



Sub. S.B. 3*

127th General Assembly
(As Reported by S. Judiciary - Criminal Justice)

Sens. Faber, Schaffer, Stivers, Jacobson, Carey, Grendell, Schuring

BILL SUMMARY

- Provides that, when a person convicted of an offense is restored the rights and privileges forfeited by the conviction upon the person's service of the entire prison term that comprises his or her sentence, upon the person's receipt of a final release by the Adult Parole Authority, or the person's completion of the period of a community control sanction or combination of community control sanctions imposed by the sentencing court, the restoration of the rights and privileges does not extend to the privilege of holding an office of honor, trust, or profit ("position of honor, trust, or profit" means an elective office of the state or any political subdivision thereof) if the person was convicted of or pleaded guilty to any one of a list of specified offenses.
- Provides that, when a person is granted an administrative release by the Adult Parole Authority, the person may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privileges of holding an office of honor, trust, or profit may not be restored to a person who was convicted of or pleaded guilty to committing on or after the bill's effective date any one of a list of specified felonies.
- Requires the prosecutor of a case in which a person is charged with committing any one of a list of specified felonies who has knowledge that the person charged committed the offense while serving in a position of

* This analysis was prepared before the report of the Senate Judiciary - Criminal Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

honor, trust, or profit to notify the public retirement system or alternate retirement plan of which the person is a member.

- Prohibits any person from registering as a legislative agent, a retirement system lobbyist, or an executive agency lobbyist if the person is convicted of or pleads guilty to committing on or after the effective date of the bill any one of a list of specified felonies; provides that the registration ban is a lifetime ban; and requires the Joint Legislative Ethics Committee to terminate the registration of any registered agent or lobbyist who is convicted of or pleads guilty to any such felony.
- Requires a sentencing court, in addition to any other sanction imposed upon an offender, to order the forfeiture to the applicable public retirement system or alternative retirement plan of the offender's right to a retirement allowance, pension, disability benefit, or other right or benefit, other than the payment of the offender's accumulated contributions, under the applicable system or plan if the offender is being sentenced for any one of a list of specified felonies committed on or after the effective date of the bill, the offender committed that offense while serving in a position of honor, trust, or profit, and the offender, at the time of the commission of the offense, was a member of the applicable public retirement system or a participant in the applicable alternative retirement plan.

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CONTENT AND OPERATION

Lifetime ban against serving as a legislative agent, retirement system lobbyist, or executive agency lobbyist

The bill provides that no person is permitted to register as a legislative agent under R.C. 101.72, a retirement system lobbyist under R.C. 101.92, or an executive agency lobbyist under R.C. 121.62 if the person is convicted of or pleads guilty to committing on or after the effective date of the bill any of the following offenses that is a felony: (1) a violation of R.C. 2921.02, 2921.03, 2921.05, 2921.41, or 2923.32, (2) a violation section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office, (3) A violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially equivalent to any violation listed in clause (1), (4) a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially equivalent to any violation listed in clause (2) if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office, (5) a conspiracy to commit, attempt to commit, or complicity in committing any offense listed in clause (1) or described in clause (3), or (6) a conspiracy to commit, attempt to commit, or complicity in committing any offense listed in clause (2) or described in clause (4), if the person committed the violation while the person was serving in a public office and the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the violation in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

The ban imposed under this provision is a lifetime ban, and the offender is forever disqualified from registering as a legislative agent under R.C. 101.72, a retirement system lobbyist under R.C. 101.92, or an executive agency lobbyist under R.C. 121.62.

If a legislative agent, retirement system lobbyist, or executive agency lobbyist has registered with the Joint Legislative Ethics Committee and, on or after the bill's effective date and during the period during which the registration is valid, the agent or lobbyist is convicted of or pleads guilty to any offense listed or described in the preceding paragraph in the circumstances specified, the Joint Legislative Ethics Committee immediately upon becoming aware of the



conviction or guilty plea must terminate the registration of the person as an agent or lobbyist, and, thereafter, the ban described in the preceding paragraph applies to the person.

For purposes of these provisions, a violation of R.C. 2923.32 or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of the bill" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the bill's effective date. (R.C. 101.721, 101.921, and 121.621.)

