that is the maximum prison term 3747  
allowed for the offense by division (A) of section 2929.14 of 3748  
the Revised Code. 3749

(b) The prison term imposed under division (B) (7) (a) of 3750  
this section shall not be reduced pursuant to section 2929.20, 3751  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3752  
other provision of Chapter 2967. of the Revised Code. A court 3753  
shall not impose more than one prison term on an offender under 3754  
division (B) (7) (a) of this section for felonies committed as 3755  
part of the same act, scheme, or plan. 3756

(8) If an offender is convicted of or pleads guilty to a 3757  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3758  
Revised Code and also is convicted of or pleads guilty to a 3759  
specification of the type described in section 2941.1423 of the 3760  
Revised Code that charges that the victim of the violation was a 3761  
woman whom the offender knew was pregnant at the time of the 3762  
violation, notwithstanding the range prescribed in division (A) 3763  
of this section as the definite prison term or minimum prison 3764  
term for felonies of the same degree as the violation, the court 3765  
shall impose on the offender a mandatory prison term that is 3766  
either a definite prison term of six months or one of the prison 3767  
terms prescribed in division (A) of this section for felonies of 3768  
the same degree as the violation, except that if the violation 3769  
is a felony of the first or second degree committed on or after 3770  
~~arch~~ March 22, 2019, the court shall impose as the minimum 3771  
prison term under division (A) (1) (a) or (2) (a) of this section a 3772  
mandatory term that is one of the terms prescribed in that 3773

division, whichever is applicable, for the offense. 3774

(9) (a) If an offender is convicted of or pleads guilty to 3775  
a violation of division (A) (1) or (2) of section 2903.11 of the 3776  
Revised Code and also is convicted of or pleads guilty to a 3777  
specification of the type described in section 2941.1425 of the 3778  
Revised Code, the court shall impose on the offender a mandatory 3779  
prison term of six years if either of the following applies: 3780

(i) The violation is a violation of division (A) (1) of 3781  
section 2903.11 of the Revised Code and the specification 3782  
charges that the offender used an accelerant in committing the 3783  
violation and the serious physical harm to another or to 3784  
another's unborn caused by the violation resulted in a 3785  
permanent, serious disfigurement or permanent, substantial 3786  
incapacity; 3787

(ii) The violation is a violation of division (A) (2) of 3788  
section 2903.11 of the Revised Code and the specification 3789  
charges that the offender used an accelerant in committing the 3790  
violation, that the violation caused physical harm to another or 3791  
to another's unborn, and that the physical harm resulted in a 3792  
permanent, serious disfigurement or permanent, substantial 3793  
incapacity. 3794

(b) If a court imposes a prison term on an offender under 3795  
division (B) (9) (a) of this section, the prison term shall not be 3796  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3797  
section 2967.193 or 2967.194, or any other provision of Chapter 3798  
2967. or Chapter 5120. of the Revised Code. A court shall not 3799  
impose more than one prison term on an offender under division 3800  
(B) (9) of this section for felonies committed as part of the 3801  
same act. 3802



(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads

guilty to a specification of the type described in division (B) 3834  
of section 2941.1410 of the Revised Code that charges that the 3835  
offender is a major drug offender, in addition to any other 3836  
penalty imposed for the violation, the court shall impose on the 3837  
offender a mandatory prison term of three, four, five, six, 3838  
seven, or eight years. If a court imposes a prison term on an 3839  
offender under division (B)(11) of this section, the prison term 3840  
shall not be reduced pursuant to section 2929.20, division (A) 3841  
(2) or (3) of section 2967.193 or 2967.194, or any other 3842  
provision of Chapter 2967. or 5120. of the Revised Code. A court 3843  
shall not impose more than one prison term on an offender under 3844  
division (B)(11) of this section for felonies committed as part 3845  
of the same act. 3846

(12) If an offender who is convicted of or pleads guilty 3847  
to a felony is also convicted of or pleads guilty to a 3848  
specification of the type described in section 2941.1427 of the 3849  
Revised Code that charges the offender with being a repeat 3850  
offender, the court shall impose on the offender a mandatory 3851  
prison term of three, four, or five years. 3852

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3853  
if a mandatory prison term is imposed upon an offender pursuant 3854  
to division (B) (1) (a) of this section for having a firearm on or 3855  
about the offender's person or under the offender's control 3856  
while committing a felony, if a mandatory prison term is imposed 3857  
upon an offender pursuant to division (B) (1) (c) of this section 3858  
for committing a felony specified in that division by 3859  
discharging a firearm from a motor vehicle, or if both types of 3860  
mandatory prison terms are imposed, the offender shall serve any 3861  
mandatory prison term imposed under either division 3862  
consecutively to any other mandatory prison term imposed under 3863  
either division or under division (B) (1) (d) of this section, 3864

consecutively to and prior to any prison term imposed for the 3865  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3866  
this section or any other section of the Revised Code, and 3867  
consecutively to any other prison term or mandatory prison term 3868  
previously or subsequently imposed upon the offender. 3869

(b) If a mandatory prison term is imposed upon an offender 3870  
pursuant to division (B) (1) (d) of this section for wearing or 3871  
carrying body armor while committing an offense of violence that 3872  
is a felony, the offender shall serve the mandatory term so 3873  
imposed consecutively to any other mandatory prison term imposed 3874  
under that division or under division (B) (1) (a) or (c) of this 3875  
section, consecutively to and prior to any prison term imposed 3876  
for the underlying felony under division (A), (B) (2), or (B) (3) 3877  
of this section or any other section of the Revised Code, and 3878  
consecutively to any other prison term or mandatory prison term 3879  
previously or subsequently imposed upon the offender. 3880

(c) If a mandatory prison term is imposed upon an offender 3881  
pursuant to division (B) (1) (f) of this section, the offender 3882  
shall serve the mandatory prison term so imposed consecutively 3883  
to and prior to any prison term imposed for the underlying 3884  
felony under division (A), (B) (2), or (B) (3) of this section or 3885  
any other section of the Revised Code, and consecutively to any 3886  
other prison term or mandatory prison term previously or 3887  
subsequently imposed upon the offender. 3888

(d) If a mandatory prison term is imposed upon an offender 3889  
pursuant to division (B) (7) or (8) of this section, the offender 3890  
shall serve the mandatory prison term so imposed consecutively 3891  
to any other mandatory prison term imposed under that division 3892  
or under any other provision of law and consecutively to any 3893  
other prison term or mandatory prison term previously or 3894

subsequently imposed upon the offender. 3895

(e) If a mandatory prison term is imposed upon an offender 3896  
pursuant to division (B)(11) of this section, the offender shall 3897  
serve the mandatory prison term consecutively to any other 3898  
mandatory prison term imposed under that division, consecutively 3899  
to and prior to any prison term imposed for the underlying 3900  
felony, and consecutively to any other prison term or mandatory 3901  
prison term previously or subsequently imposed upon the 3902  
offender. 3903

(2) If an offender who is an inmate in a jail, prison, or 3904  
other residential detention facility violates section 2917.02, 3905  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3906  
(2) of section 2921.34 of the Revised Code, if an offender who 3907  
is under detention at a detention facility commits a felony 3908  
violation of section 2923.131 of the Revised Code, or if an 3909  
offender who is an inmate in a jail, prison, or other 3910  
residential detention facility or is under detention at a 3911  
detention facility commits another felony while the offender is 3912  
an escapee in violation of division (A)(1) or (2) of section 3913  
2921.34 of the Revised Code, any prison term imposed upon the 3914  
offender for one of those violations shall be served by the 3915  
offender consecutively to the prison term or term of 3916  
imprisonment the offender was serving when the offender 3917  
committed that offense and to any other prison term previously 3918  
or subsequently imposed upon the offender. 3919

(3) If a prison term is imposed for a violation of 3920  
division (B) of section 2911.01 of the Revised Code, a violation 3921  
of division (A) of section 2913.02 of the Revised Code in which 3922  
the stolen property is a firearm or dangerous ordnance, or a 3923  
felony violation of division (B) of section 2921.331 of the 3924

Revised Code, the offender shall serve that prison term 3925  
consecutively to any other prison term or mandatory prison term 3926  
previously or subsequently imposed upon the offender. 3927

(4) If multiple prison terms are imposed on an offender 3928  
for convictions of multiple offenses, the court may require the 3929  
offender to serve the prison terms consecutively if the court 3930  
finds that the consecutive service is necessary to protect the 3931  
public from future crime or to punish the offender and that 3932  
consecutive sentences are not disproportionate to the 3933  
seriousness of the offender's conduct and to the danger the 3934  
offender poses to the public, and if the court also finds any of 3935  
the following: 3936

(a) The offender committed one or more of the multiple 3937  
offenses while the offender was awaiting trial or sentencing, 3938  
was under a sanction imposed pursuant to section 2929.16, 3939  
2929.17, or 2929.18 of the Revised Code, or was under post- 3940  
release control for a prior offense. 3941

(b) At least two of the multiple offenses were committed 3942  
as part of one or more courses of conduct, and the harm caused 3943  
by two or more of the multiple offenses so committed was so 3944  
great or unusual that no single prison term for any of the 3945  
offenses committed as part of any of the courses of conduct 3946  
adequately reflects the seriousness of the offender's conduct. 3947

(c) The offender's history of criminal conduct 3948  
demonstrates that consecutive sentences are necessary to protect 3949  
the public from future crime by the offender. 3950

(5) If a mandatory prison term is imposed upon an offender 3951  
pursuant to division (B) (5) or (6) of this section, the offender 3952  
shall serve the mandatory prison term consecutively to and prior 3953

to any prison term imposed for the underlying violation of 3954  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3955  
pursuant to division (A) of this section or section 2929.142 of 3956  
the Revised Code. If a mandatory prison term is imposed upon an 3957  
offender pursuant to division (B) (5) of this section, and if a 3958  
mandatory prison term also is imposed upon the offender pursuant 3959  
to division (B) (6) of this section in relation to the same 3960  
violation, the offender shall serve the mandatory prison term 3961  
imposed pursuant to division (B) (5) of this section 3962  
consecutively to and prior to the mandatory prison term imposed 3963  
pursuant to division (B) (6) of this section and consecutively to 3964  
and prior to any prison term imposed for the underlying 3965  
violation of division (A) (1) or (2) of section 2903.06 of the 3966  
Revised Code pursuant to division (A) of this section or section 3967  
2929.142 of the Revised Code. 3968

(6) If a mandatory prison term is imposed on an offender 3969  
pursuant to division (B) (9) of this section, the offender shall 3970  
serve the mandatory prison term consecutively to and prior to 3971  
any prison term imposed for the underlying violation of division 3972  
(A) (1) or (2) of section 2903.11 of the Revised Code and 3973  
consecutively to and prior to any other prison term or mandatory 3974  
prison term previously or subsequently imposed on the offender. 3975

(7) If a mandatory prison term is imposed on an offender 3976  
pursuant to division (B) (10) of this section, the offender shall 3977  
serve that mandatory prison term consecutively to and prior to 3978  
any prison term imposed for the underlying felonious assault. 3979  
Except as otherwise provided in division (C) of this section, 3980  
any other prison term or mandatory prison term previously or 3981  
subsequently imposed upon the offender may be served 3982  
concurrently with, or consecutively to, the prison term imposed 3983  
pursuant to division (B) (10) of this section. 3984

(8) Any prison term imposed for a violation of section 3985  
2903.04 of the Revised Code that is based on a violation of 3986  
section 2925.03 or 2925.11 of the Revised Code or on a violation 3987  
of section 2925.05 of the Revised Code that is not funding of 3988  
marihuana trafficking shall run consecutively to any prison term 3989  
imposed for the violation of section 2925.03 or 2925.11 of the 3990  
Revised Code or for the violation of section 2925.05 of the 3991  
Revised Code that is not funding of marihuana trafficking. 3992

(9) When consecutive prison terms are imposed pursuant to 3993  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 3994  
division (H) (1) or (2) of this section, subject to division (C) 3995  
(10) of this section, the term to be served is the aggregate of 3996  
all of the terms so imposed. 3997

(10) When a court sentences an offender to a non-life 3998  
felony indefinite prison term, any definite prison term or 3999  
mandatory definite prison term previously or subsequently 4000  
imposed on the offender in addition to that indefinite sentence 4001  
that is required to be served consecutively to that indefinite 4002  
sentence shall be served prior to the indefinite sentence. 4003

(11) If a court is sentencing an offender for a felony of 4004  
the first or second degree, if division (A) (1) (a) or (2) (a) of 4005  
this section applies with respect to the sentencing for the 4006  
offense, and if the court is required under the Revised Code 4007  
section that sets forth the offense or any other Revised Code 4008  
provision to impose a mandatory prison term for the offense, the 4009  
court shall impose the required mandatory prison term as the 4010  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4011  
section, whichever is applicable. 4012

(D) (1) If a court imposes a prison term, other than a term 4013  
of life imprisonment, for a felony of the first degree, for a 4014

felony of the second degree, for a felony sex offense, or for a 4015  
felony of the third degree that is an offense of violence and 4016  
that is not a felony sex offense, it shall include in the 4017  
sentence a requirement that the offender be subject to a period 4018  
of post-release control after the offender's release from 4019  
imprisonment, in accordance with section 2967.28 of the Revised 4020  
Code. If a court imposes a sentence including a prison term of a 4021  
type described in this division on or after July 11, 2006, the 4022  
failure of a court to include a post-release control requirement 4023  
in the sentence pursuant to this division does not negate, 4024  
limit, or otherwise affect the mandatory period of post-release 4025  
control that is required for the offender under division (B) of 4026  
section 2967.28 of the Revised Code. Section 2929.191 of the 4027  
Revised Code applies if, prior to July 11, 2006, a court imposed 4028  
a sentence including a prison term of a type described in this 4029  
division and failed to include in the sentence pursuant to this 4030  
division a statement regarding post-release control. 4031

(2) If a court imposes a prison term for a felony of the 4032  
third, fourth, or fifth degree that is not subject to division 4033  
(D)(1) of this section, it shall include in the sentence a 4034  
requirement that the offender be subject to a period of post- 4035  
release control after the offender's release from imprisonment, 4036  
in accordance with that division, if the parole board determines 4037  
that a period of post-release control is necessary. Section 4038  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4039  
a court imposed a sentence including a prison term of a type 4040  
described in this division and failed to include in the sentence 4041  
pursuant to this division a statement regarding post-release 4042  
control. 4043

(E) The court shall impose sentence upon the offender in 4044  
accordance with section 2971.03 of the Revised Code, and Chapter 4045



2971. of the Revised Code applies regarding the prison term or 4046  
term of life imprisonment without parole imposed upon the 4047  
offender and the service of that term of imprisonment if any of 4048  
the following apply: 4049

(1) A person is convicted of or pleads guilty to a violent 4050  
sex offense or a designated homicide, assault, or kidnapping 4051  
offense, and, in relation to that offense, the offender is 4052  
adjudicated a sexually violent predator. 4053

(2) A person is convicted of or pleads guilty to a 4054  
violation of division (A) (1) (b) of section 2907.02 of the 4055  
Revised Code committed on or after January 2, 2007, and either 4056  
the court does not impose a sentence of life without parole when 4057  
authorized pursuant to division (B) of section 2907.02 of the 4058  
Revised Code, or division (B) of section 2907.02 of the Revised 4059  
Code provides that the court shall not sentence the offender 4060  
pursuant to section 2971.03 of the Revised Code. 4061

(3) A person is convicted of or pleads guilty to attempted 4062  
rape committed on or after January 2, 2007, and a specification 4063  
of the type described in section 2941.1418, 2941.1419, or 4064  
2941.1420 of the Revised Code. 4065

(4) A person is convicted of or pleads guilty to a 4066  
violation of section 2905.01 of the Revised Code committed on or 4067  
after January 1, 2008, and that section requires the court to 4068  
sentence the offender pursuant to section 2971.03 of the Revised 4069  
Code. 4070

(5) A person is convicted of or pleads guilty to 4071  
aggravated murder committed on or after January 1, 2008, and 4072  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4073  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4074

(a) (iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 4105  
upon the offender an additional prison term of two years. The 4106  
offender shall serve the additional two years consecutively to 4107  
and prior to the prison term imposed for the underlying offense. 4108

(2) (a) If an offender is convicted of or pleads guilty to 4109  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4110  
2907.25 of the Revised Code and to a specification of the type 4111  
described in section 2941.1421 of the Revised Code and if the 4112  
court imposes a prison term on the offender for the felony 4113  
violation, the court may impose upon the offender an additional 4114  
prison term as follows: 4115

(i) Subject to division (H) (2) (a) (ii) of this section, an 4116  
additional prison term of one, two, three, four, five, or six 4117  
months; 4118

(ii) If the offender previously has been convicted of or 4119  
pleaded guilty to one or more felony or misdemeanor violations 4120  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4121  
the Revised Code and also was convicted of or pleaded guilty to 4122  
a specification of the type described in section 2941.1421 of 4123  
the Revised Code regarding one or more of those violations, an 4124  
additional prison term of one, two, three, four, five, six, 4125  
seven, eight, nine, ten, eleven, or twelve months. 4126

(b) In lieu of imposing an additional prison term under 4127  
division (H) (2) (a) of this section, the court may directly 4128  
impose on the offender a sanction that requires the offender to 4129  
wear a real-time processing, continual tracking electronic 4130  
monitoring device during the period of time specified by the 4131  
court. The period of time specified by the court shall equal the 4132  
duration of an additional prison term that the court could have 4133  
imposed upon the offender under division (H) (2) (a) of this 4134

section. A sanction imposed under this division shall commence 4135  
on the date specified by the court, provided that the sanction 4136  
shall not commence until after the offender has served the 4137  
prison term imposed for the felony violation of section 2907.22, 4138  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4139  
residential sanction imposed for the violation under section 4140  
2929.16 of the Revised Code. A sanction imposed under this 4141  
division shall be considered to be a community control sanction 4142  
for purposes of section 2929.15 of the Revised Code, and all 4143  
provisions of the Revised Code that pertain to community control 4144  
sanctions shall apply to a sanction imposed under this division, 4145  
except to the extent that they would by their nature be clearly 4146  
inapplicable. The offender shall pay all costs associated with a 4147  
sanction imposed under this division, including the cost of the 4148  
use of the monitoring device. 4149

(I) At the time of sentencing, the court may recommend the 4150  
offender for placement in a program of shock incarceration under 4151  
section 5120.031 of the Revised Code or for placement in an 4152  
intensive program prison under section 5120.032 of the Revised 4153  
Code, disapprove placement of the offender in a program of shock 4154  
incarceration or an intensive program prison of that nature, or 4155  
make no recommendation on placement of the offender. In no case 4156  
shall the department of rehabilitation and correction place the 4157  
offender in a program or prison of that nature unless the 4158  
department determines as specified in section 5120.031 or 4159  
5120.032 of the Revised Code, whichever is applicable, that the 4160  
offender is eligible for the placement. 4161

If the court disapproves placement of the offender in a 4162  
program or prison of that nature, the department of 4163  
rehabilitation and correction shall not place the offender in 4164  
any program of shock incarceration or intensive program prison. 4165

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 4196  
section 2929.142 of the Revised Code. 4197

