

**Summary of SB 143, as passed by Senate**  
*(amendments in italics)*

**Information Collection and Disclosure**

- The Attorney General is authorized to release BCII information relating to:
  - The arrest of a person 18 or older, even if the person was not convicted, if: the arrest occurred outside Ohio, there is a criminal action pending resulting from the arrest and the superintendent confirms that the action has not been resolved, or BCII cannot determine whether there is a criminal action pending resulting from the arrest and it has been less than 1 year since the arrest (109.57)
  - The adjudication of a child as delinquent if:
    - No more than 5 years have elapsed since adjudication
    - The adjudication would have been a felony if committed by an adult
    - The records have not been sealed or expunged AND
    - The request for information is made under a mandatory criminal records check or a discretionary criminal records check (current law specifies who can request a discretionary records check) (109.57, 109.572, 109.578)
- The BCII is authorized to release information about the adjudication of a child for aggravated murder, murder, or a sexually-oriented offense, but *BCII is not permitted to release such information about sexually-oriented offenses if those records have been sealed.* (109.57)
- Disclosure of information regarding an individual receiving assistance pursuant to a Community Services Division block grant program is confidential but *is authorized if in compliance with a search warrant, subpoena, or other court order.* (122.681)
- *Other than the county of residence, age, gender, race, and charges, all identifying information of someone under 21 who is confined to an adult detention facility are confidential,* subject to some additional exceptions. (2151.311 and 2152.26)

**Juvenile Record Sealing**

- The current six-month waiting period for making a motion or application for the sealing of a juvenile's court records is eliminated *if the person is 18 or older. The six-month waiting period remains intact for persons under age 18.* (2151.356)
- *When the court orders a juvenile's records to be sealed, the court should send a notice to BCII and any other public office or agency that court believes may have a copy of the record to be sealed.* (2151.357)

**Community Alternative Sentencing Centers (307.932)**

- Boards of County Commissioners may establish (rather than "formulate a proposal for") community alternative sentencing centers and boards of adjoining or neighboring counties may jointly establish district community alternative sentencing centers.
- Such centers must be used for the confinement of eligible offenders sentenced directly to the center by a court located in any county (rather than a particular county) with a sanction of no more than 90 days (changed from 30 days) or an OVI term of confinement of no more than 90 days (changed from 60 days).
- An offender is eligible for community alternative sentencing even if he is serving or has been sentenced to serve any other jail term, prison term, or community residential sanction.
- If an offender is sentenced to a community alternative sentencing center, he cannot participate in community service without the approval of the sentencing court and the political subdivision (currently only political subdivision gives approval).
- A condition of a community alternative sanction must be the successful completion of a portion of the term in the center (rather than completion of the entire term in the center). (2929.26)

**Juvenile Detention and Juvenile Parole violations**

- "The best interests of the person" can be a reason for which an alleged or adjudicated delinquent child who is at least 18 but younger than 21 may be held in an adult facility. (2152.26)
- *A court that returns a child to DYS for a violation of supervised release can commit the child for a minimum period of 30 days and not longer than the date the child turns 21 subject to judicial release or the release authority of DYS after the 30 day minimum period (similarly changed in the Reclaim Ohio Law). (5139.01 and 5139.52)*

**HIV-Testing for Sexual Offenses (2907.27 and 2907.28)**

- Current law requires that someone accused of specified sexual offenses must submit to and incur the cost of an HIV test; under the bill, this includes someone accused of the former offense of felonious sexual penetration or a violation of a statute or ordinance in which by force or threat of force the accused compelled the victim to engage in sexual activity.
- If a court is required to order an HIV test, it must do so within 48 hours of the indictment, information or complaint; it must order follow-up tests if needed; and the results of the test and any follow-up tests must be provided to the victim, the accused, and the parents or guardian of the victim as soon as is practicable.
- A court may notify a person who is not the victim but who has had sexual contact with the offender that a test was performed and that person has a right to view the results. Test results may have to be reported to the Department of Health or the arresting law enforcement agency, depending on circumstances. Test results may also be used in a grand jury or judicial proceeding. Otherwise, test results may not be disclosed.

**Driving Under Suspension (4510.111 and 4510.16)**

- If a person is convicted of driving under suspension or cancellation the court is required to order that person to provide proof of financial responsibility and the court is authorized to order restitution if the person fails to provide it.

**Record-Sealing**

- A person charged with multiple offenses in connection with the same act may apply for the sealing of records pertaining to an individual acquitted charge. (2953.61)
- *Eligibility for record-sealing includes someone who has been convicted of any 2 misdemeanors (rather than 2 misdemeanors not of the same offense). (2953.31)*
- *Sealing a record under Sec. 2953.32 (Conviction Record Sealing) applies to individual convictions and bail forfeitures; sealing records under Sec. 2953.61 (Multiple Charges) is limited to charges that are dismissed or end in a finding of not guilty.*
- *State and local government officers are shielded from liability if, in good faith, they inadvertently release confidential information contained in a sealed record. (2953.35)*

**Prison Nursery Program (5120.651)**

- An offender with a maximum sentence of 3 years (rather than 18 months) is eligible for the Prison Nursery Program.

**Community Service Penalty (2947.23)**

- *Courts have discretion to determine the amount of community service credit of an offender who fails to pay a cost judgment; they can order more than 40 hours of community service per month.*

**Certificate of Qualification for Employment (2953.25)**

- *The court is authorized to direct the clerk of court to process and record all notices with respect to a Certificate of Qualification for Employment.*