Restoration of rights and privileges to certain prisoners and persons

Background

Existing law contains a number of provisions pursuant to which a person convicted of certain criminal offenses forfeits certain rights and privileges. Among the existing provisions that pertain to such a forfeiture are:

(1) Existing R.C. 2961.01, not in the bill, which specifies that a person convicted of a felony under the laws of Ohio or any other state or the United States, unless the conviction is reversed or annulled, is incompetent to be an elector or juror or to hold an office of honor, trust, or profit. When any person convicted of a felony under any law of that type is granted parole, judicial release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a person convicted of a felony restores the rights and privileges so forfeited under this provision, but a pardon does not release the person convicted of a felony from the costs of a conviction in this state, unless so specified. The section also provides that a person convicted of a felony under laws of Ohio or any other state or the United States is incompetent to circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition.

(2) Existing R.C. 2961.02, not in the bill, which specifies that a person who is convicted of a "disqualifying offense" (see below) is incompetent to hold a public office or position of public employment or to serve as a volunteer, if holding the public office or position of public employment or serving as the volunteer involves substantial management or control over the property of a state agency, political subdivision, or private entity. This provision does not apply if a



conviction of a disqualifying offense is reversed, expunged, or annulled. The full pardon of a person convicted of a disqualifying offense restores the privileges forfeited under this provision, but the pardon does not release the person from the costs of the person's conviction in this state, unless so specified. As used in this provision: (1) "disqualifying offense" means an offense that is a felony theft offense or is a felony under the laws of Ohio state, another state, or the United States, is not a felony theft offense, and involves fraud, deceit, or theft, and that is an offense for which the laws of Ohio state, another state, or the United States do not otherwise contain a provision specifying permanent disqualification, or disqualification for a specified period, from holding a public office or position of public employment, or from serving as an unpaid volunteer, as a result of conviction of the offense, including, but not limited to, a provision such as that in R.C. 2921.41(C)(1), (2) "private entity" includes an individual, corporation, limited liability company, business trust, estate, trust, partnership, or association that receives any funds from a state agency or political subdivision to perform an activity on behalf of the state agency or political subdivision, and (3) "volunteer" means a person who serves as a volunteer without compensation with a state agency or political subdivision or who serves as a volunteer without compensation with a private entity, including, but not limited to, an uncompensated auxiliary police officer, auxiliary deputy sheriff, or volunteer firefighter.

(3) Existing R.C. 2921.41, not in the bill, which sets forth the offense of "theft in office" and specifies that a public official or party official who is convicted of or pleads guilty to the offense is forever disqualified from holding any public office, employment, or position of trust in Ohio.

Restoration under R.C. 2967.16

Existing law. Existing law provides that the following prisoners or persons are restored to the rights and privileges forfeited by a conviction: (1) a prisoner who has served the entire prison term that comprises or is part of the prisoner's sentence and has not been placed under any post-release control sanctions, (2) a prisoner who has been granted a final release by the Adult Parole Authority of the Department of Rehabilitation and Correction (the APA) pursuant to the provisions described in the next paragraph, and (3) a person who has completed the period of a community control sanction or combination of community control sanctions that was imposed by the sentencing court.

Except for prisoners in the shock incarceration program under R.C. 5120.031, when a paroled prisoner has faithfully performed the conditions and obligations of the paroled prisoner's parole and has obeyed the rules and regulations adopted by the APA that apply to the paroled prisoner, the APA upon the recommendation of the Superintendent of Parole Supervision may enter upon its minutes a final release and thereupon must issue to the paroled prisoner a