(K) (1) The court shall impose an additional mandatory 4198  
prison term of two, three, four, five, six, seven, eight, nine, 4199  
ten, or eleven years on an offender who is convicted of or 4200  
pleads guilty to a violent felony offense if the offender also 4201  
is convicted of or pleads guilty to a specification of the type 4202  
described in section 2941.1424 of the Revised Code that charges 4203  
that the offender is a violent career criminal and had a firearm 4204  
on or about the offender's person or under the offender's 4205  
control while committing the presently charged violent felony 4206  
offense and displayed or brandished the firearm, indicated that 4207  
the offender possessed a firearm, or used the firearm to 4208  
facilitate the offense. The offender shall serve the prison term 4209  
imposed under this division consecutively to and prior to the 4210  
prison term imposed for the underlying offense. The prison term 4211  
shall not be reduced pursuant to section 2929.20, division (A) 4212  
(2) or (3) of section 2967.193 or 2967.194, or any other 4213  
provision of Chapter 2967. or 5120. of the Revised Code. A court 4214  
may not impose more than one sentence under division (B) (2) (a) 4215  
of this section and this division for acts committed as part of 4216  
the same act or transaction. 4217

(2) As used in division (K) (1) of this section, "violent 4218  
career criminal" and "violent felony offense" have the same 4219  
meanings as in section 2923.132 of the Revised Code. 4220

(L) If an offender receives or received a sentence of life 4221  
imprisonment without parole, a sentence of life imprisonment, a 4222  
definite sentence, or a sentence to an indefinite prison term 4223  
under this chapter for a felony offense that was committed when 4224  
the offender was under eighteen years of age, the offender's 4225

parole eligibility shall be determined under section 2967.132 of 4226  
the Revised Code. 4227

**Sec. 2941.141.** (A) Imposition of a one-year mandatory 4228  
prison term upon an offender under division (B)(1)(a)(iii) of 4229  
section 2929.14 of the Revised Code is precluded unless the 4230  
indictment, count in the indictment, or information charging the 4231  
offense specifies that the offender had a firearm on or about 4232  
the offender's person or under the offender's control while 4233  
committing the offense. The specification shall be stated at the 4234  
end of the body of the indictment, count, or information, and 4235  
shall be in substantially the following form: 4236

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4237  
Grand Jurors (or insert the person's or the prosecuting 4238  
attorney's name when appropriate) further find and specify that 4239  
(set forth that the offender had a firearm on or about the 4240  
offender's person or under the offender's control while 4241  
committing the offense.)" 4242

(B) Imposition of a one-year mandatory prison term upon an 4243  
offender under division (B)(1)(a)(iii) of section 2929.14 of the 4244  
Revised Code is precluded if a court imposes an eighteen-month, 4245  
three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, or- 4246  
~~nine-year~~ fifteen-year mandatory prison term on the offender 4247  
under division (B)(1)(a)(i), (ii), (iv), (v), ~~or~~ (vi), or (vii) 4248  
of that section relative to the same felony. 4249

(C) The specification described in division (A) of this 4250  
section may be used in a delinquent child proceeding in the 4251  
manner and for the purpose described in section 2152.17 of the 4252  
Revised Code. 4253

(D) Imposition of an eighteen-month mandatory prison term 4254

upon an offender under division (B) (1) (a) (vi) of section 2929.14 4255  
of the Revised Code is precluded unless the indictment, count in 4256  
the indictment, or information charging the offense specifies 4257  
that the offender had a firearm on or about the offender's 4258  
person or under the offender's control while committing the 4259  
offense and that the offender previously had been convicted of 4260  
or pleaded guilty to a firearm specification of the type 4261  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4262  
2941.1412 of the Revised Code. The specification shall be stated 4263  
at the end of the body of the indictment, count, or information, 4264  
and shall be in substantially the following form: 4265

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4266  
Grand Jurors (or insert the person's or prosecuting attorney's 4267  
name when appropriate) further find and specify that (set forth 4268  
that the offender had a firearm on or about the offender's 4269  
person or under the offender's control while committing the 4270  
offense and that the offender previously has been convicted of 4271  
or pleaded guilty to a firearm specification of the type 4272  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4273  
2941.1412 of the Revised Code.)" 4274

(E) Imposition of an eighteen-month mandatory prison term 4275  
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4276  
of the Revised Code is precluded if the court imposes a one- 4277  
year, three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, 4278  
or ~~nine-year~~ fifteen-year mandatory prison term on the offender 4279  
under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or (v)~~, or (vii) 4280  
of that section relative to the same felony. 4281

(F) As used in this section, "firearm" has the same 4282  
meaning as in section 2923.11 of the Revised Code. 4283

**Sec. 2941.144.** (A) Imposition of a ~~six-year~~ ten-year 4284



mandatory prison term upon an offender under division (B) (1) (a) 4285  
(i) of section 2929.14 of the Revised Code is precluded unless 4286  
the indictment, count in the indictment, or information charging 4287  
the offense specifies that the offender had a firearm that is an 4288  
automatic firearm or that was equipped with a firearm muffler or 4289  
suppressor on or about the offender's person or under the 4290  
offender's control while committing the offense and displayed 4291  
the firearm, brandished the firearm, indicated that the offender 4292  
possessed the firearm, or used it to facilitate the offense. The 4293  
specification shall be stated at the end of the body of the 4294  
indictment, count, or information and shall be stated in 4295  
substantially the following form: 4296

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4297  
Grand Jurors (or insert the person's or the prosecuting 4298  
attorney's name when appropriate) further find and specify that 4299  
(set forth that the offender had a firearm that is an automatic 4300  
firearm or that was equipped with a firearm muffler or 4301  
suppressor on or about the offender's person or under the 4302  
offender's control while committing the offense and displayed 4303  
the firearm, brandished the firearm, indicated that the offender 4304  
possessed the firearm, or used it to facilitate the offense)." 4305

(B) Imposition of a ~~six-year~~ ten-year mandatory prison 4306  
term upon an offender under division (B) (1) (a) (i) of section 4307  
2929.14 of the Revised Code is precluded if a court imposes a 4308  
one-year, eighteen-month, three-year, ~~fifty-four-month~~ five- 4309  
year, or ~~nine-year~~ fifteen-year mandatory prison term on the 4310  
offender under division (B) (1) (a) (ii), (iii), (iv), (v), ~~or~~ 4311  
(vi), or (vii) of that section relative to the same felony. 4312

(C) The specification described in division (A) of this 4313  
section may be used in a delinquent child proceeding in the 4314

manner and for the purpose described in section 2152.17 of the Revised Code.

(D) Imposition of a ~~nine-year~~ fifteen-year mandatory prison term upon an offender under division (B)(1)(a)(iv) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used it to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used it to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)"

(E) Imposition of a ~~nine-year~~ fifteen-year mandatory 4346  
prison term upon an offender under division (B) (1) (a) (iv) of 4347  
section 2929.14 of the Revised Code is precluded if the court 4348  
imposes a one-year, eighteen-month, three-year, ~~fifty-four-month~~ 4349  
five-year, or ~~six-year~~ ten-year mandatory prison term on the 4350  
offender under division (B) (1) (a) (i), (ii), (iii), (v), ~~or (vi)~~, 4351  
or (vii) of that section relative to the same felony. 4352

(F) As used in this section, "firearm" and "automatic 4353  
firearm" have the same meanings as in section 2923.11 of the 4354  
Revised Code. 4355

**Sec. 2941.145.** (A) Imposition of a three-year mandatory 4356  
prison term upon an offender under division (B) (1) (a) (ii) of 4357  
section 2929.14 of the Revised Code is precluded unless the 4358  
indictment, count in the indictment, or information charging the 4359  
offense specifies that the offender had a firearm on or about 4360  
the offender's person or under the offender's control while 4361  
committing the offense and displayed the firearm, brandished the 4362  
firearm, indicated that the offender possessed the firearm, or 4363  
used it to facilitate the offense. The specification shall be 4364  
stated at the end of the body of the indictment, count, or 4365  
information, and shall be stated in substantially the following 4366  
form: 4367

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4368  
Grand Jurors (or insert the person's or the prosecuting 4369  
attorney's name when appropriate) further find and specify that 4370  
(set forth that the offender had a firearm on or about the 4371  
offender's person or under the offender's control while 4372  
committing the offense and displayed the firearm, brandished the 4373  
firearm, indicated that the offender possessed the firearm, or 4374  
used it to facilitate the offense)." 4375

(B) Imposition of a three-year mandatory prison term upon 4376  
an offender under division (B) (1) (a) (ii) of section 2929.14 of 4377  
the Revised Code is precluded if a court imposes a one-year, 4378  
eighteen-month, ~~six-year, fifty-four-month~~ five-year, ten-year, 4379  
or ~~nine-year~~ fifteen-year mandatory prison term on the offender 4380  
under division (B) (1) (a) (i), (iii), (iv), (v), ~~or (vi)~~, or (vii) 4381  
of that section relative to the same felony. 4382

(C) The specification described in division (A) of this 4383  
section may be used in a delinquent child proceeding in the 4384  
manner and for the purpose described in section 2152.17 of the 4385  
Revised Code. 4386

(D) Imposition of a five-year mandatory prison term ~~of~~ 4387  
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4388  
of section 2929.14 of the Revised Code is precluded unless the 4389  
indictment, count in the indictment, or information charging the 4390  
offense specifies that the offender had a firearm on or about 4391  
the offender's person or under the offender's control while 4392  
committing the offense and displayed the firearm, brandished the 4393  
firearm, indicated that the offender possessed a firearm, or 4394  
used the firearm to facilitate the offense and that the offender 4395  
previously has been convicted of or pleaded guilty to a firearm 4396  
specification of the type described in section 2941.141, 4397  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4398  
The specification shall be stated at the end of the body of the 4399  
indictment, count, or information, and shall be in substantially 4400  
the following form: 4401

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4402  
Grand Jurors (or insert the person's or the prosecuting 4403  
attorney's name when appropriate) further find and specify that 4404  
(set forth that the offender had a firearm on or about the 4405

offender's person or under the offender's control while 4406  
committing the offense and displayed the firearm, brandished the 4407  
firearm, indicated that the offender possessed a firearm, or 4408  
used the firearm to facilitate the offense and that the offender 4409  
previously has been convicted of or pleaded guilty to a firearm 4410  
specification of the type described in section 2941.141, 4411  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 4412  
Code.)" 4413

(E) Imposition of a five-year mandatory prison term ~~of~~ 4414  
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4415  
of section 2929.14 of the Revised Code is precluded if the court 4416  
imposes a one-year, eighteen-month, three-year, five-year, ten- 4417  
year, or nine-year-fifteen-year mandatory prison term on the 4418  
offender under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or~~ 4419  
(vi), or (vii) of that section relative to the same felony. 4420

(F) As used in this section, "firearm" has the same 4421  
meaning as in section 2923.11 of the Revised Code. 4422

**Sec. 2941.146.** (A) Imposition of a mandatory ~~five-year~~ 4423  
seven-year prison term upon an offender under division (B) (1) (c) 4424  
(i) of section 2929.14 of the Revised Code for committing a 4425  
violation of section 2923.161 of the Revised Code or for 4426  
committing a felony that includes, as an essential element, 4427  
purposely or knowingly causing or attempting to cause the death 4428  
of or physical harm to another and that was committed by 4429  
discharging a firearm from a motor vehicle other than a 4430  
manufactured home is precluded unless the indictment, count in 4431  
the indictment, or information charging the offender specifies 4432  
that the offender committed the offense by discharging a firearm 4433  
from a motor vehicle other than a manufactured home. The 4434  
specification shall be stated at the end of the body of the 4435

indictment, count, or information, and shall be stated in 4436  
substantially the following form: 4437

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4438  
Grand Jurors (or insert the person's or prosecuting attorney's 4439  
name when appropriate) further find and specify that (set forth 4440  
that the offender committed the violation of section 2923.161 of 4441  
the Revised Code or the felony that includes, as an essential 4442  
element, purposely or knowingly causing or attempting to cause 4443  
the death of or physical harm to another and that was committed 4444  
by discharging a firearm from a motor vehicle other than a 4445  
manufactured home)." 4446

(B) The specification described in division (A) of this 4447  
section may be used in a delinquent child proceeding in the 4448  
manner and for the purpose described in section 2152.17 of the 4449  
Revised Code. 4450

(C) Imposition of a ninety-month mandatory prison term 4451  
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 4452  
Code for committing a violation of section 2923.161 of the 4453  
Revised Code or for committing a felony that includes, as an 4454  
essential element, purposely or knowingly causing or attempting 4455  
to cause the death of or physical harm to another and that was 4456  
committed by discharging a firearm from a motor vehicle other 4457  
than a manufactured home is precluded unless the indictment, 4458  
count in the indictment, or information charging the offender 4459  
specifies that the offender committed the offense by discharging 4460  
a firearm from a motor vehicle other than a manufactured home 4461  
and that the offender previously has been convicted of or 4462  
pleaded guilty to a firearm specification of the type described 4463  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 4464  
of the Revised Code. The specification shall be stated at the 4465

end of the body of the indictment, count, or information, and 4466  
shall be stated in substantially the following form: 4467

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4468  
Grand Jurors (or insert the person's or prosecuting attorney's 4469  
name where appropriate) further find and specify that (set forth 4470  
that the offender committed the violation of section 2923.161 of 4471  
the Revised Code or the felony that includes, as an essential 4472  
element, purposely or knowingly causing or attempting to cause 4473  
the death of or physical harm to another and that was committed 4474  
by discharging a firearm from a motor vehicle other than a 4475  
manufactured home and that the offender previously has been 4476  
convicted of or pleaded guilty to a firearm specification of the 4477  
type described in section 2941.141, 2941.144, 2941.145, 4478  
2941.146, or 2941.1412 of the Revised Code)." 4479

(D) As used in this section: 4480

(1) "Firearm" has the same meaning as in section 2923.11 4481  
of the Revised Code; 4482

(2) "Motor vehicle" and "manufactured home" have the same 4483  
meanings as in section 4501.01 of the Revised Code. 4484

Sec. 2941.1427. (A) Imposition of a three, four, or five- 4485  
year mandatory prison term upon an offender pursuant to division 4486  
(B) (12) of section 2929.14 of the Revised Code, pursuant to 4487  
determination by a court that an offender is a repeat offender, 4488  
is precluded unless the indictment, count in the indictment, or 4489  
information charging the offender specifies that the offender is 4490  
a repeat offender. The specification shall be stated at the end 4491  
of the body of the indictment, count, or information, and shall 4492  
be stated in substantially the following form: 4493

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4494

Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender is a repeat offender)." 4495  
4496  
4497

(B) The court shall determine the issue of whether an offender is a repeat offender. 4498  
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(C) At the arraignment of the defendant or as soon thereafter as is practicable, the prosecuting attorney may give notice to the defendant of the prosecuting attorney's intention to use a certified copy of the entry of judgment of a prior conviction as proof of that prior conviction. The defendant must then give notice to the prosecuting attorney of the defendant's intention to object to the use of the entry of judgment. If the defendant pursuant to Criminal Rule 12 does not give notice of that intention to the prosecuting attorney before trial, the defendant waives the objection to the use of an entry of judgment as proof of the defendant's prior conviction, as shown on the entry of judgment. 4500  
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(D) Imposition of a three, four, or five-year mandatory prison term upon an offender pursuant to division (B) (12) of section 2929.14 of the Revised Code is precluded if the court imposes a one, two, three, four, five, six, seven, eight, nine, ten, or eleven-year mandatory prison term on the offender under section 2941.149, 2941.1410, or 2941.1424 of the Revised Code relative to that same felony. 4512  
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(E) As used in this section, "repeat offender" has the same meaning as in section 2929.01 of the Revised Code. 4519  
4520

**Sec. 2941.1428.** (A) Imposition of a five-year mandatory prison term upon an offender under division (B) (1) (a) (vii) of section 2929.14 of the Revised Code is precluded unless the 4521  
4522  
4523



indictment, count in the indictment, or information charging the 4524  
offense specifies that the offender discharged a firearm while 4525  
committing the offense. The specification shall be stated at the 4526  
end of the body of the indictment, count, or information, and 4527  
shall be stated in substantially the following form: 4528

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4529  
Grand Jurors (or insert the person's or the prosecuting 4530  
attorney's name when appropriate) further find and specify that 4531  
(set forth that the offender discharged a firearm while 4532  
committing the offense.)" 4533

(B) Imposition of a five-year mandatory prison term upon 4534  
an offender under division (B) (1) (a) (vii) of section 2929.14 of 4535  
the Revised Code is precluded if the court imposes an eighteen- 4536  
month, one-year, three-year, five-year, ten-year, or fifteen- 4537  
year mandatory prison term on the offender under division (B) (1) 4538  
(a) (i), (ii), (iii), (iv), (v), or (vi) of that section relative 4539  
to the same felony. 4540

(C) The specification described in division (A) of this 4541  
section may be used in a delinquent child proceeding in the 4542  
manner and for the purpose described in section 2152.17 of the 4543  
Revised Code. 4544

(D) As used in this section, "firearm" has the same 4545  
meaning as in section 2923.11 of the Revised Code. 4546

**Sec. 2953.25.** (A) As used in this section: 4547

(1) "Collateral sanction" means a penalty, disability, or 4548  
disadvantage that is related to employment or occupational 4549  
licensing, however denominated, as a result of the individual's 4550  
conviction of or plea of guilty to an offense and that applies 4551  
by operation of law in this state whether or not the penalty, 4552

disability, or disadvantage is included in the sentence or 4553  
judgment imposed. 4554

"Collateral sanction" does not include imprisonment, 4555  
probation, parole, supervised release, forfeiture, restitution, 4556  
fine, assessment, or costs of prosecution. 4557

(2) "Decision-maker" includes, but is not limited to, the 4558  
state acting through a department, agency, board, commission, or 4559  
instrumentality established by the law of this state for the 4560  
exercise of any function of government, a political subdivision, 4561  
an educational institution, or a government contractor or 4562  
subcontractor made subject to this section by contract, law, or 4563  
ordinance. 4564

(3) "Department-funded program" means a residential or 4565  
nonresidential program that is not a term in a state 4566  
correctional institution, that is funded in whole or part by the 4567  
department of rehabilitation and correction, and that is imposed 4568  
as a sanction for an offense, as part of a sanction that is 4569  
imposed for an offense, or as a term or condition of any 4570  
sanction that is imposed for an offense. 4571

(4) "Designee" means the person designated by the deputy 4572  
director of the division of parole and community services to 4573  
perform the duties designated in division (B) of this section. 4574

(5) "Division of parole and community services" means the 4575  
division of parole and community services of the department of 4576  
rehabilitation and correction. 4577

(6) "Offense" means any felony or misdemeanor under the 4578  
laws of this state. 4579

(7) "Political subdivision" has the same meaning as in 4580  
section 2969.21 of the Revised Code. 4581

(8) "Discretionary civil impact," "licensing agency," and 4582  
"mandatory civil impact" have the same meanings as in section 4583  
2961.21 of the Revised Code. 4584

(B) (1) An individual who is subject to one or more 4585  
collateral sanctions as a result of being convicted of or 4586  
pleading guilty to an offense and who either has served a term 4587  
in a state correctional institution for any offense or has spent 4588  
time in a department-funded program for any offense may file a 4589  
petition with the designee of the deputy director of the 4590  
division of parole and community services for a certificate of 4591  
qualification for employment. 4592

(2) An individual who is subject to one or more collateral 4593  
sanctions as a result of being convicted of or pleading guilty 4594  
to an offense and who is not in a category described in division 4595  
(B) (1) of this section may file for a certificate of 4596  
qualification for employment by doing either of the following: 4597

(a) In the case of an individual who resides in this 4598  
state, filing a petition with the court of common pleas of the 4599  
county in which the person resides or with the designee of the 4600  
deputy director of the division of parole and community 4601  
services; 4602

(b) In the case of an individual who resides outside of 4603  
this state, filing a petition with the court of common pleas of 4604  
any county in which any conviction or plea of guilty from which 4605  
the individual seeks relief was entered or with the designee of 4606  
the deputy director of the division of parole and community 4607  
services. 4608