certificate of final release, but the APA cannot grant a final release earlier than one year after the paroled prisoner is released from the institution on parole, and, in the case of a paroled prisoner whose minimum sentence is life imprisonment, the APA cannot grant a final release earlier than five years after the paroled prisoner is released from the institution on parole. Also, when a prisoner who has been released under a period of post-release control pursuant to R.C. 2967.28 has faithfully performed the conditions and obligations of the released prisoner's post-release control sanctions and has obeyed the rules and regulations adopted by the APA that apply to the released prisoner or has the period of post-release control terminated by a court, the APA, upon the recommendation of the Superintendent of Parole Supervision, may enter upon its minutes a final release and, upon the entry of the final release, must issue to the released prisoner a certificate of final release. In the case of a prisoner who has been released under a period of post-release control pursuant to R.C. 2967.28(B), the APA cannot grant a final release earlier than one year after the released prisoner is released from the institution under a period of post-release control. The APA must classify the termination of post-release control as favorable or unfavorable depending on the offender's conduct and compliance with the conditions of supervision. In the case of a released prisoner whose sentence is life imprisonment, the APA cannot grant a final release earlier than five years after the released prisoner is released from the institution under a period of post-release control. (R.C. 2967.16.)

Operation of the bill. The bill enacts a limitation upon the existing provision that provides for the restoration to a prisoner or person, in the specified circumstances, of the rights and privileges forfeited by the prisoner's conviction. Under the bill, the restoration of the rights and privileges does not extend to the privilege of holding an *office of honor, trust, or profit* if the prisoner or person was convicted of or pleaded guilty to any of the offenses described above in "**Lifetime ban against serving as a legislative agent, retirement system lobbyist, or executive agency lobbyist**" that is a felony. The bill defines "position of honor, trust, or profit," for purposes of this provision, as having the same meaning as is described below in "**Forfeiture of retirement system benefits**" and defines "public office" as any elected federal, state, or local government office in Ohio.

For purposes of these provisions, a violation of R.C. 2923.32 or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of the bill" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the bill's effective date. (R.C. 2967.16(C).)

Restoration under R.C. 2967.17

Existing law. Existing law provides that the APA, in its discretion, may grant an administrative release to any of the following: (1) a parole violator or release violator serving another felony sentence in a correctional institution within or without Ohio for the purpose of consolidation of the records or if justice would best be served, (2) a parole violator at large or release violator at large whose case has been inactive for at least ten years following the date of declaration of the parole violation or the violation of a post-release control sanction, or (3) a parolee taken into custody by the Immigration and Naturalization Service of the U.S. Department of Justice and deported from the United States. The APA cannot grant an administrative release except upon the concurrence of a majority of the Parole Board and approval of the APA's Chief.

An administrative release does not restore for the person to whom it is granted the rights and privileges forfeited by conviction as provided in R.C. 2961.01, as described above in "**Background.**" Any person granted an administrative release under the provision described in the preceding paragraph may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privilege of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition forfeited under section 2961.01 of the Revised Code may not be restored under the provision described in this paragraph. (R.C. 2967.17.)

Operation of the bill. The bill enacts an additional limitation upon the existing provision that addresses the potential reinstatement, in the specified circumstances, the rights and privileges forfeited by the prisoner's conviction. Under the bill, any person granted an administrative release under the existing provision described in the second preceding paragraph may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privileges of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition forfeited under section 2961.01 of the Revised Code may not be restored under the provision described in the preceding paragraph, and except that the privilege of holding a *position of honor, trust, or profit* (added by the bill) may not be restored under the provision to a person who was convicted of or pleaded guilty to committing on or after the bill's effective date any violation or offense described above in "**Lifetime ban against serving as a legislative agent, retirement system lobbyist, or executive agency lobbyist**" that is a felony. The bill defines "position of honor, trust, or profit," for purposes of this provision, as having the same

meaning as is described below in "*Forfeiture of retirement system benefits.*" (R.C. 2967.17(B).)

Prosecutor notice to public retirement system, if person charged with a felony holds a position of honor, trust, or profit

The bill provides that, upon the filing of charges against a person alleging that the person committed on or after the bill's effective date of this section any violation or offense identified in the next paragraph, if the person allegedly committed the violation or offense while serving in a position of honor, trust, or profit and if the person is an electing employee participating in an alternative retirement plan or a member of a public retirement system, the prosecutor who is assigned the case must send written notice that those charges have been filed against that person to the alternative retirement plan in which the person is a participant or the public retirement system in which the person is a member, whichever is applicable. The written notice must specifically identify the person charged.

The notification requirement described in the preceding paragraph applies when a person is charged with committing on or after the bill's effective date any offense or violation described below in "*Forfeiture of retirement system benefits*" that is a felony, in the circumstances specified regarding the offense or violation.