(3) A petition under division (B) (1) or (2) of this 4609  
section shall be made on a copy of the form prescribed by the 4610

division of parole and community services under division (J) of 4611  
this section, shall contain all of the information described in 4612  
division (F) of this section, and, except as provided in 4613  
division (B) (6) of this section, shall be accompanied by an 4614  
application fee of fifty dollars and may be accompanied by a 4615  
local court fee of not more than fifty dollars. 4616

(4) (a) Except as provided in division (B) (4) (b) of this 4617  
section, an individual may file a petition under division (B) (1) 4618  
or (2) of this section at any time after the expiration of 4619  
whichever of the following is applicable: 4620

(i) If the offense that resulted in the collateral 4621  
sanction from which the individual seeks relief is a felony, at 4622  
any time after the expiration of one year from the date of 4623  
release of the individual from any period of incarceration in a 4624  
state or local correctional facility that was imposed for that 4625  
offense and all periods of supervision imposed after release 4626  
from the period of incarceration or, if the individual was not 4627  
incarcerated for that offense, at any time after the expiration 4628  
of one year from the date of the individual's final release from 4629  
all other sanctions imposed for that offense. 4630

(ii) If the offense that resulted in the collateral 4631  
sanction from which the individual seeks relief is a 4632  
misdemeanor, at any time after the expiration of six months from 4633  
the date of release of the individual from any period of 4634  
incarceration in a local correctional facility that was imposed 4635  
for that offense and all periods of supervision imposed after 4636  
release from the period of incarceration or, if the individual 4637  
was not incarcerated for that offense, at any time after the 4638  
expiration of six months from the date of the final release of 4639  
the individual from all sanctions imposed for that offense 4640

including any period of supervision. 4641

(b) The department of rehabilitation and correction may 4642  
establish criteria by rule adopted under Chapter 119. of the 4643  
Revised Code that, if satisfied by an individual, would allow 4644  
the individual to file a petition before the expiration of six 4645  
months or one year from the date of final release, whichever is 4646  
applicable under division (B) (4) (a) of this section. 4647

(5) (a) A designee that receives a petition for a 4648  
certificate of qualification for employment from an individual 4649  
under division (B) (1) or (2) of this section shall review the 4650  
petition to determine whether it is complete. If the petition is 4651  
complete, the designee shall forward the petition, the 4652  
application fee, and any other information the designee 4653  
possesses that relates to the petition, to the court of common 4654  
pleas of the county in which the individual resides if the 4655  
individual submitting the petition resides in this state or, if 4656  
the individual resides outside of this state, to the court of 4657  
common pleas of the county in which the conviction or plea of 4658  
guilty from which the individual seeks relief was entered. 4659

(b) A court of common pleas that receives a petition for a 4660  
certificate of qualification for employment from an individual 4661  
under division (B) (2) of this section, or that is forwarded a 4662  
petition for such a certificate under division (B) (5) (a) of this 4663  
section, shall attempt to determine all other courts in this 4664  
state in which the individual was convicted of or pleaded guilty 4665  
to an offense other than the offense from which the individual 4666  
is seeking relief. The court that receives or is forwarded the 4667  
petition shall notify all other courts in this state that it 4668  
determines under this division were courts in which the 4669  
individual was convicted of or pleaded guilty to an offense 4670

other than the offense from which the individual is seeking 4671  
relief that the individual has filed the petition and that the 4672  
court may send comments regarding the possible issuance of the 4673  
certificate. 4674

A court of common pleas that receives a petition for a 4675  
certificate of qualification for employment under division (B) 4676  
(2) of this section shall notify the county's prosecuting 4677  
attorney that the individual has filed the petition. 4678

A court of common pleas that receives a petition for a 4679  
certificate of qualification for employment under division (B) 4680  
(2) of this section, or that is forwarded a petition for 4681  
qualification under division (B) (5) (a) of this section may 4682  
direct the clerk of court to process and record all notices 4683  
required in or under this section. Except as provided in 4684  
division (B) (6) of this section, the court shall pay thirty 4685  
dollars of the application fee into the state treasury and 4686  
twenty dollars of the application fee into the county general 4687  
revenue fund. 4688

(6) Upon receiving a petition for a certificate of 4689  
qualification for employment filed by an individual under 4690  
division (B) (1) or (2) of this section, a court of common pleas 4691  
or the designee of the deputy director of the division of parole 4692  
and community services who receives the petition may waive all 4693  
or part of the application fee of fifty dollars described in 4694  
division (B) (3) of this section, for an applicant who presents a 4695  
poverty affidavit showing that the applicant is indigent. If an 4696  
applicant pays an application fee, the first twenty dollars or 4697  
two-fifths of the fee, whichever is greater, that is collected 4698  
shall be paid into the county general revenue fund. If an 4699  
applicant pays an application fee, the amount collected in 4700

excess of the amount to be paid into the county general revenue 4701  
fund shall be paid into the state treasury. 4702

(C) (1) Upon receiving a petition for a certificate of 4703  
qualification for employment filed by an individual under 4704  
division (B) (2) of this section or being forwarded a petition 4705  
for such a certificate under division (B) (5) (a) of this section, 4706  
the court shall review the individual's petition, the 4707  
individual's criminal history, except for information contained 4708  
in any record that has been sealed under section 2953.32 or 4709  
2953.321 of the Revised Code, all filings submitted by the 4710  
prosecutor or by the victim in accordance with rules adopted by 4711  
the division of parole and community services, the applicant's 4712  
military service record, if applicable, and whether the 4713  
applicant has an emotional, mental, or physical condition that 4714  
is traceable to the applicant's military service in the armed 4715  
forces of the United States and that was a contributing factor 4716  
in the commission of the offense or offenses, and all other 4717  
relevant evidence. The court may order any report, 4718  
investigation, or disclosure by the individual that the court 4719  
believes is necessary for the court to reach a decision on 4720  
whether to approve the individual's petition for a certificate 4721  
of qualification for employment, except that the court shall not 4722  
require an individual to disclose information about any record 4723  
sealed under section 2953.32 or 2953.321 of the Revised Code. 4724

(2) Upon receiving a petition for a certificate of 4725  
qualification for employment filed by an individual under 4726  
division (B) (2) of this section or being forwarded a petition 4727  
for such a certificate under division (B) (5) (a) of this section, 4728  
except as otherwise provided in this division, the court shall 4729  
decide whether to issue the certificate within sixty days after 4730  
the court receives or is forwarded the completed petition and 4731

all information requested for the court to make that decision. 4732  
Upon request of the individual who filed the petition, the court 4733  
may extend the sixty-day period specified in this division. 4734

(3) Except as provided in division (C) (5) of this section 4735  
and subject to division (C) (7) of this section, a court that 4736  
receives an individual's petition for a certificate of 4737  
qualification for employment under division (B) (2) of this 4738  
section or that is forwarded a petition for such a certificate 4739  
under division (B) (5) (a) of this section may issue a certificate 4740  
of qualification for employment, at the court's discretion, if 4741  
the court finds that the individual has established all of the 4742  
following by a preponderance of the evidence: 4743

(a) Granting the petition will materially assist the 4744  
individual in obtaining employment or occupational licensing. 4745

(b) The individual has a substantial need for the relief 4746  
requested in order to live a law-abiding life. 4747

(c) Granting the petition would not pose an unreasonable 4748  
risk to the safety of the public or any individual. 4749

(4) The submission of an incomplete petition by an 4750  
individual shall not be grounds for the designee or court to 4751  
deny the petition. 4752

(5) Subject to division (C) (6) of this section, an 4753  
individual is rebuttably presumed to be eligible for a 4754  
certificate of qualification for employment if the court that 4755  
receives the individual's petition under division (B) (2) of this 4756  
section or that is forwarded a petition under division (B) (5) (a) 4757  
of this section finds all of the following: 4758

(a) The application was filed after the expiration of the 4759  
applicable waiting period prescribed in division (B) (4) of this 4760



section; 4761

(b) If the offense that resulted in the collateral 4762  
sanction from which the individual seeks relief is a felony, at 4763  
least three years have elapsed since the date of release of the 4764  
individual from any period of incarceration in a state or local 4765  
correctional facility that was imposed for that offense and all 4766  
periods of supervision imposed after release from the period of 4767  
incarceration or, if the individual was not incarcerated for 4768  
that offense, at least three years have elapsed since the date 4769  
of the individual's final release from all other sanctions 4770  
imposed for that offense; 4771

(c) If the offense that resulted in the collateral 4772  
sanction from which the individual seeks relief is a 4773  
misdemeanor, at least one year has elapsed since the date of 4774  
release of the individual from any period of incarceration in a 4775  
local correctional facility that was imposed for that offense 4776  
and all periods of supervision imposed after release from the 4777  
period of incarceration or, if the individual was not 4778  
incarcerated for that offense, at least one year has elapsed 4779  
since the date of the final release of the individual from all 4780  
sanctions imposed for that offense including any period of 4781  
supervision. 4782

(6) An application that meets all of the requirements for 4783  
the presumption under division (C) (5) of this section shall be 4784  
denied only if the court that receives the petition finds that 4785  
the evidence reviewed under division (C) (1) of this section 4786  
rebutts the presumption of eligibility for issuance by 4787  
establishing, by clear and convincing evidence, that the 4788  
applicant has not been rehabilitated. 4789

(7) A certificate of qualification for employment shall 4790

not create relief from any of the following collateral 4791  
sanctions: 4792

(a) Requirements imposed by Chapter 2950. of the Revised 4793  
Code and rules adopted under sections 2950.13 and 2950.132 of 4794  
the Revised Code; 4795

(b) A driver's license, commercial driver's license, or 4796  
probationary license suspension, cancellation, or revocation 4797  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 4798  
the Revised Code if the relief sought is available pursuant to 4799  
section 4510.021 or division (B) of section 4510.13 of the 4800  
Revised Code; 4801

(c) Restrictions on employment as a prosecutor or law 4802  
enforcement officer; 4803

(d) The denial, ineligibility, or automatic suspension of 4804  
a license that is imposed upon an individual applying for or 4805  
holding a license as a health care professional under Title 4806  
XLVII of the Revised Code if the individual is convicted of, 4807  
pleads guilty to, is subject to a judicial finding of 4808  
eligibility for intervention in lieu of conviction in this state 4809  
under section 2951.041 of the Revised Code, or is subject to 4810  
treatment or intervention in lieu of conviction for a violation 4811  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 4812  
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 4813  
2919.124 of the Revised Code; 4814

(e) The immediate suspension of a license, certificate, or 4815  
evidence of registration that is imposed upon an individual 4816  
holding a license as a health care professional under Title 4817  
XLVII of the Revised Code pursuant to division (C) of section 4818  
3719.121 of the Revised Code; 4819

(f) The denial or ineligibility for employment in a pain 4820  
clinic under division (B) (4) of section 4729.552 of the Revised 4821  
Code; 4822

(g) The mandatory suspension of a license that is imposed 4823  
on an individual applying for or holding a license as a health 4824  
care professional under Title XLVII of the Revised Code pursuant 4825  
to section 3123.43 of the Revised Code. 4826

(8) If a court that receives an individual's petition for 4827  
a certificate of qualification for employment under division (B) 4828  
(2) of this section or that is forwarded a petition for such a 4829  
certificate under division (B) (5) (a) of this section denies the 4830  
petition, the court shall provide written notice to the 4831  
individual of the court's denial. The court may place conditions 4832  
on the individual regarding the individual's filing of any 4833  
subsequent petition for a certificate of qualification for 4834  
employment. The written notice must notify the individual of any 4835  
conditions placed on the individual's filing of a subsequent 4836  
petition for a certificate of qualification for employment. 4837

If a court of common pleas that receives an individual's 4838  
petition for a certificate of qualification for employment under 4839  
division (B) (2) of this section or that is forwarded a petition 4840  
for such a certificate under division (B) (5) (a) of this section 4841  
denies the petition, the individual may appeal the decision to 4842  
the court of appeals only if the individual alleges that the 4843  
denial was an abuse of discretion on the part of the court of 4844  
common pleas. 4845

(D) (1) A certificate of qualification for employment 4846  
issued to an individual lifts the automatic bar of a collateral 4847  
sanction, and a decision-maker shall consider on a case-by-case 4848  
basis whether to grant or deny the issuance or restoration of an 4849

occupational license or an employment opportunity, 4850  
notwithstanding the individual's possession of the certificate, 4851  
without, however, reconsidering or rejecting any finding made by 4852  
a designee or court under division (C) (3) of this section. 4853

(2) The certificate constitutes a rebuttable presumption 4854  
that the person's criminal convictions are insufficient evidence 4855  
that the person is unfit for the license, employment 4856  
opportunity, or certification in question. Notwithstanding the 4857  
presumption established under this division, the agency may deny 4858  
the license or certification for the person if it determines 4859  
that the person is unfit for issuance of the license. 4860

(3) If an employer that has hired a person who has been 4861  
issued a certificate of qualification for employment applies to 4862  
a licensing agency for a license or certification and the person 4863  
has a conviction or guilty plea that otherwise would bar the 4864  
person's employment with the employer or licensure for the 4865  
employer because of a mandatory civil impact, the agency shall 4866  
give the person individualized consideration, notwithstanding 4867  
the mandatory civil impact, the mandatory civil impact shall be 4868  
considered for all purposes to be a discretionary civil impact, 4869  
and the certificate constitutes a rebuttable presumption that 4870  
the person's criminal convictions are insufficient evidence that 4871  
the person is unfit for the employment, or that the employer is 4872  
unfit for the license or certification, in question. 4873

(E) A certificate of qualification for employment does not 4874  
grant the individual to whom the certificate was issued relief 4875  
from the mandatory civil impacts identified in division (A) (1) 4876  
of section 2961.01 or division (B) of section 2961.02 of the 4877  
Revised Code. 4878

(F) A petition for a certificate of qualification for 4879

employment filed by an individual under division (B) (1) or (2) 4880  
of this section shall include all of the following: 4881

(1) The individual's name, date of birth, and social 4882  
security number; 4883

(2) All aliases of the individual and all social security 4884  
numbers associated with those aliases; 4885

(3) The individual's residence address, including the 4886  
city, county, and state of residence and zip code; 4887

(4) The length of time that the individual has resided in 4888  
the individual's current state of residence, expressed in years 4889  
and months of residence; 4890

(5) A general statement as to why the individual has filed 4891  
the petition and how the certificate of qualification for 4892  
employment would assist the individual; 4893

(6) A summary of the individual's criminal history, except 4894  
for information contained in any record that has been sealed or 4895  
expunged under section 2953.32, 2953.321, or 2953.39 of the 4896  
Revised Code, with respect to each offense that is a 4897  
disqualification from employment or licensing in an occupation 4898  
or profession, including the years of each conviction or plea of 4899  
guilty for each of those offenses; 4900

(7) A summary of the individual's employment history, 4901  
specifying the name of, and dates of employment with, each 4902  
employer; 4903

(8) Verifiable references and endorsements; 4904

(9) The name of one or more immediate family members of 4905  
the individual, or other persons with whom the individual has a 4906  
close relationship, who support the individual's reentry plan; 4907

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 4908  
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(11) Any other information required by rule by the department of rehabilitation and correction. 4910  
4911

(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 4912  
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(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence. 4922  
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(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that 4927  
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the employee was dangerous or had been convicted of or pleaded 4938  
guilty to the felony and was willful in retaining the individual 4939  
as an employee after the demonstration of dangerousness or the 4940  
conviction or guilty plea of which the person has actual 4941  
knowledge. 4942

(H) A certificate of qualification for employment issued 4943  
under this section shall be revoked if the individual to whom 4944  
the certificate of qualification for employment was issued is 4945  
convicted of or pleads guilty to a felony offense committed 4946  
subsequent to the issuance of the certificate of qualification 4947  
for employment. The department of rehabilitation and correction 4948  
shall periodically review the certificates listed in the 4949  
database described in division (K) of this section to identify 4950  
those that are subject to revocation under this division. Upon 4951  
identifying a certificate of qualification for employment that 4952  
is subject to revocation, the department shall note in the 4953  
database that the certificate has been revoked, the reason for 4954  
revocation, and the effective date of revocation, which shall be 4955  
the date of the conviction or plea of guilty subsequent to the 4956  
issuance of the certificate. 4957

(I) A designee's forwarding, or failure to forward, a 4958  
petition for a certificate of qualification for employment to a 4959  
court or a court's issuance, or failure to issue, a petition for 4960  
a certificate of qualification for employment to an individual 4961  
under division (B) of this section does not give rise to a claim 4962  
for damages against the department of rehabilitation and 4963  
correction or court. 4964

(J) The division of parole and community services shall 4965  
adopt rules in accordance with Chapter 119. of the Revised Code 4966  
for the implementation and administration of this section and 4967

shall prescribe the form for the petition to be used under 4968  
division (B) (1) or (2) of this section. The form for the 4969  
petition shall include places for all of the information 4970  
specified in division (F) of this section. 4971

(K) The department of rehabilitation and correction shall 4972  
maintain a database that identifies granted certificates and 4973  
revoked certificates and tracks the number of certificates 4974  
granted and revoked, the industries, occupations, and 4975  
professions with respect to which the certificates have been 4976  
most applicable, and the types of employers that have accepted 4977  
the certificates. The department shall annually create a report 4978  
that summarizes the information maintained in the database and 4979  
shall make the report available to the public on its internet 4980  
web site. 4981

**Sec. 2953.26.** (A) As used in this section: 4982

(1) "Collateral sanction for housing" means a penalty, 4983  
disability, or disadvantage that is related to housing as a 4984  
result of the individual's conviction of or plea of guilty to an 4985  
offense and that applies by operation of law in this state 4986  
whether or not the penalty, disability, or disadvantage is 4987  
included in the sentence or judgment imposed. 4988

"Collateral sanction for housing" does not include 4989  
imprisonment, probation, parole, supervised release, forfeiture, 4990  
restitution, fine, assessment, or costs of prosecution. 4991

(2) "Decision-maker" means a housing provider in this 4992  
state of residential premises as defined in section 1923.01 of 4993  
the Revised Code, including a landlord as defined in section 4994  
1923.01 of the Revised Code and a metropolitan housing authority 4995  
established in Chapter 3735. of the Revised Code. 4996



(3) "Division of parole and community services" means the 4997  
division of parole and community services of the department of 4998  
rehabilitation and correction. 4999

(4) "Offense" means any felony or misdemeanor under the 5000  
laws of this state. 5001

(5) "Tort action" means a civil action for injury, death, 5002  
or loss to person or property. 5003

(B) (1) An individual who is subject to one or more 5004  
collateral sanctions for housing as a result of being convicted 5005  
of or pleading guilty to an offense and who has not already 5006  
received a certificate of qualification for housing under 5007  
section 2961.25 of the Revised Code may file for a certificate 5008  
of qualification for housing by doing either of the following: 5009

(a) In the case of an individual who resides in this 5010  
state, filing a petition with the court of common pleas of the 5011  
county in which the person resides; 5012

(b) In the case of an individual who resides outside of 5013  
this state, filing a petition with the court of common pleas of 5014  
any county in which any conviction or plea of guilty from which 5015  
the individual seeks relief was entered. 5016

(2) A petition under division (B) (1) of this section shall 5017  
be made on a copy of the form prescribed by the division of 5018  
parole and community services under division (I) of this 5019  
section, shall contain all of the information described in 5020  
division (E) of this section, and, except as provided in 5021  
division (B) (5) of this section, shall be accompanied by an 5022  
application fee of fifty dollars. 5023

(3) An individual may file a petition under division (B) 5024  
(1) of this section at any time after the expiration of 5025

whichever of the following is applicable: 5026

(a) If the offense that resulted in the collateral 5027  
sanction for housing from which the individual seeks relief is a 5028  
felony, at any time after the expiration of one year from the 5029  
date of release of the individual from any period of 5030  
incarceration in a state or local correctional facility that was 5031  
imposed for that offense or, if the individual was not 5032  
incarcerated for that offense, at any time after the expiration 5033  
of one year from the date of the individual's final release from 5034  
all other sanctions imposed for that offense; 5035