For purposes of these provisions, a violation of R.C. 2923.32 or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of the bill" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the bill's effective date. (R.C. 2901.43.)

The following terms are defined in R.C. 2901.43:

(1) "Public retirement system" means the Public Employees Retirement System, State Teachers Retirement System, School Employees Retirement System, Ohio Police and Fire Pension Fund, State Highway Patrol Retirement System, or a municipal retirement system of a municipal corporation of Ohio (R.C. 2901.43, by reference to existing R.C. 2907.15--not in the bill);

(2) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to courts of common pleas, includes the village solicitor, city director of law, or similar chief legal officer of a municipal corporation, any such officer's assistants, or any attorney designated by the prosecuting attorney of the



county to appear for the prosecution of a given case (R.C. 2901.43, by reference to existing R.C. 2907.15 and 2935.01--not in the bill);

(3) "Position of honor, trust, or profit" means an elective office of the state or any political subdivision thereof (R.C. 2901.43, by reference to R.C. 2929.192);

(4) "Alternative retirement plan" has the same meaning as in R.C. 2907.15 (R.C. 2901.43).

Forfeiture of retirement system benefits

Forfeiture order as part of criminal sentence

The bill provides that, if an offender is being sentenced for any felony offense described below that was committed on or after the bill's effective date, if the offender committed the offense while serving in a position of honor, trust, or profit, and if the offender, at the time of the commission of the offense, was a member of any public retirement system or a participant in an alternative retirement plan, in addition to any other sanction it imposes under the Felony Sentencing Law, the court generally must order the forfeiture to the public retirement system or alternative retirement plan in which the offender was a member or participant of the offender's right to a retirement allowance, pension, disability benefit, or other right or benefit, other than payment of the offender's accumulated contributions, earned by reason of the offender's being a member of the public retirement system or alternative retirement plan. A forfeiture ordered under this provision is part of, and must be included in, the sentence of the offender. The court must send a copy of the offender's sentence to the appropriate public retirement system or alternative retirement plan in which the offender was a member or participant.

In any case in which a sentencing court is required to order forfeiture of an offender's right to a retirement allowance, pension, disability benefit, or other right or benefit under the provision described in the preceding paragraph, the offender may request a hearing regarding the forfeiture by delivering to the court, prior to sentencing, a written request for a hearing. If a request for a hearing is made by the offender prior to sentencing, the court must conduct the hearing before sentencing. The court must notify the offender, the prosecutor who handled the criminal case, and the appropriate retirement system or alternative retirement plan provider, whichever is applicable, or, if more than one is specified in the motion, the applicable combination of these, of the hearing. A hearing scheduled under this division is limited to a consideration of whether there is good cause based on evidence presented by the offender for the forfeiture order not to be issued. If the court so determines, the court cannot issue the forfeiture order. If the offender does not request a hearing prior to sentencing or if the court conducts a hearing but

does not determine, based on evidence presented by the offender, that there is good cause for the forfeiture order not to be issued, the court must order the forfeiture described above and send a copy of the offender's sentence to the appropriate public retirement system or alternative retirement plan in which the offender was a member or participant.

Upon receipt of a copy of a journal entry imposing sentence on an offender that contains an order of forfeiture of a type described above, the public retirement system or alternative retirement plan in which the offender was a member or participant must comply with the forfeiture order on application for a refund of the accumulated contributions of the member or participant.

The forfeiture provisions described above apply regarding an offender who is convicted of or pleads guilty to any of the following offenses committed on or after the bill's effective date that is a felony and who committed the offense while serving in a position of honor, trust, or profit: (1) a violation of R.C. 2921.02 or 2923.32 or a violation of R.C. 2921.41 that is a felony of the third degree, (2) a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially equivalent to any violation listed in clause (1), or (3) a conspiracy to commit, attempt to commit, or complicity in committing any violation listed in clause (1) or described in clause (2).

For purposes of the provisions described above, a violation of R.C. 2923.32 or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of the bill section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the bill's effective date.