(b) If the offense that resulted in the collateral 5036  
sanction for housing from which the individual seeks relief is a 5037  
misdemeanor, at any time after the expiration of six months from 5038  
the date of release of the individual from any period of 5039  
incarceration in a local correctional facility that was imposed 5040  
for that offense and all periods of supervision imposed after 5041  
release from the period of incarceration or, if the individual 5042  
was not incarcerated for that offense, at any time after the 5043  
expiration of six months from the date of the final release of 5044  
the individual from all sanctions imposed for that offense 5045  
including any period of supervision. 5046

(4) A court of common pleas that receives a petition for a 5047  
certificate of qualification for housing from an individual 5048  
shall attempt to determine all other courts in this state in 5049  
which the individual was convicted of or pleaded guilty to an 5050  
offense other than the offense from which the individual is 5051  
seeking relief. The court shall notify all other courts in this 5052  
state that it determines under this division were courts in 5053  
which the individual was convicted of or pleaded guilty to an 5054  
offense other than the offense from which the individual is 5055

seeking relief that the individual has filed the petition and 5056  
that the court may send comments regarding the possible issuance 5057  
of the certificate, and shall notify the county's prosecuting 5058  
attorney that the individual has filed the petition. 5059

A court of common pleas that receives a petition for a 5060  
certificate of qualification for housing may direct the clerk of 5061  
court to process and record all notices required in or under 5062  
this section. Except as provided in division (B) (5) of this 5063  
section, the court shall pay thirty dollars of the application 5064  
fee into the state treasury and twenty dollars of the 5065  
application fee into the county general revenue fund. 5066

(5) Upon receiving a petition for a certificate of 5067  
qualification for housing, a court of common pleas may waive all 5068  
or part of the fifty-dollar-filing fee for an applicant who is 5069  
indigent. If an application fee is partially waived, the first 5070  
twenty dollars of the fee that is collected shall be paid into 5071  
the county general revenue fund. Any partial fee collected in 5072  
excess of twenty dollars shall be paid into the state treasury. 5073

(C) (1) Upon receiving a petition for a certificate of 5074  
qualification for housing, the court shall review the 5075  
individual's petition, the individual's criminal history, except 5076  
for information contained in any record that has been sealed 5077  
under section 2953.32 or 2953.321 of the Revised Code, all 5078  
filings submitted by the prosecutor or by the victim in 5079  
accordance with rules adopted by the division of parole and 5080  
community services, the applicant's military service record, if 5081  
applicable, and whether the applicant has an emotional, mental, 5082  
or physical condition that is traceable to the applicant's 5083  
military service in the armed forces of the United States and 5084  
that was a contributing factor in the commission of the offense 5085

or offenses, and all other relevant evidence. The court may 5086  
order any report, investigation, or disclosure by the individual 5087  
that the court believes is necessary for the court to reach a 5088  
decision on whether to approve the individual's petition for a 5089  
certificate of qualification for housing, except that the court 5090  
shall not require an individual to disclose information about 5091  
any record sealed under section 2953.32 or 2953.321 of the 5092  
Revised Code. 5093

(2) Upon receiving a petition for a certificate of 5094  
qualification for housing, except as otherwise provided in this 5095  
division, the court shall decide whether to issue the 5096  
certificate within sixty days after the court receives the 5097  
completed petition and all information requested for the court 5098  
to make that decision. Upon request of the individual who filed 5099  
the petition, the court may extend the sixty-day period 5100  
specified in this division. 5101

(3) Except as provided in division (C) (5) of this section 5102  
and subject to division (D) (3) of this section, a court that 5103  
receives an individual's petition for a certificate of 5104  
qualification for housing may issue a certificate of 5105  
qualification for housing, at the court's discretion, if the 5106  
court finds that the individual has established all of the 5107  
following by a preponderance of the evidence: 5108

(a) Granting the petition will materially assist the 5109  
individual in obtaining housing. 5110

(b) The individual has a substantial need for the relief 5111  
requested in order to live a law-abiding life. 5112

(c) Granting the petition would not pose an unreasonable 5113  
risk to the safety of the public or any individual. 5114

(4) The submission of an incomplete petition by an individual shall not be grounds for the court to deny the petition.

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for housing if the court that receives the individual's petition finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(3) of this section.

(b) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of

supervision. 5145

(6) An application that meets all of the requirements for 5146  
the presumption under division (C) (5) of this section shall be 5147  
denied only if the court that receives the petition finds that 5148  
the evidence reviewed under division (C) (1) of this section 5149  
rebutts the presumption of eligibility for issuance by 5150  
establishing, by a preponderance of the evidence, that the 5151  
applicant has not been rehabilitated. 5152

(7) If a court that receives an individual's petition for 5153  
a certificate of qualification for housing denies the petition, 5154  
the court shall provide written notice to the individual of the 5155  
court's denial. The court may place conditions on the individual 5156  
regarding the individual's filing of any subsequent petition for 5157  
a certificate of qualification for housing. The written notice 5158  
must notify the individual of any conditions placed on the 5159  
individual's filing of a subsequent petition for a certificate 5160  
of qualification for housing. 5161

If a court of common pleas that receives an individual's 5162  
petition for a certificate of qualification for housing denies 5163  
the petition, the individual may appeal the decision to the 5164  
court of appeals only if the individual alleges that the denial 5165  
was an abuse of discretion on the part of the court of common 5166  
pleas. 5167

(D) (1) A certificate of qualification for housing issued 5168  
to an individual under this section or section 2961.25 of the 5169  
Revised Code lifts the automatic bar of a collateral sanction 5170  
for housing and a decision-maker shall consider on a case-by- 5171  
case basis whether to provide or deny housing, notwithstanding 5172  
the individual's possession of the certificate, without, 5173  
however, reconsidering or rejecting any finding made by a court 5174

under division (C) (3) of this section. 5175

(2) The certificate constitutes a rebuttable presumption 5176  
that the person's criminal convictions are insufficient evidence 5177  
that the person is unfit for the housing in question. 5178  
Notwithstanding the presumption established under this division, 5179  
the decision-maker may deny the housing to the person if it 5180  
determines that the person is unfit for the housing. 5181

(3) A certificate of qualification for housing issued to 5182  
an individual under this section or section 2961.25 of the 5183  
Revised Code does not create relief from requirements imposed by 5184  
Chapter 2950. of the Revised Code and rules adopted under 5185  
sections 2950.13 and 2950.132 of the Revised Code. 5186

(E) A petition for a certificate of qualification for 5187  
housing filed by an individual under division (B) (1) of this 5188  
section shall include all of the following: 5189

(1) The individual's name, date of birth, and social 5190  
security number; 5191

(2) All aliases of the individual and all social security 5192  
numbers associated with those aliases; 5193

(3) The individual's current residential address, 5194  
including the length of time that the individual has resided in 5195  
the current residence, expressed in years and months, and the 5196  
city, county, state, and zip code of the residence; 5197

(4) A history of the individual's residential address or 5198  
addresses for the past ten years, including the length of time 5199  
that the individual has resided at the address, expressed in 5200  
years and months of residence, and the city, county, state, and 5201  
zip code of residence; 5202

(5) A general statement as to why the individual has filed 5203  
the petition and how the certificate of qualification for 5204  
housing would assist the individual; 5205

(6) A summary of the individual's criminal history, except 5206  
for information contained in any record that has been sealed 5207  
under section 2953.32 or 2953.321 of the Revised Code, with 5208  
respect to each offense that is a disqualification from housing, 5209  
including the years of each conviction or plea of guilty for 5210  
each of those offenses; 5211

(7) A summary of the individual's employment history, 5212  
specifying the name of, and dates of employment with, each 5213  
employer; 5214

(8) Verifiable references and endorsements; 5215

(9) The name of one or more immediate family members of 5216  
the individual, or other persons with whom the individual has a 5217  
close relationship, who support the individual's reentry plan; 5218

(10) A summary of the reason the individual believes the 5219  
certificate of qualification for housing should be granted; 5220

(11) Any other information required by rule by the 5221  
department of rehabilitation and correction. 5222

(F) (1) In a tort action, a certificate of qualification 5223  
for housing issued to an individual under this section or 5224  
section 2961.25 of the Revised Code may be introduced as 5225  
evidence of a decision-maker's due care in leasing to the 5226  
individual to whom the certificate of qualification for housing 5227  
was issued if the decision-maker knew of the certificate at the 5228  
time of the alleged negligence or other fault. 5229

(2) In a tort action against a decision-maker for 5230



negligent leasing, a certificate of qualification for housing 5231  
issued to an individual under this section or section 2961.25 of 5232  
the Revised Code provides immunity for the decision-maker as to 5233  
the claim if the decision-maker knew of the certificate at the 5234  
time of the alleged negligence. 5235

(3) If a decision-maker leases to an individual who has 5236  
been issued a certificate of qualification for housing under 5237  
this section or section 2961.25 of the Revised Code, if the 5238  
individual, after being leased to, subsequently demonstrates 5239  
dangerousness or is convicted of or pleads guilty to a felony or 5240  
a misdemeanor offense of violence, and if the decision-maker 5241  
retains the individual as a lessee after the demonstration of 5242  
dangerousness or the conviction or guilty plea, the decision- 5243  
maker may be held liable in a tort action that is based on or 5244  
relates to the retention of the individual as a lessee only if 5245  
it is proved by a preponderance of the evidence that both of the 5246  
following apply: 5247

(a) The decision-maker had actual knowledge that the 5248  
lessee was dangerous or had been convicted of or pleaded guilty 5249  
to the felony or the misdemeanor offense of violence. 5250

(b) The decision-maker was willful in retaining the 5251  
individual as a lessee after the demonstration of dangerousness 5252  
or the conviction or guilty plea of which the decision-maker has 5253  
actual knowledge. 5254

(G) A certificate of qualification for housing issued 5255  
under this section or section 2961.25 of the Revised Code shall 5256  
be revoked if the individual to whom the certificate of 5257  
qualification for housing was issued is convicted of or pleads 5258  
guilty to a felony or a misdemeanor offense of violence 5259  
committed subsequent to the issuance of the certificate of 5260

qualification for housing. 5261

(H) A court's issuance, or failure to issue, under this 5262  
section, or the department of rehabilitation and correction's or 5263  
adult parole authority's issuance, or failure to issue, under 5264  
section 2961.25 of the Revised Code, a certificate of 5265  
qualification for housing to an individual does not give rise to 5266  
a claim for damages against the department of rehabilitation and 5267  
correction or court. 5268

(I) The division of parole and community services shall 5269  
adopt rules in accordance with Chapter 119. of the Revised Code 5270  
for the implementation and administration of this section and 5271  
shall prescribe the form for the petition to be used under 5272  
division (B)(1) of this section. The form for the petition shall 5273  
include places for all of the information specified in division 5274  
(E) of this section. 5275

(J) Nothing in this section shall be construed to create 5276  
or provide a private right of action. 5277

**Sec. 2953.32.** (A) (1) Sections 2953.32 to 2953.34 of the 5278  
Revised Code do not apply to any of the following: 5279

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 5280  
or 4549. of the Revised Code, or a conviction for a violation of 5281  
a municipal ordinance that is substantially similar to any 5282  
section contained in any of those chapters; 5283

(b) Convictions of a felony offense of violence that is 5284  
not a sexually oriented offense; 5285

(c) Convictions of a sexually oriented offense when the 5286  
offender is subject to the requirements of Chapter 2950. of the 5287  
Revised Code or Chapter 2950. of the Revised Code as it existed 5288  
prior to January 1, 2008; 5289

(d) Convictions of an offense in circumstances in which 5290  
the victim of the offense was less than thirteen years of age, 5291  
except for convictions under section 2919.21 of the Revised 5292  
Code; 5293

(e) Convictions of a felony of the first or second degree; 5294

(f) Except as provided in division (A) (2) of this section, 5295  
convictions for a violation of section 2919.25 or 2919.27 of the 5296  
Revised Code or a conviction for a violation of a municipal 5297  
ordinance that is substantially similar to either section; 5298

(g) Convictions of a felony of the third degree if the 5299  
offender has more than one other conviction of any felony or, if 5300  
the person has exactly two convictions of a felony of the third 5301  
degree, has more convictions in total than those two third 5302  
degree felony convictions and two misdemeanor convictions. 5303

(2) Sections 2953.32 to 2953.34 of the Revised Code apply 5304  
to a conviction for a violation of section 2919.25 of the 5305  
Revised Code that is a misdemeanor of the fourth degree for 5306  
purposes of sealing, but not for purposes of expungement of the 5307  
record of the case. 5308

(B) (1) Except as provided in section 2953.321 or 2953.61 5309  
of the Revised Code or as otherwise provided in division (B) (1) 5310  
(a) (iii) of this section, an eligible offender may apply to the 5311  
sentencing court if convicted in this state, or to a court of 5312  
common pleas if convicted in another state or in a federal 5313  
court, for the sealing or expungement of the record of the case 5314  
that pertains to the conviction, except for convictions listed 5315  
in division (A) (1) of this section. Application may be made at 5316  
whichever of the following times is applicable regarding the 5317  
offense: 5318

(a) An application for sealing under this section may be 5319  
made at whichever of the following times is applicable regarding 5320  
the offense: 5321

(i) Except as otherwise provided in division (B) (1) (a) (iv) 5322  
of this section, at the expiration of three years after the 5323  
offender's final discharge if convicted of one or two felonies 5324  
of the third degree, so long as none of the offenses is a 5325  
violation of section 2921.43 of the Revised Code; 5326

(ii) Except as otherwise provided in division (B) (1) (a) 5327  
(iv) of this section, at the expiration of one year after the 5328  
offender's final discharge if convicted of one or more felonies 5329  
of the fourth or fifth degree or one or more misdemeanors, so 5330  
long as none of the offenses is a violation of section 2921.43 5331  
of the Revised Code or a felony offense of violence; 5332

(iii) At the expiration of seven years after the 5333  
offender's final discharge if the record includes one or more 5334  
convictions of soliciting improper compensation in violation of 5335  
section 2921.43 of the Revised Code; 5336

(iv) If the offender was subject to the requirements of 5337  
Chapter 2950. of the Revised Code or Chapter 2950. of the 5338  
Revised Code as it existed prior to January 1, 2008, at the 5339  
expiration of five years after the requirements have ended under 5340  
section 2950.07 of the Revised Code or section 2950.07 of the 5341  
Revised Code as it existed prior to January 1, 2008, or are 5342  
terminated under section 2950.15 or 2950.151 of the Revised 5343  
Code; 5344

(v) At the expiration of six months after the offender's 5345  
final discharge if convicted of a minor misdemeanor. 5346

(b) An application for expungement under this section may 5347

be made at whichever of the following times is applicable 5348  
regarding the offense: 5349

(i) Except as otherwise provided in division (B) (1) (b) (ii) 5350  
of this section, if the offense is a misdemeanor, at the 5351  
expiration of one year after the offender's final discharge; 5352

(ii) If the offense is a minor misdemeanor, at the 5353  
expiration of six months after the offender's final discharge; 5354

(iii) If the offense is a felony, at the expiration of ten 5355  
years after the time specified in division (B) (1) (a) of this 5356  
section at which the person may file an application for sealing 5357  
with respect to that felony offense. 5358

(2) Any person who has been arrested for any misdemeanor 5359  
offense and who has effected a bail forfeiture for the offense 5360  
charged may apply to the court in which the misdemeanor criminal 5361  
case was pending when bail was forfeited for the sealing or 5362  
expungement of the record of the case that pertains to the 5363  
charge. Except as provided in section 2953.61 of the Revised 5364  
Code, the application may be filed at whichever of the following 5365  
times is applicable regarding the offense: 5366

(a) An application for sealing under this section may be 5367  
made at any time after the date on which the bail forfeiture was 5368  
entered upon the minutes of the court or the journal, whichever 5369  
entry occurs first. 5370

(b) An application for expungement under this section may 5371  
be made at whichever of the following times is applicable 5372  
regarding the offense: 5373

(i) Except as provided in division (B) (2) (b) (ii) of this 5374  
section, at any time after the expiration of one year from the 5375  
date on which the bail forfeiture was entered upon the minutes 5376

of the court or the journal, whichever entry occurs first; 5377

(ii) If the offense is a minor misdemeanor, at any time 5378  
after the expiration of six months from the date on which the 5379  
bail forfeiture was entered upon the minutes of the court or the 5380  
journal, whichever entry occurs first. 5381

(C) Upon the filing of an application under this section, 5382  
the court shall set a date for a hearing and shall notify the 5383  
prosecutor for the case of the hearing on the application not 5384  
less than sixty days prior to the hearing. Pursuant to the Ohio 5385  
Constitution, the prosecutor shall provide timely notice of the 5386  
application and the date and time of the hearing to a victim and 5387  
victim's representative, if applicable, if the victim or 5388  
victim's representative requested notice of the proceedings in 5389  
the underlying case. The court shall hold the hearing not less 5390  
than forty-five days and not more than ninety days from the date 5391  
of the filing of the application. The prosecutor may object to 5392  
the granting of the application by filing a written objection 5393  
with the court not later than thirty days prior to the date set 5394  
for the hearing. The prosecutor shall specify in the objection 5395  
the reasons for believing a denial of the application is 5396  
justified. The victim, victim's representative, and victim's 5397  
attorney, if applicable, may be present and heard orally, in 5398  
writing, or both at any hearing under this section. The court 5399  
shall direct its regular probation officer, a state probation 5400  
officer, or the department of probation of the county in which 5401  
the applicant resides to make inquiries and written reports as 5402  
the court requires concerning the applicant. The probation 5403  
officer or county department of probation that the court directs 5404  
to make inquiries and written reports as the court requires 5405  
concerning the applicant shall determine whether or not the 5406  
applicant was fingerprinted at the time of arrest or under 5407

section 109.60 of the Revised Code. If the applicant was so 5408  
fingerprinted, the probation officer or county department of 5409  
probation shall include with the written report a record of the 5410  
applicant's fingerprints. If the applicant was convicted of or 5411  
pleaded guilty to a violation of division (A) (2) or (B) of 5412  
section 2919.21 of the Revised Code, the probation officer or 5413  
county department of probation that the court directed to make 5414  
inquiries concerning the applicant shall contact the child 5415  
support enforcement agency enforcing the applicant's obligations 5416  
under the child support order to inquire about the offender's 5417  
compliance with the child support order. 5418

(D) (1) At the hearing held under division (C) of this 5419  
section, the court shall do each of the following: 5420

(a) Determine whether the applicant is pursuing sealing or 5421  
expunging a conviction of an offense that is prohibited under 5422  
division (A) of this section or whether the forfeiture of bail 5423  
was agreed to by the applicant and the prosecutor in the case, 5424  
and determine whether the application was made at the time 5425  
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 5426  
(b) of this section that is applicable with respect to the 5427  
application and the subject offense; 5428

(b) Determine whether criminal proceedings are pending 5429  
against the applicant; 5430

(c) Determine whether the applicant has been rehabilitated 5431  
to the satisfaction of the court; 5432

(d) If the prosecutor has filed an objection in accordance 5433  
with division (C) of this section, consider the reasons against 5434  
granting the application specified by the prosecutor in the 5435  
objection; 5436

(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;

(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(h) If the applicant was an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (D) (1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B) (1) (a) or (b) or division (B) (2)



(a) or (b) of this section that is applicable with respect to 5465  
the application and the subject offense, that no criminal 5466  
proceeding is pending against the applicant, that the interests 5467  
of the applicant in having the records pertaining to the 5468  
applicant's conviction or bail forfeiture sealed or expunged are 5469  
not outweighed by any legitimate governmental needs to maintain 5470  
those records, and that the rehabilitation of the applicant has 5471  
been attained to the satisfaction of the court, both of the 5472  
following apply: 5473

(a) The court, except as provided in division (D) (4) or 5474  
(5) of this section or division (D), (F), or (G) of section 5475  
2953.34 of the Revised Code, shall order all official records of 5476  
the case that pertain to the conviction or bail forfeiture 5477  
sealed if the application was for sealing or expunged if the 5478  
application was for expungement and, except as provided in 5479  
division (C) of section 2953.34 of the Revised Code, all index 5480  
references to the case that pertain to the conviction or bail 5481  
forfeiture deleted and, in the case of bail forfeitures, shall 5482  
dismiss the charges in the case. 5483

(b) The proceedings in the case that pertain to the 5484  
conviction or bail forfeiture shall be considered not to have 5485  
occurred and the conviction or bail forfeiture of the person who 5486  
is the subject of the proceedings shall be sealed if the 5487  
application was for sealing or expunged if the application was 5488  
for expungement, except that upon conviction of a subsequent 5489  
offense, a sealed record of prior conviction or bail forfeiture 5490  
may be considered by the court in determining the sentence or 5491  
other appropriate disposition, including the relief provided for 5492  
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 5493

(3) An applicant may request the sealing or expungement of 5494

the records of more than one case in a single application under 5495  
this section. Upon the filing of an application under this 5496  
section, the applicant, unless the applicant presents a poverty 5497  
affidavit showing that the applicant is indigent, shall pay an 5498  
application fee of fifty dollars and may pay a local court fee 5499  
of not more than fifty dollars, regardless of the number of 5500  
records the application requests to have sealed or expunged. If 5501  
the applicant pays a fee, the court shall pay three-fifths of 5502  
the fee collected into the state treasury, with half of that 5503  
amount credited to the attorney general reimbursement fund 5504  
created by section 109.11 of the Revised Code. If the applicant 5505  
pays a fee, the court shall pay two-fifths of the fee collected 5506  
into the county general revenue fund if the sealed or expunged 5507  
conviction or bail forfeiture was pursuant to a state statute, 5508  
or into the general revenue fund of the municipal corporation 5509  
involved if the sealed or expunged conviction or bail forfeiture 5510  
was pursuant to a municipal ordinance. 5511

(4) If the court orders the official records pertaining to 5512  
the case sealed or expunged, the court shall do one of the 5513  
following: 5514

(a) If the applicant was fingerprinted at the time of 5515  
arrest or under section 109.60 of the Revised Code and the 5516  
record of the applicant's fingerprints was provided to the court 5517  
under division (C) of this section, forward a copy of the 5518  
sealing or expungement order and the record of the applicant's 5519  
fingerprints to the bureau of criminal identification and 5520  
investigation. 5521

(b) If the applicant was not fingerprinted at the time of 5522  
arrest or under section 109.60 of the Revised Code, or the 5523  
record of the applicant's fingerprints was not provided to the 5524

court under division (C) of this section, but fingerprinting was 5525  
required for the offense, order the applicant to appear before a 5526  
sheriff to have the applicant's fingerprints taken according to 5527  
the fingerprint system of identification on the forms furnished 5528  
by the superintendent of the bureau of criminal identification 5529  
and investigation. The sheriff shall forward the applicant's 5530  
fingerprints to the court. The court shall forward the 5531  
applicant's fingerprints and a copy of the sealing or 5532  
expungement order to the bureau of criminal identification and 5533  
investigation. 5534

Failure of the court to order fingerprints at the time of 5535  
sealing or expungement does not constitute a reversible error. 5536

(5) Notwithstanding any other provision of the Revised 5537  
Code to the contrary, when the bureau of criminal identification 5538  
and investigation receives notice from a court that the record 5539  
of a conviction or bail forfeiture has been expunged under this 5540  
section, the bureau of criminal identification and investigation 5541  
shall maintain a record of the expunged conviction record for 5542  
the limited purpose of determining an individual's qualification 5543  
or disqualification for employment in law enforcement. The 5544  
bureau of criminal identification and investigation shall not be 5545  
compelled by the court to destroy, delete, or erase those 5546  
records so that the records are permanently irretrievable. These 5547  
records may only be disclosed or provided to law enforcement for 5548  
the limited purpose of determining an individual's qualification 5549  
or disqualification for employment in law enforcement. 5550

When any other entity other than the bureau of criminal 5551  
identification and investigation receives notice from a court 5552  
that the record of a conviction or bail forfeiture has been 5553  
expunged under this section, the entity shall destroy, delete, 5554

and erase the record as appropriate for the record's physical or 5555  
electronic form or characteristic so that the record is 5556  
permanently irretrievable. 5557

Sec. 2953.321. (A) (1) If a person is convicted of or 5558  
pleads guilty to a misdemeanor or a felony of the fourth or 5559  
fifth degree on or after the effective date of this section and 5560  
if the record of conviction for the misdemeanor or felony of the 5561  
fourth or fifth degree is eligible to be sealed under section 5562  
2953.32 or 2953.61 of the Revised Code, at the expiration of 5563  
five years after the offender's final discharge, the offender is 5564  
eligible to have the offender's record of conviction for the 5565  
misdemeanor or felony of the fourth or fifth degree sealed under 5566  
this section. 5567

(2) Ninety days prior to the date that the offender is 5568  
eligible to have the offender's record of conviction sealed, the 5569  
sentencing court shall notify the offender, the prosecutor, the 5570  
victim, and the victim's representative, if applicable, that the 5571  
offender is eligible to have the offender's record of conviction 5572  
sealed. 5573

(3) The prosecutor or victim may object to the sealing of 5574  
the record of conviction by filing a written objection with the 5575  
court not later than fourteen days prior to the date that the 5576  
offender is eligible to have the offender's record of conviction 5577  
sealed. The prosecutor or victim shall specify in the objection 5578  
the reasons for believing a denial of the sealing of the record 5579  
of conviction is justified. 5580

(B) If the prosecutor or victim does not object to the 5581  
sealing of the record of conviction, the sentencing court shall 5582  
determine whether the requirements in division (D) of this 5583  
section have been met. If the sentencing court finds that all of 5584

the requirements in division (D) of this section have been met, 5585  
the sentencing court shall seal the offender's record of 5586  
conviction for the misdemeanor or felony of the fourth or fifth 5587  
degree. A hearing or application requesting a sealing order is 5588  
not required or needed. 5589

(C) (1) If the prosecutor or victim does object to the 5590  
sealing of the record of conviction, the court shall set a date 5591  
for a hearing and notify the offender and prosecutor for the 5592  
case of the hearing. The prosecutor shall provide timely notice 5593  
of the hearing to the victim and the victim's representative, if 5594  
applicable. The court shall hold the hearing not less than 5595  
forty-five days and not more than ninety days after the date 5596  
that the offender is eligible to have the offender's record of 5597  
conviction sealed. 5598

(2) If the offender has been served with notice of the 5599  
hearing and fails to appear at the hearing, the sentencing court 5600  
may deny the sealing of the offender's record of conviction for 5601  
the misdemeanor or felony of the fourth or fifth degree without 5602  
conducting an evidentiary hearing. 5603

(3) If the offender has been served with the notice of the 5604  
hearing and appears at the hearing, the sentencing court shall 5605  
determine whether the requirements in division (D) of this 5606  
section have been met and shall consider the criteria in 5607  
division (E) of this section. 5608

(a) If the sentencing court determines that all of the 5609  
requirements in division (D) of this section have been met, and 5610  
that the interests of the offender in having the records 5611  
pertaining to the offender's record of conviction sealed are not 5612  
substantially outweighed by any legitimate governmental needs to 5613  
maintain those records, the sentencing court shall seal the 5614

offender's record of conviction for the misdemeanor or felony of 5615  
the fourth or fifth degree. 5616

(b) If the sentencing court does not make the 5617  
determinations described in division (C)(3)(a) of this section, 5618  
the sentencing court shall deny the sealing of the offender's 5619  
record of conviction for the misdemeanor or felony of the fourth 5620  
or fifth degree. 5621

(D) Regardless of whether the prosecutor or victim objects 5622  
to the sealing of the record of conviction under division (A) of 5623  
this section, the court shall determine whether the following 5624  
requirements have been met: 5625

(1) The record of conviction for sealing is a misdemeanor 5626  
or a felony of the fourth or fifth degree. 5627

(2) The record of conviction for sealing described in 5628  
division (A)(1) of this section is eligible for sealing under 5629  
section 2953.32 or 2953.61 of the Revised Code. 5630

(3) The offender has not been convicted of a felony 5631  
offense of violence that is not a sexually oriented offense. 5632

(4) The offender has not been convicted of a sexually 5633  
oriented offense when the offender is subject to the 5634  
requirements of Chapter 2950. of the Revised Code or Chapter 5635  
2950. of the Revised Code as it existed prior to January 1, 5636  
2008. 5637

(5) The offender has not been convicted of any felony 5638  
other than a felony of the fourth or fifth degree. 5639

(E) If the prosecutor or victim objects to the sealing of 5640  
the record of conviction under division (A) of this section, the 5641  
court shall consider the following criteria: 5642

(1) If the prosecutor has filed an objection in accordance 5643  
with division (A) of this section, consider the reasons against 5644  
sealing the record of conviction specified by the prosecutor in 5645  
the objection. 5646

(2) If the victim has filed an objection in accordance 5647  
with division (A) of this section, consider the reasons against 5648  
sealing the record of conviction specified by the victim in the 5649  
objection. 5650

(3) Determine whether the interests of the offender in 5651  
having the record of conviction sealed are not substantially 5652  
outweighed by the legitimate needs, if any, of the government to 5653  
maintain those records. 5654

(F) If the sentencing court makes the findings required in 5655  
division (B) or (C) of this section, the sentencing court shall 5656  
issue the sealing order and order all official records of that 5657  
case that pertain to the conviction sealed and all index 5658  
references to the case that pertain to the record of conviction 5659  
deleted. The proceedings in the case that pertain to the 5660  
conviction shall be considered not to have occurred and the 5661  
conviction of the person who is subject to the proceedings shall 5662  
be sealed. 5663

(G) Regardless of whether the sentencing court issues a 5664  
sealing order under division (B) or (C) of this section, the 5665  
court shall notify the offender and the prosecutor for the case 5666  
of the court's decision. The prosecutor shall provide timely 5667  
notice to the victim and the victim's representative, if 5668  
applicable. 5669

(H) (1) Except as provided in division (H) (2) of this 5670  
section, nothing in this section shall be construed to prohibit 5671

a person from filing an application for sealing or expungement 5672  
under section 2953.32 of the Revised Code. 5673

(2) If the sentencing court denies the sealing of the 5674  
person's record of conviction for the misdemeanor or felony of 5675  
the fourth or fifth degree under this section, the person may 5676  
not apply for a sealing or expungement order under section 5677  
2953.32 of the Revised Code until one hundred eighty days or 5678  
more after the court denies the sealing of the person's record 5679  
of conviction under this section. 5680

**Sec. 2953.34.** (A) Inspection of the sealed records 5681  
included in a sealing order may be made only by the following 5682  
persons or for the following purposes: 5683

(1) By a law enforcement officer or prosecutor, or the 5684  
assistants of either, to determine whether the nature and 5685  
character of the offense with which a person is to be charged 5686  
would be affected by virtue of the person's previously having 5687  
been convicted of a crime; 5688

(2) By the parole or probation officer of the person who 5689  
is the subject of the records, for the exclusive use of the 5690  
officer in supervising the person while on parole or under a 5691  
community control sanction or a post-release control sanction, 5692  
and in making inquiries and written reports as requested by the 5693  
court or adult parole authority; 5694

(3) Upon application by the person who is the subject of 5695  
the records or a legal representative of that person, by the 5696  
persons named in the application; 5697

(4) By a law enforcement officer who was involved in the 5698  
case, for use in the officer's defense of a civil action arising 5699  
out of the officer's involvement in that case; 5700



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

(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, division (I) of section 2953.34 of the Revised Code;

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

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

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

(11) By the bureau of criminal identification and

investigation, an authorized employee of the bureau, a sheriff, 5730  
or an authorized employee of a sheriff in connection with a 5731  
criminal records check described in section 311.41 of the 5732  
Revised Code; 5733

(12) By the attorney general or an authorized employee of 5734  
the attorney general or a court for purposes of determining a 5735  
person's classification pursuant to Chapter 2950. of the Revised 5736  
Code; 5737

(13) By a court, the registrar of motor vehicles, a 5738  
prosecuting attorney or the prosecuting attorney's assistants, 5739  
or a law enforcement officer for the purpose of assessing points 5740  
against a person under section 4510.036 of the Revised Code or 5741  
for taking action with regard to points assessed. 5742

When the nature and character of the offense with which a 5743  
person is to be charged would be affected by the information, it 5744  
may be used for the purpose of charging the person with an 5745  
offense. 5746

(B) In any criminal proceeding, proof of any otherwise 5747  
admissible prior conviction may be introduced and proved, 5748  
notwithstanding the fact that for any such prior conviction an 5749  
order of sealing or expungement previously was issued pursuant 5750  
to sections 2953.31 to 2953.34 of the Revised Code. 5751

(C) The person or governmental agency, office, or 5752  
department that maintains sealed records pertaining to 5753  
convictions or bail forfeitures that have been sealed pursuant 5754  
to section 2953.32 or 2953.321 of the Revised Code may maintain 5755  
a manual or computerized index to the sealed records. The index 5756  
shall contain only the name of, and alphanumeric identifiers 5757  
that relate to, the persons who are the subject of the sealed 5758

records, the word "sealed," and the name of the person, agency, 5759  
office, or department that has custody of the sealed records, 5760  
and shall not contain the name of the crime committed. The index 5761  
shall be made available by the person who has custody of the 5762  
sealed records only for the purposes set forth in divisions (A), 5763  
(B), and (D) of this section. 5764

(D) Notwithstanding any provision of this section or 5765  
section 2953.32 or 2953.321 of the Revised Code that requires 5766  
otherwise, a board of education of a city, local, exempted 5767  
village, or joint vocational school district that maintains 5768  
records of an individual who has been permanently excluded under 5769  
sections 3301.121 and 3313.662 of the Revised Code is permitted 5770  
to maintain records regarding a conviction that was used as the 5771  
basis for the individual's permanent exclusion, regardless of a 5772  
court order to seal or expunge the record. An order issued under 5773  
section 2953.32 or 2953.321 of the Revised Code to seal or 5774  
expunge the record of a conviction does not revoke the 5775  
adjudication order of the director of education and workforce to 5776  
permanently exclude the individual who is the subject of the 5777  
sealing or expungement order. An order issued under section 5778  
2953.32 or 2953.321 of the Revised Code to seal or expunge the 5779  
record of a conviction of an individual may be presented to a 5780  
district superintendent as evidence to support the contention 5781  
that the superintendent should recommend that the permanent 5782  
exclusion of the individual who is the subject of the sealing or 5783  
expungement order be revoked. Except as otherwise authorized by 5784  
this division and sections 3301.121 and 3313.662 of the Revised 5785  
Code, any school employee in possession of or having access to 5786  
the sealed or expunged conviction records of an individual that 5787  
were the basis of a permanent exclusion of the individual is 5788  
subject to division (J) of this section. 5789

(E) Notwithstanding any provision of this section or 5790  
section 2953.32 or 2953.321 of the Revised Code that requires 5791  
otherwise, if the auditor of state or a prosecutor maintains 5792  
records, reports, or audits of an individual who has been 5793  
forever disqualified from holding public office, employment, or 5794  
a position of trust in this state under sections 2921.41 and 5795  
2921.43 of the Revised Code, or has otherwise been convicted of 5796  
an offense based upon the records, reports, or audits of the 5797  
auditor of state, the auditor of state or prosecutor is 5798  
permitted to maintain those records to the extent they were used 5799  
as the basis for the individual's disqualification or 5800  
conviction, and shall not be compelled by court order to seal or 5801  
expunge those records. 5802

(F) For purposes of sections 2953.31 and 2953.34 of the 5803  
Revised Code, DNA records collected in the DNA database and 5804  
fingerprints filed for record by the superintendent of the 5805  
bureau of criminal identification and investigation shall not be 5806  
sealed or expunged unless the superintendent receives a 5807  
certified copy of a final court order establishing that the 5808  
offender's conviction has been overturned. For purposes of this 5809  
section, a court order is not "final" if time remains for an 5810  
appeal or application for discretionary review with respect to 5811  
the order. 5812

(G) (1) The court shall send notice of any order to seal or 5813  
expunge official records issued pursuant to section 2953.32 or 5814  
2953.321 of the Revised Code to the bureau of criminal 5815  
identification and investigation and to any public office or 5816  
agency that the court knows or has reason to believe may have 5817  
any record of the case, whether or not it is an official record, 5818  
that is the subject of the order. 5819

(2) The sealing of a record under section 2953.32 or 5820  
2953.321 of the Revised Code does not affect the assessment of 5821  
points under section 4510.036 of the Revised Code and does not 5822  
erase points assessed against a person as a result of the sealed 5823  
record. 5824

(H) (1) The court shall send notice of any order to seal or 5825  
expunge official records issued pursuant to division (B) (3) of 5826  
section 2953.33 of the Revised Code to the bureau of criminal 5827  
identification and investigation and shall send notice of any 5828  
order issued pursuant to division (B) (4) of that section to any 5829  
public office or agency that the court knows or has reason to 5830  
believe may have any record of the case, whether or not it is an 5831  
official record, that is the subject of the order. 5832

(2) A person whose official records have been sealed or 5833  
expunged pursuant to an order issued pursuant to section 2953.33 5834  
of the Revised Code may present a copy of that order and a 5835  
written request to comply with it, to a public office or agency 5836  
that has a record of the case that is the subject of the order. 5837

(3) An order to seal or expunge official records issued 5838  
pursuant to section 2953.33 of the Revised Code applies to every 5839  
public office or agency that has a record of the case that is 5840  
the subject of the order, regardless of whether it receives 5841  
notice of the hearing on the application for the order to seal 5842  
or expunge the official records or receives a copy of the order 5843  
to seal the official records pursuant to division (H) (1) or (2) 5844  
of this section. 5845

(4) Upon receiving a copy of an order to seal or expunge 5846  
official records pursuant to division (H) (1) or (2) of this 5847  
section or upon otherwise becoming aware of an applicable order 5848  
to seal or expunge official records issued pursuant to section 5849

2953.33 of the Revised Code, a public office or agency shall 5850  
comply with the order and, if applicable, with division (K) of 5851  
this section, except that if the order is a sealing order, the 5852  
office or agency may maintain a record of the case that is the 5853  
subject of the order if the record is maintained for the purpose 5854  
of compiling statistical data only and does not contain any 5855  
reference to the person who is the subject of the case and the 5856  
order. 5857

(5) A public office or agency to which division (H) (4) of 5858  
this section applies also may maintain an index of sealed 5859  
official records that are the subject of a sealing order, in a 5860  
form similar to that for sealed records of conviction as set 5861  
forth in division (C) of this section, access to which may not 5862  
be afforded to any person other than the person who has custody 5863  
of the sealed official records. The sealed official records to 5864  
which such an index pertains shall not be available to any 5865  
person, except that the official records of a case that have 5866  
been sealed may be made available to the following persons for 5867  
the following purposes: 5868

(a) To the person who is the subject of the records upon 5869  
written application, and to any other person named in the 5870  
application, for any purpose; 5871

(b) To a law enforcement officer who was involved in the 5872  
case, for use in the officer's defense of a civil action arising 5873  
out of the officer's involvement in that case; 5874

(c) To a prosecuting attorney or the prosecuting 5875  
attorney's assistants to determine a defendant's eligibility to 5876  
enter a pre-trial diversion program established pursuant to 5877  
section 2935.36 of the Revised Code; 5878

(d) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E) (2) (b) of section 4301.69 of the Revised Code.