As used in the provisions described above:

(1) "Position of honor, trust, or profit" means any of the following: (a) an elective office of the state or any political subdivision of the state, (b) a position on any board or commission of the state that is appointed by the Governor or the Attorney General, (c) a position as a public official or employee, as defined in R.C. 102.01, who is required to file a disclosure statement under R.C. 102.02, (d) a position as a prosecutor, as defined in R.C. 2935.01, or (e) a position as a peace officer, as defined in R.C. 2935.01, or as the superintendent or a trooper of the State Highway Patrol. (R.C. 2929.192.)

(2) "Accumulated contributions" means:

(a) Regarding the Public Employees Retirement System, except as otherwise described in this paragraph, the sum of all amounts credited to a

contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under R.C. 145.471 or 145.472. For a member participating in a PERS defined contribution plan, "accumulated contributions" means the contributions made under R.C. 145.85 and any earnings on those contributions. For a member participating in a PERS defined contributions plan that includes definitely determinable benefits, "accumulated contributions" means the contributions made under R.C. 145.85 and any earnings on those contributions, and additionally includes any amounts paid by the member to purchase service credits. (R.C. 2929.192, by reference to existing R.C. 145.01--not in the bill).

(b) Regarding the Ohio Police and Fire Pension Fund, the amount payable to a member under division (G) of R.C. 742.37 (apparently, an amount equal to the sums deducted from the member's salary and credited to the member's account in the Fund; R.C. 2929.192, by reference to existing R.C. 742.37(G)--not in the bill);

(c) Regarding the State Teachers Retirement System, except as otherwise described in this paragraph, the sum of all amounts credited to a contributor's individual account in the teachers' savings fund together with any interest credited to the contributor's account at the rates approved by the State Teachers Retirement Board prior to retirement. For a member participating in an STRS defined contribution plan, "accumulated contributions" means the contributions made under R.C. 3307.26 to participate in a plan established under R.C. 3307.81 and any earnings on those contributions. For a member participating in an STRS defined contributions plan that includes definitely determinable benefits, "accumulated contributions" means the contributions made under R.C. 3307.26 to participate in a plan established under R.C. 3307.81 and any earnings on those contributions, and additionally includes any amounts paid by the member to purchase service credits. (R.C. 2929.192, by reference to existing R.C. 3307.50--not in the bill);

(d) Regarding the School Employees Retirement System, the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the Retirement Board prior to retirement, and also includes employee contributions made under R.C. 3309.85 and any earnings on those contributions (R.C. 2929.192, by reference to existing R.C. 3309.85--not in the bill);

(e) Regarding the State Highway Patrol Retirement System, the sum of the following credited to a member's individual account in the employees' savings fund: (i) all amounts deductible from the salary of the member, and (ii) all amounts paid by the member to purchase State Highway Patrol Retirement System service credit pursuant to R.C. Chapter 5505. or state law (R.C. 2929.192, by reference to existing R.C. 5505.01--not in the bill).

(f) Regarding an alternative retirement plan, the amounts contributed to an alternative retirement plan participant's account by the plan participant pursuant to R.C. 2205.06 and any earnings on those contributions (R.C. 2929.192).

Retirement system provisions

The bill enacts provisions in the laws governing the various public retirement systems that relate to the forfeiture orders described above.

In the Public Employees Retirement System Law, the bill provides that, notwithstanding any other provision of that Law, the following are subject to a forfeiture ordered under the provisions described above in **'Forfeiture order as part of criminal sentence'**: (1) the right of a member to receive any payment under a pension, annuity, allowance, or other type of benefit under that Law, other than a payment of the accumulated contributions standing to the person's credit under that Law, and (2) the right of a contributor to receive a benefit under R.C. 145.384(B), other than a payment of the person's contributions made under R.C. 145.38 or 145.383. The bill requires the Public Employees Retirement System to comply with the forfeiture order at the time the member or contributor applies for payment of the person's accumulated contributions. Upon payment of the person's contributions and cancellation of any corresponding service credit, a person who is subject to the forfeiture order may not restore any cancelled service credit under the Public Employees Retirement System Law or the provisions of R.C. Chapter 742., 3305., 3307., 3309., or 5505. (R.C. 145.572(A).)