(I) (1) Upon the issuance of an order by a court pursuant to division (D) (2) of section 2953.32 or division (B) (1) of section 2953.321 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or expunged or an order by a court pursuant to division (E) of section 2151.358, division (C) (2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged:

(a) Every law enforcement officer who possesses investigatory work product immediately shall deliver that work product to the law enforcement officer's employing law enforcement agency.

(b) Except as provided in divisions (I) (1) (c) and (d) of this section, every law enforcement agency that possesses investigatory work product shall close that work product to all persons who are not directly employed by the law enforcement agency and shall treat that work product, in relation to all persons other than those who are directly employed by the law enforcement agency, as if it did not exist and never had existed.

(c) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that

is the subject of the case are reasonably similar. The agency 5909  
that permits the use of investigatory work product may provide 5910  
the other agency with the name of the person who is the subject 5911  
of the case if it believes that the name of the person is 5912  
necessary to the conduct of the investigation by the other 5913  
agency. 5914

(d) The auditor of state may provide to or discuss with 5915  
other parties investigatory work product maintained pursuant to 5916  
Chapter 117. of the Revised Code by the auditor of state. 5917

(2) (a) Except as provided in divisions (I)(1)(c) and (d) 5918  
of this section, no law enforcement officer or other person 5919  
employed by a law enforcement agency shall knowingly release, 5920  
disseminate, or otherwise make the investigatory work product or 5921  
any information contained in that work product available to, or 5922  
discuss any information contained in it with, any person not 5923  
employed by the employing law enforcement agency. 5924

(b) No law enforcement agency, or person employed by a law 5925  
enforcement agency, that receives investigatory work product 5926  
pursuant to divisions (I)(1)(c) and (d) of this section shall 5927  
use that work product for any purpose other than the 5928  
investigation of the offense for which it was obtained from the 5929  
other law enforcement agency, or disclose the name of the person 5930  
who is the subject of the work product except when necessary for 5931  
the conduct of the investigation of the offense, or the 5932  
prosecution of the person for committing the offense, for which 5933  
it was obtained from the other law enforcement agency. 5934

(3) Whoever violates division (I)(2)(a) or (b) of this 5935  
section is guilty of divulging confidential investigatory work 5936  
product, a misdemeanor of the fourth degree. 5937



(J) (1) Except as authorized by divisions (A) to (C) of 5938  
this section or by Chapter 2950. of the Revised Code and subject 5939  
to ~~division~~ divisions (J) (2) and (3) of this section, any 5940  
officer or employee of the state, or a political subdivision of 5941  
the state, who releases or otherwise disseminates or makes 5942  
available for any purpose involving employment, bonding, or 5943  
licensing in connection with any business, trade, or profession 5944  
to any person, or to any department, agency, or other 5945  
instrumentality of the state, or any political subdivision of 5946  
the state, any information or other data concerning any law 5947  
enforcement or justice system matter the records with respect to 5948  
which the officer or employee had knowledge of were sealed by an 5949  
existing order issued pursuant to section 2953.32 or 2953.321 of 5950  
the Revised Code, division (E) of section 2151.358, section 5951  
2953.35, or section 2953.36 of the Revised Code, or were 5952  
expunged by an order issued pursuant to section 2953.42 of the 5953  
Revised Code as it existed prior to June 29, 1988, is guilty of 5954  
divulging confidential information, a misdemeanor of the fourth 5955  
degree. 5956

(2) Division (J) (1) of this section does not apply to an 5957  
officer or employee of the state, or a political subdivision of 5958  
the state, who releases or otherwise disseminates or makes 5959  
available for any purpose specified in that division any 5960  
information or other data concerning a law enforcement or 5961  
justice system matter the records of which the officer had 5962  
knowledge were sealed or expunged by an order of a type 5963  
described in that division, if all of the following apply: 5964

(a) The officer or employee released, disseminated, or 5965  
made available the information or data from the sealed or 5966  
expunged records together with information or data concerning 5967  
another law enforcement or justice system matter. 5968

(b) The records of the other law enforcement or justice system matter were not sealed or expunged by any order of a type described in division (J) (1) of this section.

(c) The law enforcement or justice system matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice system matter covered by the information or data from the records that were not sealed or expunged resulted from or were connected to the same act.

(d) The officer or employee made a good faith effort to not release, disseminate, or make available any information or other data concerning any law enforcement or justice system matter from the sealed or expunged records, and the officer or employee did not release, disseminate, or make available the information or other data from the sealed or expunged records with malicious purpose, in bad faith, or in a wanton or reckless manner.

(3) Division (J) (1) of this section does not apply to an officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose specified in that division any information or other data concerning a law enforcement or justice system matter the records of which the officer had knowledge were sealed or expunged by an order of a type described in that division, if the records are released or disseminated or access is provided pursuant to an application by the person who is the subject of the information or data or by a legal representative of that person.

(4) Any person who, in violation of this section, uses, disseminates, or otherwise makes available any index prepared pursuant to division (C) of this section is guilty of a

misdemeanor of the fourth degree. 5999

(K) (1) Except as otherwise provided in Chapter 2950. of 6000  
the Revised Code, upon the issuance of an order by a court under 6001  
division (B) of section 2953.33 of the Revised Code directing 6002  
that all official records pertaining to a case be sealed or 6003  
expunged and that the proceedings in the case be deemed not to 6004  
have occurred: 6005

(a) Every law enforcement officer possessing records or 6006  
reports pertaining to the case that are the officer's specific 6007  
investigatory work product and that are excepted from the 6008  
definition of official records shall immediately deliver the 6009  
records and reports to the officer's employing law enforcement 6010  
agency. Except as provided in division (K) (1) (c) or (d) of this 6011  
section, no such officer shall knowingly release, disseminate, 6012  
or otherwise make the records and reports or any information 6013  
contained in them available to, or discuss any information 6014  
contained in them with, any person not employed by the officer's 6015  
employing law enforcement agency. 6016

(b) Every law enforcement agency that possesses records or 6017  
reports pertaining to the case that are its specific 6018  
investigatory work product and that are excepted from the 6019  
definition of official records, or that are the specific 6020  
investigatory work product of a law enforcement officer it 6021  
employs and that were delivered to it under division (K) (1) (a) 6022  
of this section shall, except as provided in division (K) (1) (c) 6023  
or (d) of this section, close the records and reports to all 6024  
persons who are not directly employed by the law enforcement 6025  
agency and shall, except as provided in division (K) (1) (c) or 6026  
(d) of this section, treat the records and reports, in relation 6027  
to all persons other than those who are directly employed by the 6028

law enforcement agency, as if they did not exist and had never 6029  
existed. Except as provided in division (K) (1) (c) or (d) of this 6030  
section, no person who is employed by the law enforcement agency 6031  
shall knowingly release, disseminate, or otherwise make the 6032  
records and reports in the possession of the employing law 6033  
enforcement agency or any information contained in them 6034  
available to, or discuss any information contained in them with, 6035  
any person not employed by the employing law enforcement agency. 6036

(c) A law enforcement agency that possesses records or 6037  
reports pertaining to the case that are its specific 6038  
investigatory work product and that are excepted from the 6039  
definition of official records, or that are the specific 6040  
investigatory work product of a law enforcement officer it 6041  
employs and that were delivered to it under division (K) (1) (a) 6042  
of this section may permit another law enforcement agency to use 6043  
the records or reports in the investigation of another offense, 6044  
if the facts incident to the offense being investigated by the 6045  
other law enforcement agency and the facts incident to an 6046  
offense that is the subject of the case are reasonably similar. 6047  
The agency that provides the records and reports may provide the 6048  
other agency with the name of the person who is the subject of 6049  
the case, if it believes that the name of the person is 6050  
necessary to the conduct of the investigation by the other 6051  
agency. 6052

No law enforcement agency, or person employed by a law 6053  
enforcement agency, that receives from another law enforcement 6054  
agency records or reports pertaining to a case the records of 6055  
which have been ordered sealed or expunged pursuant to division 6056  
(B) of section 2953.33 of the Revised Code shall use the records 6057  
and reports for any purpose other than the investigation of the 6058  
offense for which they were obtained from the other law 6059

enforcement agency, or disclose the name of the person who is 6060  
the subject of the records or reports except when necessary for 6061  
the conduct of the investigation of the offense, or the 6062  
prosecution of the person for committing the offense, for which 6063  
they were obtained from the other law enforcement agency. 6064

(d) The auditor of state may provide to or discuss with 6065  
other parties records, reports, or audits maintained by the 6066  
auditor of state pursuant to Chapter 117. of the Revised Code 6067  
pertaining to the case that are the auditor of state's specific 6068  
investigatory work product and that are excepted from the 6069  
definition of "official records" contained in division (C) of 6070  
section 2953.31 of the Revised Code, or that are the specific 6071  
investigatory work product of a law enforcement officer the 6072  
auditor of state employs and that were delivered to the auditor 6073  
of state under division (K) (1) (a) of this section. 6074

(2) Whoever violates division (K) (1) of this section is 6075  
guilty of divulging confidential information, a misdemeanor of 6076  
the fourth degree. 6077

(L) (1) In any application for employment, license, or any 6078  
other right or privilege, any appearance as a witness, or any 6079  
other inquiry, a person may not be questioned with respect to 6080  
any record that has been sealed or expunged pursuant to section 6081  
2953.33 of the Revised Code. If an inquiry is made in violation 6082  
of this division, the person whose official record was sealed 6083  
may respond as if the arrest underlying the case to which the 6084  
sealed official records pertain and all other proceedings in 6085  
that case did not occur, and the person whose official record 6086  
was sealed shall not be subject to any adverse action because of 6087  
the arrest, the proceedings, or the person's response. 6088

(2) (a) Except as provided in division (L) (2) (b) of this 6089

section, an officer or employee of the state or any of its 6090  
political subdivisions who knowingly releases, disseminates, or 6091  
makes available for any purpose involving employment, bonding, 6092  
licensing, or education to any person or to any department, 6093  
agency, or other instrumentality of the state, or of any of its 6094  
political subdivisions, any information or other data concerning 6095  
any arrest, complaint, indictment, information, trial, 6096  
adjudication, or correctional supervision, knowing the records 6097  
of which have been sealed or expunged pursuant to section 6098  
2953.33 of the Revised Code, is guilty of divulging confidential 6099  
information, a misdemeanor of the fourth degree. 6100

(b) Division (L) (2) (a) of this section does not apply to 6101  
any release, dissemination, or access to information or data if 6102  
the records are released or disseminated or access is provided 6103  
pursuant to an application by the person who is the subject of 6104  
the information or data or by a legal representative of that 6105  
person. 6106

(M) It is not a violation of division (I), (J), (K), or 6107  
(L) of this section for the bureau of criminal identification 6108  
and investigation or any authorized employee of the bureau 6109  
participating in the investigation of criminal activity to 6110  
release, disseminate, or otherwise make available to, or discuss 6111  
with, a person directly employed by a law enforcement agency DNA 6112  
records collected in the DNA database or fingerprints filed for 6113  
record by the superintendent of the bureau of criminal 6114  
identification and investigation. 6115

(N) (1) An order issued under section 2953.35 of the 6116  
Revised Code to expunge the record of a person's conviction or, 6117  
except as provided in division (D) of this section, an order 6118  
issued under that section to seal the record of a person's 6119

conviction restores the person who is the subject of the order 6120  
to all rights and privileges not otherwise restored by 6121  
termination of the sentence or community control sanction or by 6122  
final release on parole or post-release control. 6123

(2) (a) In any application for employment, license, or 6124  
other right or privilege, any appearance as a witness, or any 6125  
other inquiry, except as provided in division (B) of this 6126  
section and in section 3319.292 of the Revised Code and subject 6127  
to division (N) (2) (c) of this section, a person may be 6128  
questioned only with respect to convictions not sealed, bail 6129  
forfeitures not expunged under section 2953.42 of the Revised 6130  
Code as it existed prior to June 29, 1988, and bail forfeitures 6131  
not sealed, unless the question bears a direct and substantial 6132  
relationship to the position for which the person is being 6133  
considered. 6134

(b) In any application for a certificate of qualification 6135  
for employment under section 2953.25 of the Revised Code, a 6136  
person may be questioned only with respect to convictions not 6137  
sealed and bail forfeitures not sealed. 6138

(c) A person may not be questioned in any application, 6139  
appearance, or inquiry of a type described in division (N) (2) (a) 6140  
of this section with respect to any conviction expunged under 6141  
section 2953.35 of the Revised Code. 6142

(O) Nothing in section 2953.32, 2953.321, or 2953.34 of 6143  
the Revised Code precludes an offender from taking an appeal or 6144  
seeking any relief from the offender's conviction or from 6145  
relying on it in lieu of any subsequent prosecution for the same 6146  
offense. 6147

**Sec. 2953.61.** (A) Except as provided in division (B) (1) of 6148

this section, a person charged with two or more offenses as a 6149  
result of or in connection with the same act may not apply to 6150  
the court pursuant to section 2953.32, 2953.321, 2953.33, or 6151  
2953.521 of the Revised Code for the sealing or expungement of 6152  
the person's record in relation to any of the charges, and a 6153  
prosecutor may not apply to the court pursuant to section 6154  
2953.39 of the Revised Code for the sealing or expungement of 6155  
the record of a person in relation to any of the charges if the 6156  
person was charged with two or more offenses as a result of or 6157  
in connection with the same act, when at least one of the 6158  
charges has a final disposition that is different from the final 6159  
disposition of the other charges until such time as the person, 6160  
or prosecutor, would be able to apply to the court and have all 6161  
of the records pertaining to all of those charges sealed or 6162  
expunged pursuant to section 2953.32, 2953.321, 2953.33, 6163  
2953.39, or 2953.521 of the Revised Code. 6164

(B) (1) When a person is charged with two or more offenses 6165  
as a result of or in connection with the same act and the final 6166  
disposition of one, and only one, of the charges is a conviction 6167  
under any section of Chapter 4507., 4510., 4511., or 4549., 6168  
other than section 4511.19 or 4511.194 of the Revised Code, or 6169  
under a municipal ordinance that is substantially similar to any 6170  
section other than section 4511.19 or 4511.194 of the Revised 6171  
Code contained in any of those chapters, and if the records 6172  
pertaining to all the other charges would be eligible for 6173  
sealing or expungement under section 2953.33, 2953.39, or 6174  
2953.521 of the Revised Code in the absence of that conviction, 6175  
the court may order that the records pertaining to all the 6176  
charges be sealed or expunged. In such a case, the court shall 6177  
not order that only a portion of the records be sealed or 6178  
expunged. 6179



(2) Division (B)(1) of this section does not apply if the person convicted of the offenses currently holds a commercial driver's license or commercial driver's license temporary instruction permit.

**Sec. 4723.28.** (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) Except as provided in section 4723.092 of the Revised Code, the board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that

would constitute a felony or a crime of moral turpitude in Ohio;	6240
(7) Conviction of, a plea of guilty to, a judicial finding	6241
of guilt of, a judicial finding of guilt resulting from a plea	6242
of no contest to, or a judicial finding of eligibility for a	6243
pretrial diversion or similar program or for intervention in	6244
lieu of conviction for, an act in the course of practice in	6245
another jurisdiction that would constitute a misdemeanor in	6246
Ohio;	6247
(8) Self-administering or otherwise taking into the body	6248
any dangerous drug, as defined in section 4729.01 of the Revised	6249
Code, in any way that is not in accordance with a legal, valid	6250
prescription issued for that individual, or self-administering	6251
or otherwise taking into the body any drug that is a schedule I	6252
controlled substance;	6253
(9) Habitual or excessive use of controlled substances,	6254
other habit-forming drugs, or alcohol or other chemical	6255
substances to an extent that impairs the individual's ability to	6256
provide safe nursing care or safe dialysis care;	6257
(10) Impairment of the ability to practice according to	6258
acceptable and prevailing standards of safe nursing care or safe	6259
dialysis care because of the use of drugs, alcohol, or other	6260
chemical substances;	6261
(11) Impairment of the ability to practice according to	6262
acceptable and prevailing standards of safe nursing care or safe	6263
dialysis care because of a physical or mental disability;	6264
(12) Assaulting or causing harm to a patient or depriving	6265
a patient of the means to summon assistance;	6266
(13) Misappropriation or attempted misappropriation of	6267
money or anything of value in the course of practice;	6268

(14) Adjudication by a probate court of being mentally ill	6269
or mentally incompetent. The board may reinstate the person's	6270
nursing license or dialysis technician certificate upon	6271
adjudication by a probate court of the person's restoration to	6272
competency or upon submission to the board of other proof of	6273
competency.	6274
(15) The suspension or termination of employment by the	6275
United States department of defense or department of veterans	6276
affairs for any act that violates or would violate this chapter;	6277
(16) Violation of this chapter or any rules adopted under	6278
it;	6279
(17) Violation of any restrictions placed by the board on	6280
a nursing license or dialysis technician certificate;	6281
(18) Failure to use universal and standard precautions	6282
established by rules adopted under section 4723.07 of the	6283
Revised Code;	6284
(19) Failure to practice in accordance with acceptable and	6285
prevailing standards of safe nursing care or safe dialysis care;	6286
(20) In the case of a registered nurse, engaging in	6287
activities that exceed the practice of nursing as a registered	6288
nurse;	6289
(21) In the case of a licensed practical nurse, engaging	6290
in activities that exceed the practice of nursing as a licensed	6291
practical nurse;	6292
(22) In the case of a dialysis technician, engaging in	6293
activities that exceed those permitted under section 4723.72 of	6294
the Revised Code;	6295
(23) Aiding and abetting a person in that person's	6296

practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; 6297  
6298

(24) In the case of an advanced practice registered nurse, 6299  
except as provided in division (M) of this section, either of 6300  
the following: 6301

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 6302  
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(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay. 6308  
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(25) Failure to comply with the terms and conditions of participation in the safe haven program conducted under sections 4723.35 and 4723.351 of the Revised Code; 6313  
6314  
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(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code; 6316  
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(27) In the case of an advanced practice registered nurse: 6319

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code; 6320  
6321  
6322

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code. 6323  
6324

(28) In the case of an advanced practice registered nurse 6325  
other than a certified registered nurse anesthetist, failure to 6326  
maintain a standard care arrangement in accordance with section 6327  
4723.431 of the Revised Code or to practice in accordance with 6328  
the standard care arrangement; 6329

(29) In the case of an advanced practice registered nurse 6330  
who is designated as a clinical nurse specialist, certified 6331  
nurse-midwife, or certified nurse practitioner, failure to 6332  
prescribe drugs and therapeutic devices in accordance with 6333  
section 4723.481 of the Revised Code; 6334

(30) Prescribing any drug or device to perform or induce 6335  
an abortion, or otherwise performing or inducing an abortion; 6336

(31) Failure to establish and maintain professional 6337  
boundaries with a patient, as specified in rules adopted under 6338  
section 4723.07 of the Revised Code; 6339

(32) Regardless of whether the contact or verbal behavior 6340  
is consensual, engaging with a patient other than the spouse of 6341  
the registered nurse, licensed practical nurse, or dialysis 6342  
technician in any of the following: 6343

(a) Sexual contact, as defined in section 2907.01 of the 6344  
Revised Code; 6345

(b) Verbal behavior that is sexually demeaning to the 6346  
patient or may be reasonably interpreted by the patient as 6347  
sexually demeaning. 6348

(33) Assisting suicide, as defined in section 3795.01 of 6349  
the Revised Code; 6350

(34) Failure to comply with the requirements in section 6351  
3719.061 of the Revised Code before issuing for a minor a 6352

prescription for an opioid analgesic, as defined in section 6353  
3719.01 of the Revised Code; 6354

(35) Failure to comply with section 4723.487 of the 6355  
Revised Code, unless the state board of pharmacy no longer 6356  
maintains a drug database pursuant to section 4729.75 of the 6357  
Revised Code; 6358

(36) The revocation, suspension, restriction, reduction, 6359  
or termination of clinical privileges by the United States 6360  
department of defense or department of veterans affairs or the 6361  
termination or suspension of a certificate of registration to 6362  
prescribe drugs by the drug enforcement administration of the 6363  
United States department of justice; 6364

(37) In the case of an advanced practice registered nurse 6365  
who is designated as a clinical nurse specialist, certified 6366  
nurse-midwife, or certified nurse practitioner, failure to 6367  
comply with the terms of a consult agreement entered into with a 6368  
pharmacist pursuant to section 4729.39 of the Revised Code. 6369

(C) Disciplinary actions taken by the board under 6370  
divisions (A) and (B) of this section shall be taken pursuant to 6371  
an adjudication conducted under Chapter 119. of the Revised 6372  
Code, except that in lieu of a hearing, the board may enter into 6373  
a consent agreement with an individual to resolve an allegation 6374  
of a violation of this chapter or any rule adopted under it. A 6375  
consent agreement, when ratified by a vote of a quorum, shall 6376  
constitute the findings and order of the board with respect to 6377  
the matter addressed in the agreement. If the board refuses to 6378  
ratify a consent agreement, the admissions and findings 6379  
contained in the agreement shall be of no effect. 6380

(D) The hearings of the board shall be conducted in 6381

accordance with Chapter 119. of the Revised Code, the board may 6382  
appoint a hearing examiner, as provided in section 119.09 of the 6383  
Revised Code, to conduct any hearing the board is authorized to 6384  
hold under Chapter 119. of the Revised Code. 6385

In any instance in which the board is required under 6386  
Chapter 119. of the Revised Code to give notice of an 6387  
opportunity for a hearing and the applicant, licensee, or 6388  
certificate holder does not make a timely request for a hearing 6389  
in accordance with section 119.07 of the Revised Code, the board 6390  
is not required to hold a hearing, but may adopt, by a vote of a 6391  
quorum, a final order that contains the board's findings. In the 6392  
final order, the board may order any of the sanctions listed in 6393  
division (A) or (B) of this section. 6394

(E) If a criminal action is brought against a registered 6395  
nurse, licensed practical nurse, or dialysis technician for an 6396  
act or crime described in divisions (B) (3) to (7) of this 6397  
section and the action is dismissed by the trial court other 6398  
than on the merits, the board shall conduct an adjudication to 6399  
determine whether the registered nurse, licensed practical 6400  
nurse, or dialysis technician committed the act on which the 6401  
action was based. If the board determines on the basis of the 6402  
adjudication that the registered nurse, licensed practical 6403  
nurse, or dialysis technician committed the act, or if the 6404  
registered nurse, licensed practical nurse, or dialysis 6405  
technician fails to participate in the adjudication, the board 6406  
may take action as though the registered nurse, licensed 6407  
practical nurse, or dialysis technician had been convicted of 6408  
the act. 6409

If the board takes action on the basis of a conviction, 6410  
plea, or a judicial finding as described in divisions (B) (3) to 6411



(7) of this section that is overturned on appeal, the registered 6412  
nurse, licensed practical nurse, or dialysis technician may, on 6413  
exhaustion of the appeal process, petition the board for 6414  
reconsideration of its action. On receipt of the petition and 6415  
supporting court documents, the board shall temporarily rescind 6416  
its action. If the board determines that the decision on appeal 6417  
was a decision on the merits, it shall permanently rescind its 6418  
action. If the board determines that the decision on appeal was 6419  
not a decision on the merits, it shall conduct an adjudication 6420  
to determine whether the registered nurse, licensed practical 6421  
nurse, or dialysis technician committed the act on which the 6422  
original conviction, plea, or judicial finding was based. If the 6423  
board determines on the basis of the adjudication that the 6424  
registered nurse, licensed practical nurse, or dialysis 6425  
technician committed such act, or if the registered nurse, 6426  
licensed practical nurse, or dialysis technician does not 6427  
request an adjudication, the board shall reinstate its action; 6428  
otherwise, the board shall permanently rescind its action. 6429

Notwithstanding the provision of division (D) (2) of 6430  
section 2953.32, division (B) (1) of section 2953.321, or 6431  
division (F) (1) of section 2953.39 of the Revised Code 6432  
specifying that if records pertaining to a criminal case are 6433  
sealed or expunged under that section the proceedings in the 6434  
case shall be deemed not to have occurred, sealing or 6435  
expungement of the following records on which the board has 6436  
based an action under this section shall have no effect on the 6437  
board's action or any sanction imposed by the board under this 6438  
section: records of any conviction, guilty plea, judicial 6439  
finding of guilt resulting from a plea of no contest, or a 6440  
judicial finding of eligibility for a pretrial diversion program 6441  
or intervention in lieu of conviction. 6442

The board shall not be required to seal, destroy, redact, 6443  
or otherwise modify its records to reflect the court's sealing 6444  
or expungement of conviction records. 6445

(F) The board may investigate an individual's criminal 6446  
background in performing its duties under this section. As part 6447  
of such investigation, the board may order the individual to 6448  
submit, at the individual's expense, a request to the bureau of 6449  
criminal identification and investigation for a criminal records 6450  
check and check of federal bureau of investigation records in 6451  
accordance with the procedure described in section 4723.091 of 6452  
the Revised Code. 6453

(G) During the course of an investigation conducted under 6454  
this section, the board may compel any registered nurse, 6455  
licensed practical nurse, or dialysis technician or applicant 6456  
under this chapter to submit to a mental or physical 6457  
examination, or both, as required by the board and at the 6458  
expense of the individual, if the board finds reason to believe 6459  
that the individual under investigation may have a physical or 6460  
mental impairment that may affect the individual's ability to 6461  
provide safe nursing care. 6462

The board shall not compel an individual who has been 6463  
referred to the safe haven program as described in sections 6464  
4723.35 and 4723.351 of the Revised Code to submit to a mental 6465  
or physical examination. 6466

Failure of any individual to submit to a mental or 6467  
physical examination when directed constitutes an admission of 6468  
the allegations, unless the failure is due to circumstances 6469  
beyond the individual's control, and a default and final order 6470  
may be entered without the taking of testimony or presentation 6471  
of evidence. 6472

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may

disclose information to law enforcement officers and government 6503  
entities for purposes of an investigation of either a licensed 6504  
health care professional, including a registered nurse, licensed 6505  
practical nurse, or dialysis technician, or a person who may 6506  
have engaged in the unauthorized practice of nursing or dialysis 6507  
care. No law enforcement officer or government entity with 6508  
knowledge of any information disclosed by the board pursuant to 6509  
this division shall divulge the information to any other person 6510  
or government entity except for the purpose of a government 6511  
investigation, a prosecution, or an adjudication by a court or 6512  
government entity. 6513

(2) If an investigation requires a review of patient 6514  
records, the investigation and proceeding shall be conducted in 6515  
such a manner as to protect patient confidentiality. 6516

(3) All adjudications and investigations of the board 6517  
shall be considered civil actions for the purposes of section 6518  
2305.252 of the Revised Code. 6519

(4) Any board activity that involves continued monitoring 6520  
of an individual as part of or following any disciplinary action 6521  
taken under this section shall be conducted in a manner that 6522  
maintains the individual's confidentiality. Information received 6523  
or maintained by the board with respect to the board's 6524  
monitoring activities is not subject to discovery in any civil 6525  
action and is confidential, except that the board may disclose 6526  
information to law enforcement officers and government entities 6527  
for purposes of an investigation of a licensee or certificate 6528  
holder. 6529

(J) Any action taken by the board under this section 6530  
resulting in a suspension from practice shall be accompanied by 6531  
a written statement of the conditions under which the person may 6532

be reinstated to practice. 6533

(K) When the board refuses to grant a license or 6534  
certificate to an applicant, revokes a license or certificate, 6535  
or refuses to reinstate a license or certificate, the board may 6536  
specify that its action is permanent. An individual subject to 6537  
permanent action taken by the board is forever ineligible to 6538  
hold a license or certificate of the type that was refused or 6539  
revoked and the board shall not accept from the individual an 6540  
application for reinstatement of the license or certificate or 6541  
for a new license or certificate. 6542

(L) No unilateral surrender of a nursing license or 6543  
dialysis technician certificate issued under this chapter shall 6544  
be effective unless accepted by majority vote of the board. No 6545  
application for a nursing license or dialysis technician 6546  
certificate issued under this chapter may be withdrawn without a 6547  
majority vote of the board. The board's jurisdiction to take 6548  
disciplinary action under this section is not removed or limited 6549  
when an individual has a license or certificate classified as 6550  
inactive or fails to renew a license or certificate. 6551

(M) Sanctions shall not be imposed under division (B) (24) 6552  
of this section against any licensee who waives deductibles and 6553  
copayments as follows: 6554

(1) In compliance with the health benefit plan that 6555  
expressly allows such a practice. Waiver of the deductibles or 6556  
copayments shall be made only with the full knowledge and 6557  
consent of the plan purchaser, payer, and third-party 6558  
administrator. Documentation of the consent shall be made 6559  
available to the board upon request. 6560

(2) For professional services rendered to any other person 6561

licensed pursuant to this chapter to the extent allowed by this 6562  
chapter and the rules of the board. 6563

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 6564  
notice and hearing in accordance with Chapter 119. of the 6565  
Revised Code, may impose any one or more of the following 6566  
sanctions on a pharmacist or pharmacy intern if the board finds 6567  
the individual engaged in any of the conduct set forth in 6568  
division (A) (2) of this section: 6569

(a) Revoke, suspend, restrict, limit, or refuse to grant 6570  
or renew a license; 6571

(b) Reprimand or place the license holder on probation; 6572

(c) Impose a monetary penalty or forfeiture not to exceed 6573  
in severity any fine designated under the Revised Code for a 6574  
similar offense, or in the case of a violation of a section of 6575  
the Revised Code that does not bear a penalty, a monetary 6576  
penalty or forfeiture of not more than five hundred dollars. 6577

(2) Except as provided in division (I) of this section, 6578  
the board may impose the sanctions listed in division (A) (1) of 6579  
this section if the board finds a pharmacist or pharmacy intern: 6580

(a) Has been convicted of a felony, or a crime of moral 6581  
turpitude, as defined in section 4776.10 of the Revised Code; 6582

(b) Engaged in dishonesty or unprofessional conduct in the 6583  
practice of pharmacy; 6584

(c) Is addicted to or abusing alcohol or drugs or is 6585  
impaired physically or mentally to such a degree as to render 6586  
the pharmacist or pharmacy intern unfit to practice pharmacy; 6587

(d) Has been convicted of a misdemeanor related to, or 6588  
committed in, the practice of pharmacy; 6589

(e) Violated, conspired to violate, attempted to violate, 6590  
or aided and abetted the violation of any of the provisions of 6591  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6592  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6593  
by the board under those provisions; 6594

(f) Permitted someone other than a pharmacist or pharmacy 6595  
intern to practice pharmacy; 6596

(g) Knowingly lent the pharmacist's or pharmacy intern's 6597  
name to an illegal practitioner of pharmacy or had a 6598  
professional connection with an illegal practitioner of 6599  
pharmacy; 6600

(h) Divided or agreed to divide remuneration made in the 6601  
practice of pharmacy with any other individual, including, but 6602  
not limited to, any licensed health professional authorized to 6603  
prescribe drugs or any owner, manager, or employee of a health 6604  
care facility, residential care facility, or nursing home; 6605

(i) Violated the terms of a consult agreement entered into 6606  
pursuant to section 4729.39 of the Revised Code; 6607

(j) Committed fraud, misrepresentation, or deception in 6608  
applying for or securing a license issued by the board under 6609  
this chapter or under Chapter 3715. or 3719. of the Revised 6610  
Code; 6611

(k) Failed to comply with an order of the board or a 6612  
settlement agreement; 6613

(l) Engaged in any other conduct for which the board may 6614  
impose discipline as set forth in rules adopted under section 6615  
4729.26 of the Revised Code. 6616

(B) Any individual whose license is revoked, suspended, or 6617

refused, shall return the license to the offices of the state 6618  
board of pharmacy within ten days after receipt of notice of 6619  
such action. 6620

(C) As used in this section: 6621

"Unprofessional conduct in the practice of pharmacy" 6622  
includes any of the following: 6623

(1) Advertising or displaying signs that promote dangerous 6624  
drugs to the public in a manner that is false or misleading; 6625

(2) Except as provided in section 3715.50, 3715.502, 6626  
4729.281, or 4729.47 of the Revised Code, the dispensing or sale 6627  
of any drug for which a prescription is required, without having 6628  
received a prescription for the drug; 6629

(3) Knowingly dispensing medication pursuant to false or 6630  
forged prescriptions; 6631

(4) Knowingly failing to maintain complete and accurate 6632  
records of all dangerous drugs received or dispensed in 6633  
compliance with federal laws and regulations and state laws and 6634  
rules; 6635

(5) Obtaining any remuneration by fraud, 6636  
misrepresentation, or deception; 6637

(6) Failing to conform to prevailing standards of care of 6638  
similar pharmacists or pharmacy interns under the same or 6639  
similar circumstances, whether or not actual injury to a patient 6640  
is established; 6641

(7) Engaging in any other conduct that the board specifies 6642  
as unprofessional conduct in the practice of pharmacy in rules 6643  
adopted under section 4729.26 of the Revised Code. 6644



(D) The board may suspend a license under division (B) of 6645  
section 3719.121 of the Revised Code by utilizing a telephone 6646  
conference call to review the allegations and take a vote. 6647

(E) For purposes of this division, an individual 6648  
authorized to practice as a pharmacist or pharmacy intern 6649  
accepts the privilege of practicing in this state subject to 6650  
supervision by the board. By filing an application for or 6651  
holding a license to practice as a pharmacist or pharmacy 6652  
intern, an individual gives consent to submit to a mental or 6653  
physical examination when ordered to do so by the board in 6654  
writing and waives all objections to the admissibility of 6655  
testimony or examination reports that constitute privileged 6656  
communications. 6657

If the board has reasonable cause to believe that an 6658  
individual who is a pharmacist or pharmacy intern is physically 6659  
or mentally impaired, the board may require the individual to 6660  
submit to a physical or mental examination, or both. The expense 6661  
of the examination is the responsibility of the individual 6662  
required to be examined. 6663

Failure of an individual who is a pharmacist or pharmacy 6664  
intern to submit to a physical or mental examination ordered by 6665  
the board, unless the failure is due to circumstances beyond the 6666  
individual's control, constitutes an admission of the 6667  
allegations and a suspension order shall be entered without the 6668  
taking of testimony or presentation of evidence. Any subsequent 6669  
adjudication hearing under Chapter 119. of the Revised Code 6670  
concerning failure to submit to an examination is limited to 6671  
consideration of whether the failure was beyond the individual's 6672  
control. 6673

If, based on the results of an examination ordered under 6674

this division, the board determines that the individual's 6675  
ability to practice is impaired, the board shall suspend the 6676  
individual's license or deny the individual's application and 6677  
shall require the individual, as a condition for an initial, 6678  
continued, reinstated, or renewed license to practice, to submit 6679  
to a physical or mental examination and treatment. 6680

An order of suspension issued under this division shall 6681  
not be subject to suspension by a court during pendency of any 6682  
appeal filed under section 119.12 of the Revised Code. 6683

(F) If the board is required under Chapter 119. of the 6684  
Revised Code to give notice of an opportunity for a hearing and 6685  
the applicant or licensee does not make a timely request for a 6686  
hearing in accordance with section 119.07 of the Revised Code, 6687  
the board is not required to hold a hearing, but may adopt a 6688  
final order that contains the board's findings. In the final 6689  
order, the board may impose any of the sanctions listed in 6690  
division (A) of this section. 6691

(G) Notwithstanding the provision of division (D) (2) of 6692  
section 2953.32, division (B) (1) of section 2953.321, or 6693  
division (F) (1) of section 2953.39 of the Revised Code 6694  
specifying that if records pertaining to a criminal case are 6695  
sealed or expunged under that section the proceedings in the 6696  
case must be deemed not to have occurred, sealing or expungement 6697  
of the following records on which the board has based an action 6698  
under this section shall have no effect on the board's action or 6699  
any sanction imposed by the board under this section: records of 6700  
any conviction, guilty plea, judicial finding of guilt resulting 6701  
from a plea of no contest, or a judicial finding of eligibility 6702  
for a pretrial diversion program or intervention in lieu of 6703  
conviction. The board shall not be required to seal, destroy, 6704

redact, or otherwise modify its records to reflect the court's 6705  
sealing or expungement of conviction records. 6706

(H) No pharmacist or pharmacy intern shall knowingly 6707  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 6708  
(e) to (l) of this section. 6709

(I) The board shall not refuse to issue a license to an 6710  
applicant for a conviction of an offense unless the refusal is 6711  
in accordance with section 9.79 of the Revised Code. 6712

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 6713  
accordance with Chapter 119. of the Revised Code, may impose any 6714  
one or more of the following sanctions on a person licensed 6715  
under division (B) (1) (a) of section 4729.52 of the Revised Code 6716  
for any of the causes set forth in division (A) (2) of this 6717  
section: 6718

(a) Suspend, revoke, restrict, limit, or refuse to grant 6719  
or renew a license; 6720

(b) Reprimand or place the license holder on probation; 6721

(c) Impose a monetary penalty or forfeiture not to exceed 6722  
in severity any fine designated under the Revised Code for a 6723  
similar offense or two thousand five hundred dollars if the acts 6724  
committed are not classified as an offense by the Revised Code; 6725

(2) The board may impose the sanctions set forth in 6726  
division (A) (1) of this section for any of the following: 6727

(a) Making any false material statements in an application 6728  
for licensure under section 4729.52 of the Revised Code; 6729

(b) Violating any federal, state, or local drug law; any 6730  
provision of this chapter or Chapter 2925., 3715., or 3719. of 6731  
the Revised Code; or any rule of the board; 6732

- (c) A conviction of a felony; 6733
- (d) Failing to satisfy the qualifications for licensure 6734  
under section 4729.53 of the Revised Code or the rules of the 6735  
board or ceasing to satisfy the qualifications after the 6736  
registration is granted or renewed; 6737
- (e) Falsely or fraudulently promoting to the public a drug 6738  
that is a controlled substance included in schedule I, II, III, 6739  
IV, or V, except that nothing in this division prohibits a 6740  
manufacturer, outsourcing facility, third-party logistics 6741  
provider, repackager, or wholesale distributor of dangerous 6742  
drugs from furnishing information concerning a controlled 6743  
substance to a health care provider or licensed terminal 6744  
distributor; 6745
- (f) Violating any provision of the "Federal Food, Drug, 6746  
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 6747  
Chapter 3715. of the Revised Code; 6748
- (g) Any other cause for which the board may impose 6749  
sanctions as set forth in rules adopted under section 4729.26 of 6750  
the Revised Code. 6751
- (B) Upon the suspension or revocation of any license 6752  
identified in division (B) (1) (a) of section 4729.52 of the 6753  
Revised Code, the licensee shall immediately surrender the 6754  
license to the board. 6755
- (C) If the board suspends, revokes, or refuses to renew 6756  
any license identified in division (B) (1) (a) of section 4729.52 6757  
of the Revised Code and determines that there is clear and 6758  
convincing evidence of a danger of immediate and serious harm to 6759  
any person, the board may place under seal all dangerous drugs 6760  
owned by or in the possession, custody, or control of the 6761

affected licensee. Except as provided in this division, the 6762  
board shall not dispose of the dangerous drugs sealed under this 6763  
division until the licensee exhausts all of the licensee's 6764  
appeal rights under Chapter 119. of the Revised Code. The court 6765  
involved in such an appeal may order the board, during the 6766  
pendency of the appeal, to sell sealed dangerous drugs that are 6767  
perishable. The board shall deposit the proceeds of the sale 6768  
with the court. 6769