In the Ohio Police and Fire Pension Fund Law, the Law governing providers of alternative retirement plans, the State Teachers Retirement System Law, the School Employees Retirement System Law, and the State Highway Patrol Retirement System Law, the bill provides that, notwithstanding any other provision of the particular body of Law, any payment of accumulated contributions standing to a person's credit under that body of Law and any other amount or amounts to be paid to a person who is a contributor under that body of Law upon the person's withdrawal of contributions pursuant to that body of Law is to be subject to any forfeiture ordered under the provisions described above in **"Forfeiture order as part of criminal sentence,"** and the particular system, fund, or provider must comply with that order in making the payment. Upon payment of the person's accumulated contributions and cancellation of the corresponding service credit, a person who is subject to the forfeiture may not restore the cancelled service credit under any of the specified bodies of Law. (R.C. 742.463(A), 3305.11(A), 3307.732(A), 3309.672(A), and 5505.262(A).)

For all of public retirement systems and providers of alternative retirement plans, notwithstanding any other provision of the body of Law governing the system or provider, if the system or provider receives notice pursuant to the



provision described above in **Prosecutor notice to public retirement system, if person charged with a felony holds a position of honor, trust, or profit**" that a person who has accumulated contributions standing to the person's credit pursuant to that body of Law is charged with any offense or violation described above in **"Forfeiture order as part of criminal sentence,"** all of the following apply (R.C. 145.572(B), 742.463(B), 3305.11(B), 3307.732(B), 3309.672(B), and 5505.262(B)):

(1) No payment of those accumulated contributions or of any other amount or amounts to be paid to a person who is a contributor under that body of Law upon the person's withdrawal of contributions pursuant to that body of Law may be made prior to whichever of the following is applicable: (a) if the person is convicted of or pleads guilty to the charge and forfeiture is ordered, the day on which the system or provider receives from the court a copy of the journal entry of the offender's sentence under that section, or (b) if the charge against the person is dismissed, the person is found not guilty of the charge, or the person is found not guilty by reason of insanity of the charge, the day on which the system or provider receives notice of the final disposition of the charge.

(2) The system or provider cannot process any application for payment under that body of Law from the person prior to the final disposition of the charge.

Reference in other laws

The bill modifies a number of existing laws that generally protect the right of a member of the Public Employees Retirement System, the Ohio Police and Fire Pension Fund, the State Teachers Retirement System, the School Employees Retirement System, or the State Highway Patrol Retirement System to receive a pension, allowance, or benefit free from execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other legal process, subject to specified exceptions, to include the provisions described above in **"Forfeiture provision"** within the list of specified exceptions (R.C. 145.56, 742.47, 3307.41, 3309.66, and 5505.22).

It modifies two provisions that address the vesting, subject to specified exceptions, of the right of a member of the Public Employees Retirement System or the School Employees Retirement System to payments or benefits to include the provisions above in **"Forfeiture provision"** within the list of specified exceptions (R.C. 145.95 and 3309.95).

It permits the board of the Public Employees Retirement System, the Ohio Police and Fire Pension Fund Law, the State Teachers Retirement System, the School Employees Retirement System to furnish to a prosecutor, in written request of the prosecutor, information requested from an individual's personal history

record if the person is a member, former member, contributor, former contributor, or retirant from the System who is subject to a forfeiture order described above in "**Forfeiture order as part of criminal sentence**" (R.C. 145.27(D)(1), 742.41(E)(1), 3307.20(E)(1), and 3309.22(D)(1)).

It specifies that R.C. 145.572, along with other sections specified under existing law, applies to a PERS defined contribution plan and that R.C. 3309.672, along with other sections specified under existing law, applies to a plan established under R.C. 3309.81 (R.C. 145.82(B) and 3309.82(B)).

In a provision that specifies that a person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, a person's right to a participant account in any deferred compensation program offered by a specified entity, or a person's other accrued or accruing rights generally are exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, it provides an exception, in addition to a few existing exceptions, in cases in which a forfeiture order described above in "**Forfeiture order as part of criminal sentence**" has been issued (R.C. 2329.66(A)(10)).

HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, S. Judiciary - Criminal Justice	---

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