(D) If the board is required under Chapter 119. of the 6770  
Revised Code to give notice of an opportunity for a hearing and 6771  
the license holder does not make a timely request for a hearing 6772  
in accordance with section 119.07 of the Revised Code, the board 6773  
is not required to hold a hearing, but may adopt a final order 6774  
that contains the board's findings. In the final order, the 6775  
board may impose any of the sanctions listed in division (A) of 6776  
this section. 6777

(E) Notwithstanding division (D) (2) of section 2953.32,  6778  
division (B) (1) of section 2953.321, or division (F) (1) of 6779  
section 2953.39 of the Revised Code specifying that if records 6780  
pertaining to a criminal case are sealed or expunged under that 6781  
section the proceedings in the case must be deemed not to have 6782  
occurred, sealing or expungement of the following records on 6783  
which the board has based an action under this section shall 6784  
have no effect on the board's action or any sanction imposed by 6785  
the board under this section: records of any conviction, guilty 6786  
plea, judicial finding of guilt resulting from a plea of no 6787  
contest, or a judicial finding of eligibility for a pretrial 6788  
diversion program or intervention in lieu of conviction. The 6789  
board is not required to seal, destroy, redact, or otherwise 6790  
modify its records to reflect the court's sealing or expungement 6791  
of conviction records. 6792

Sec. 4729.57. (A) The state board of pharmacy may after	6793
notice and a hearing in accordance with Chapter 119. of the	6794
Revised Code, impose any one or more of the following sanctions	6795
on a terminal distributor of dangerous drugs for any of the	6796
causes set forth in division (B) of this section:	6797
(1) Suspend, revoke, restrict, limit, or refuse to grant	6798
or renew any license;	6799
(2) Reprimand or place the license holder on probation;	6800
(3) Impose a monetary penalty or forfeiture not to exceed	6801
in severity any fine designated under the Revised Code for a	6802
similar offense or one thousand dollars if the acts committed	6803
have not been classified as an offense by the Revised Code.	6804
(B) The board may impose the sanctions listed in division	6805
(A) of this section for any of the following:	6806
(1) Making any false material statements in an application	6807
for a license as a terminal distributor of dangerous drugs;	6808
(2) Violating any rule of the board;	6809
(3) Violating any provision of this chapter;	6810
(4) Except as provided in section 4729.89 of the Revised	6811
Code, violating any provision of the "Federal Food, Drug, and	6812
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter	6813
3715. of the Revised Code;	6814
(5) Violating any provision of the federal drug abuse	6815
control laws or Chapter 2925. or 3719. of the Revised Code;	6816
(6) Falsely or fraudulently promoting to the public a	6817
dangerous drug, except that nothing in this division prohibits a	6818
terminal distributor of dangerous drugs from furnishing	6819

information concerning a dangerous drug to a health care 6820  
provider or another licensed terminal distributor; 6821

(7) Ceasing to satisfy the qualifications of a terminal 6822  
distributor of dangerous drugs set forth in section 4729.55 of 6823  
the Revised Code; 6824

(8) Except as provided in division (C) of this section: 6825

(a) Waiving the payment of all or any part of a deductible 6826  
or copayment that an individual, pursuant to a health insurance 6827  
or health care policy, contract, or plan that covers the 6828  
services provided by a terminal distributor of dangerous drugs, 6829  
would otherwise be required to pay for the services if the 6830  
waiver is used as an enticement to a patient or group of 6831  
patients to receive pharmacy services from that terminal 6832  
distributor; 6833

(b) Advertising that the terminal distributor will waive 6834  
the payment of all or any part of a deductible or copayment that 6835  
an individual, pursuant to a health insurance or health care 6836  
policy, contract, or plan that covers the pharmaceutical 6837  
services, would otherwise be required to pay for the services. 6838

(9) Conviction of a felony; 6839

(10) Any other cause for which the board may impose 6840  
discipline as set forth in rules adopted under section 4729.26 6841  
of the Revised Code. 6842

(C) Sanctions shall not be imposed under division (B) (8) 6843  
of this section against any terminal distributor of dangerous 6844  
drugs that waives deductibles and copayments as follows: 6845

(1) In compliance with a health benefit plan that 6846  
expressly allows such a practice. Waiver of the deductibles or 6847

copayments shall be made only with the full knowledge and 6848  
consent of the plan purchaser, payer, and third-party 6849  
administrator. Documentation of the consent shall be made 6850  
available to the board on request. 6851

(2) For professional services rendered to any other person 6852  
licensed pursuant to this chapter to the extent allowed by this 6853  
chapter and the rules of the board. 6854

(D) (1) Upon the suspension or revocation of a license 6855  
issued to a terminal distributor of dangerous drugs or the 6856  
refusal by the board to renew such a license, the distributor 6857  
shall immediately surrender the license to the board. 6858

(2) (a) The board may place under seal all dangerous drugs 6859  
that are owned by or in the possession, custody, or control of a 6860  
terminal distributor at the time the license is suspended or 6861  
revoked or at the time the board refuses to renew the license. 6862  
Except as provided in division (D) (2) (b) of this section, 6863  
dangerous drugs so sealed shall not be disposed of until appeal 6864  
rights under Chapter 119. of the Revised Code have expired or an 6865  
appeal filed pursuant to that chapter has been determined. 6866

(b) The court involved in an appeal filed pursuant to 6867  
Chapter 119. of the Revised Code may order the board, during the 6868  
pendency of the appeal, to sell sealed dangerous drugs that are 6869  
perishable. The proceeds of such a sale shall be deposited with 6870  
that court. 6871

(E) If the board is required under Chapter 119. of the 6872  
Revised Code to give notice of an opportunity for a hearing and 6873  
the license holder does not make a timely request for a hearing 6874  
in accordance with section 119.07 of the Revised Code, the board 6875  
is not required to hold a hearing, but may adopt a final order 6876



that contains the board's findings. In the final order, the 6877  
board may impose any of the sanctions listed in division (A) of 6878  
this section. 6879

(F) Notwithstanding division (D) (2) of section 2953.32,  6880  
division (B) (1) of section 2953.321, or division (F) (1) of 6881  
section 2953.39 of the Revised Code specifying that if records 6882  
pertaining to a criminal case are sealed or expunged under that 6883  
section the proceedings in the case must be deemed not to have 6884  
occurred, sealing or expungement of the following records on 6885  
which the board has based an action under this section shall 6886  
have no effect on the board's action or any sanction imposed by 6887  
the board under this section: records of any conviction, guilty 6888  
plea, judicial finding of guilt resulting from a plea of no 6889  
contest, or a judicial finding of eligibility for a pretrial 6890  
diversion program or intervention in lieu of conviction. The 6891  
board is not required to seal, destroy, redact, or otherwise 6892  
modify its records to reflect the court's sealing or expungement 6893  
of conviction records. 6894

**Sec. 4729.96.** (A) (1) The state board of pharmacy, after 6895  
notice and hearing in accordance with Chapter 119. of the 6896  
Revised Code, may impose one or more of the following sanctions 6897  
on a pharmacy technician trainee, registered pharmacy 6898  
technician, or certified pharmacy technician if the board finds 6899  
the individual engaged in any of the conduct set forth in 6900  
division (A) (2) of this section: 6901

(a) Revoke, suspend, restrict, limit, or refuse to grant 6902  
or renew a registration; 6903

(b) Reprimand or place the holder of the registration on 6904  
probation; 6905

(c) Impose a monetary penalty or forfeiture not to exceed 6906  
in severity any fine designated under the Revised Code for a 6907  
similar offense, or in the case of a violation of a section of 6908  
the Revised Code that does not bear a penalty, a monetary 6909  
penalty or forfeiture of not more than five hundred dollars. 6910

(2) Except as provided in division (G) of this section, 6911  
the board may impose the sanctions listed in division (A)(1) of 6912  
this section if the board finds a pharmacy technician trainee, 6913  
registered pharmacy technician, or certified pharmacy 6914  
technician: 6915

(a) Has been convicted of a felony, or a crime of moral 6916  
turpitude, as defined in section 4776.10 of the Revised Code; 6917

(b) Engaged in dishonesty or unprofessional conduct, as 6918  
prescribed in rules adopted by the board under section 4729.94 6919  
of the Revised Code; 6920

(c) Is addicted to or abusing alcohol or drugs or impaired 6921  
physically or mentally to such a degree as to render the 6922  
individual unable to perform the individual's duties; 6923

(d) Violated, conspired to violate, attempted to violate, 6924  
or aided and abetted the violation of any of the provisions of 6925  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6926  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6927  
by the board under those provisions; 6928

(e) Committed fraud, misrepresentation, or deception in 6929  
applying for or securing a registration issued by the board 6930  
under this chapter; 6931

(f) Failed to comply with an order of the board or a 6932  
settlement agreement; 6933

(g) Engaged in any other conduct for which the board may 6934  
impose discipline as set forth in rules adopted by the board 6935  
under section 4729.94 of the Revised Code. 6936

(B) The board may suspend a registration under division 6937  
(B) of section 3719.121 of the Revised Code by utilizing a 6938  
telephone conference call to review the allegations and take a 6939  
vote. 6940

(C) For purposes of this division, an individual 6941  
authorized to practice as a pharmacy technician trainee, 6942  
registered pharmacy technician, or certified pharmacy technician 6943  
accepts the privilege of practicing in this state subject to 6944  
supervision by the board. By filing an application for or 6945  
holding a registration under this chapter, the individual gives 6946  
consent to submit to a mental or physical examination when 6947  
ordered to do so by the board in writing and waives all 6948  
objections to the admissibility of testimony or examination 6949  
reports that constitute privileged communications. 6950

If the board has reasonable cause to believe that an 6951  
individual who is a pharmacy technician trainee, registered 6952  
pharmacy technician, or certified pharmacy technician is 6953  
physically or mentally impaired, the board may require the 6954  
individual to submit to a physical or mental examination, or 6955  
both. The expense of the examination is the responsibility of 6956  
the individual required to be examined. 6957

Failure of an individual who is a pharmacy technician 6958  
trainee, registered pharmacy technician, or certified pharmacy 6959  
technician to submit to a physical or mental examination ordered 6960  
by the board, unless the failure is due to circumstances beyond 6961  
the individual's control, constitutes an admission of the 6962  
allegations and a suspension order shall be entered without the 6963

taking of testimony or presentation of evidence. Any subsequent 6964  
adjudication hearing under Chapter 119. of the Revised Code 6965  
concerning failure to submit to an examination is limited to 6966  
consideration of whether the failure was beyond the individual's 6967  
control. 6968

If, based on the results of an examination ordered under 6969  
this division, the board determines that the individual's 6970  
ability to practice is impaired, the board shall suspend the 6971  
individual's registration or deny the individual's application 6972  
and shall require the individual, as a condition for an initial, 6973  
continued, reinstated, or renewed registration to practice, to 6974  
submit to a physical or mental examination and treatment. 6975

An order of suspension issued under this division shall 6976  
not be subject to suspension by a court during pendency of any 6977  
appeal filed under section 119.12 of the Revised Code. 6978

(D) If the board is required under Chapter 119. of the 6979  
Revised Code to give notice of an opportunity for a hearing and 6980  
the applicant or registrant does not make a timely request for a 6981  
hearing in accordance with section 119.07 of the Revised Code, 6982  
the board is not required to hold a hearing, but may adopt a 6983  
final order that contains the board's findings. In the final 6984  
order, the board may impose any of the sanctions listed in 6985  
division (A) of this section. 6986

(E) Notwithstanding the provision of division (D) (2) of 6987  
section 2953.32, division (B) (1) of section 2953.321, or 6988  
division (F) (1) of section 2953.39 of the Revised Code 6989  
specifying that if records pertaining to a criminal case are 6990  
sealed or expunged under that section the proceedings in the 6991  
case must be deemed not to have occurred, sealing or expungement 6992  
of the following records on which the board has based an action 6993

under this section shall have no effect on the board's action or 6994  
any sanction imposed by the board under this section: records of 6995  
any conviction, guilty plea, judicial finding of guilt resulting 6996  
from a plea of no contest, or a judicial finding of eligibility 6997  
for a pretrial diversion program or intervention in lieu of 6998  
conviction. The board shall not be required to seal, destroy, 6999  
redact, or otherwise modify its records to reflect the court's 7000  
sealing or expungement of conviction records. 7001

(F) No pharmacy technician trainee, registered pharmacy 7002  
technician, or certified pharmacy technician shall knowingly 7003  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 7004  
(d) to (g) of this section. 7005

(G) The board shall not refuse to issue a registration to 7006  
an applicant because of a conviction of an offense unless the 7007  
refusal is in accordance with section 9.79 of the Revised Code. 7008

**Sec. 4752.09.** (A) The state board of pharmacy may, in 7009  
accordance with Chapter 119. of the Revised Code, impose any one 7010  
or more of the following sanctions on an applicant for a license 7011  
or certificate of registration issued under this chapter or a 7012  
license or certificate holder for any of the causes set forth in 7013  
division (B) of this section: 7014

(1) Suspend, revoke, restrict, limit, or refuse to grant 7015  
or renew a license or certificate of registration; 7016

(2) Reprimand or place the license or certificate holder 7017  
on probation; 7018

(3) Impose a monetary penalty or forfeiture not to exceed 7019  
in severity any fine designated under the Revised Code for a 7020  
similar offense or not more than five thousand dollars if the 7021  
acts committed are not classified as an offense by the Revised 7022

Code.	7023
(B) The board may impose the sanctions listed in division	7024
(A) of this section for any of the following:	7025
(1) Violation of any provision of this chapter or an order	7026
or rule of the board, as those provisions, orders, or rules are	7027
applicable to persons licensed under this chapter;	7028
(2) A plea of guilty to or a judicial finding of guilt of	7029
a felony or a misdemeanor that involves dishonesty or is	7030
directly related to the provision of home medical equipment	7031
services;	7032
(3) Making a material misstatement in furnishing	7033
information to the board;	7034
(4) Professional incompetence;	7035
(5) Being guilty of negligence or gross misconduct in	7036
providing home medical equipment services;	7037
(6) Aiding, assisting, or willfully permitting another	7038
person to violate any provision of this chapter or an order or	7039
rule of the board, as those provisions, orders, or rules are	7040
applicable to persons licensed under this chapter;	7041
(7) Failing to provide information in response to a	7042
written request by the board;	7043
(8) Engaging in conduct likely to deceive, defraud, or	7044
harm the public;	7045
(9) Denial, revocation, suspension, or restriction of a	7046
license to provide home medical equipment services, for any	7047
reason other than failure to renew, in another state or	7048
jurisdiction;	7049

(10) Directly or indirectly giving to or receiving from 7050  
any person a fee, commission, rebate, or other form of 7051  
compensation for services not rendered; 7052

(11) Knowingly making or filing false records, reports, or 7053  
billings in the course of providing home medical equipment 7054  
services, including false records, reports, or billings prepared 7055  
for or submitted to state and federal agencies or departments; 7056

(12) Failing to comply with federal rules issued pursuant 7057  
to the medicare program established under Title XVIII of the 7058  
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 7059  
amended, relating to operations, financial transactions, and 7060  
general business practices of home medical services providers; 7061

(13) Any other cause for which the board may impose 7062  
sanctions as set forth in rules adopted under section 4752.17 of 7063  
the Revised Code. 7064

(C) Notwithstanding any provision of divisions (A) and (B) 7065  
of this section to the contrary, the board shall not refuse to 7066  
issue a license or certificate of registration to an applicant 7067  
because of a plea of guilty to or a judicial finding of guilt of 7068  
an offense unless the refusal is in accordance with section 9.79 7069  
of the Revised Code. 7070

(D) The state board of pharmacy immediately may suspend a 7071  
license without a hearing if it determines that there is 7072  
evidence that the license holder is subject to actions under 7073  
this section and that there is clear and convincing evidence 7074  
that continued operation by the license holder presents an 7075  
immediate and serious harm to the public. The board shall follow 7076  
the procedure for suspension without a prior hearing in section 7077  
119.07 of the Revised Code. The board may vote on the suspension 7078

by way of a telephone conference call. 7079

A suspension under this division shall remain in effect, 7080  
unless reversed by the board, until a final adjudication order 7081  
issued by the board pursuant to this section and Chapter 119. of 7082  
the Revised Code becomes effective. The board shall issue its 7083  
final adjudication order not later than ninety days after 7084  
completion of the hearing. The board's failure to issue the 7085  
order by that day shall cause the summary suspension to end, but 7086  
shall not affect the validity of any subsequent final 7087  
adjudication order. 7088

(E) If the board is required under Chapter 119. of the 7089  
Revised Code to give notice of an opportunity for a hearing and 7090  
the applicant or license or certificate holder does not make a 7091  
timely request for a hearing in accordance with section 119.07 7092  
of the Revised Code, the board is not required to hold a 7093  
hearing, but may adopt a final order that contains the board's 7094  
findings. In the final order, the board may impose any of the 7095  
sanctions listed in division (A) of this section. 7096

(F) Notwithstanding the provision of division (D) (2) of 7097  
section 2953.32, division (B) (1) of section 2953.321, or 7098  
division (F) (1) of section 2953.39 of the Revised Code 7099  
specifying that if records pertaining to a criminal case are 7100  
sealed or expunged under that section the proceedings in the 7101  
case must be deemed not to have occurred, sealing or expungement 7102  
of the following records on which the board has based an action 7103  
under this section shall have no effect on the board's action or 7104  
any sanction imposed by the board under this section: records of 7105  
any conviction, guilty plea, judicial finding of guilt resulting 7106  
from a plea of no contest, or a judicial finding of eligibility 7107  
for a pretrial diversion program or intervention in lieu of 7108



conviction. The board shall not be required to seal, destroy, 7109  
redact, or otherwise modify its records to reflect the court's 7110  
sealing or expungement of conviction records. 7111

**Section 2.** That existing sections 109.57, 109.572, 7112  
109.578, 109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 7113  
2929.01, 2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 7114  
2941.146, 2953.25, 2953.26, 2953.32, 2953.34, 2953.61, 4723.28, 7115  
4729.16, 4729.56, 4729.57, 4729.96, and 4752.09 of the Revised 7116  
Code are hereby repealed. 7117

**Section 3.** This act shall be known as the Repeat Offender 7118  
Act. 7119

**Section 4.** The General Assembly, applying the principle 7120  
stated in division (B) of section 1.52 of the Revised Code that 7121  
amendments are to be harmonized if reasonably capable of 7122  
simultaneous operation, finds that the following sections, 7123  
presented in this act as composites of the sections as amended 7124  
by the acts indicated, are the resulting versions of the 7125  
sections in effect prior to the effective date of the sections 7126  
as presented in this act: 7127

Section 2923.125 of the Revised Code as a composite of the 7128  
section as amended by both H.B. 281 and S.B. 288 of the 134th 7129  
General Assembly. 7130

Section 2929.14 of the Revised Code as a composite of the 7131  
section as amended by both H.B. 56 and S.B. 106 of the 135th 7132  
General Assembly. 7133

Section 4729.16 of the Revised Code as a composite of the 7134  
section as amended by H.B. 558 and S.B. 288, both of the 134th 7135  
General Assembly. 7136