

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until October 16, 2013 to proposed new Rule 95 and new Form 95 of the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed new rule and new form should be submitted in writing to: Diana Ramos-Reardon, Domestic Violence Counsel, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or Diana.Ramos-Reardon@sc.ohio.gov not later than October 16, 2013. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.
2. Language to be deleted appears ~~thus~~.
3. Language to be added appears thus.

**RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

**RULE 95.            Notifying Law Enforcement Agencies of Mental Illness.**

**(A)    Definitions**

As used in this rule:

(1)    “Local law enforcement agency” means the police department of a municipal corporation in which an offense occurred or, if the offense did not occur in a municipal corporation, the sheriff of the county in which the offense occurred.

(2)    “Mental illness” has the same meaning as in R.C. 5122.01.

(3)    “Offense of violence” has the same meaning as in R.C. 2901.01.

**(B)    Completion of form**

A court shall complete “Form 95” upon issuance, modification, or termination of a court order doing any of the following:

24 (1) Ordering a person who pled guilty to or who was convicted of an offense  
25 of violence to receive a mental health evaluation;

26  
27 (2) Ordering a person who pled guilty to or who was convicted of an offense  
28 of violence to receive treatment for mental illness;

29  
30 (3) Approving a conditional release of a person who was found not guilty by  
31 reason of insanity and the person was committed pursuant to R.C. 2945.40;

32  
33 (4) Approving a conditional release of a person who was found incompetent  
34 to stand trial with no substantial probability of becoming competent again even  
35 with a course of treatment and the person was committed pursuant to R.C.  
36 2945.39.

37  
38 **(C) Filing of form**

39  
40 Upon completion of "Form 95," a court shall file a copy of the court order and the form  
41 with the local law enforcement agency for entrance of the information into the "National  
42 Crime Information Center Supervised Release File" through the "Law Enforcement  
43 Automated Data System" pursuant to R.C. 2929.44(B) and 2945.402(E)(1).

**FORM 95: NCIC MENTAL HEALTH NOTICE**

Initial NCIC Notice       Modification of Previous Notice       Termination of Previous Notice

**NAME**

LAST \_\_\_\_\_ FIRST \_\_\_\_\_ M.I. \_\_\_\_\_

**ADDRESS**

STREET \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**PHYSICAL DESCRIPTION**

HGT \_\_\_\_\_ WGT \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

**NUMERICAL IDENTIFIER** (Only one identifier is required. Complete the entire line for identifiers #3 and #4.)

1. SSN \_\_\_\_\_ 2. DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 3. DRIVER'S LIC. NO. \_\_\_\_\_  
     NUMBER \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRATION YR. \_\_\_\_\_  
 4. VEHICLE LIC. NO. \_\_\_\_\_  
     NUMBER \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRATION YR. \_\_\_\_\_ LIC. TYPE \_\_\_\_\_

**COURT NAME**

**CASE/ORDER NO.**

**COURT ORI**

(9 DIGIT ORI ASSIGNED BY NCIC)

**OFFENSES**

<input type="checkbox"/> R.C. 2903.01 Aggravated Murder	<input type="checkbox"/> R.C. 2903.02 Murder	<input type="checkbox"/> R.C. 2903.03 Voluntary Manslaughter	<input type="checkbox"/> R.C. 2903.04 Involuntary Manslaughter
<input type="checkbox"/> R.C. 2903.11 Felony Assault	<input type="checkbox"/> R.C. 2903.12 Aggravated Assault	<input type="checkbox"/> R.C. 2903.13 Assault	<input type="checkbox"/> R.C. 2903.15 Permitting Child Abuse
<input type="checkbox"/> R.C. 2903.21 Aggravated Menacing	<input type="checkbox"/> R.C. 2903.211 Menacing by Stalking	<input type="checkbox"/> R.C. 2903.22 Menacing	<input type="checkbox"/> R.C. 2905.01 Kidnapping
<input type="checkbox"/> R.C. 2905.02 Abduction	<input type="checkbox"/> R.C. 2905.11 Extortion	<input type="checkbox"/> R.C. 2905.32 Trafficking in Persons	<input type="checkbox"/> R.C. 2907.02 Rape
<input type="checkbox"/> R.C. 2907.03 Sexual Battery	<input type="checkbox"/> R.C. 2907.05 Gross Sexual Imposition	<input type="checkbox"/> R.C. 2909.02 Aggravated Arson	<input type="checkbox"/> R.C. 2909.03 Arson
<input type="checkbox"/> R.C. 2909.24 Terrorism	<input type="checkbox"/> R.C. 2911.01 Aggravated Robbery	<input type="checkbox"/> R.C. 2911.02 Robbery	<input type="checkbox"/> R.C. 2911.11 Aggravated Burglary
<input type="checkbox"/> R.C. 2911.12(A)(1) Burglary	<input type="checkbox"/> R.C. 2911.12(A)(2) Burglary	<input type="checkbox"/> R.C. 2911.12(A)(3) Burglary	<input type="checkbox"/> R.C. 2917.01 Inciting Violence
<input type="checkbox"/> R.C. 2917.02 Aggravated Riot	<input type="checkbox"/> R.C. 2917.03 Riot	<input type="checkbox"/> R.C. 2917.31 Inducing Panic	<input type="checkbox"/> R.C. 2919.22(B)(1) Endangering Children
<input type="checkbox"/> R.C. 2919.22(B)(2) Endangering Children	<input type="checkbox"/> R.C. 2919.22(B)(3) Endangering Children	<input type="checkbox"/> R.C. 2919.22(B)(4) Endangering Children	<input type="checkbox"/> R.C. 2919.25 Domestic Violence
<input type="checkbox"/> R.C. 2921.03 Intimidation	<input type="checkbox"/> R.C. 2921.04 Intimidate Witness/ Attorney		<input type="checkbox"/> R.C. 2921.34 Escape
<input type="checkbox"/> Former R.C. 2907.12 Felony Sexual Penetration	<input type="checkbox"/> R.C. 2923.161 Discharging Firearm in School or Home		<input type="checkbox"/> Other: <i>Indicate offense below</i>

A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed as an offense of violence. R.C. or Ord. \_\_\_\_\_

An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons. R.C. or Ord. \_\_\_\_\_

A conspiracy or attempt to commit, or complicity in committing, any offense of violence. R.C. or Ord. \_\_\_\_\_

**FORM 95: NCIC MENTAL HEALTH NOTICE**

**Effective Date:** \_\_\_\_\_

**MISCELLANEOUS FIELD**

Defendant pled guilty to or was convicted of an offense of violence and was ordered by the court to receive a mental health evaluation.

Defendant pled guilty to or was convicted of an offense of violence and was ordered by the court to receive treatment for mental illness.

Defendant was found not guilty by reason of insanity, and committed pursuant to R.C.2945.40. The defendant's motion for a conditional release was approved by the court for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant was found incompetent to stand trial with no substantial probability of becoming competent again even with a course of treatment, and committed pursuant to R.C. 2945.39. The defendant's motion for a conditional release was approved by the court for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DATE OF ORDER:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**TERMINATION OF ORDER:**  **NONEXPIRING (NONEXP) OR** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*NOTE:* Indicate "NONEXPIRING" if the date on which the order would terminate is not known at the time the Court issued the Order. When the termination date is known, complete a new Form 95 and check "Termination of Previous Notice" on page 1.

**DATE CONDITIONAL RELEASE OR COMMITMENT TERMINATES:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**SUPERVISING OFFICER:**

\_\_\_\_\_  
LAST NAME FIRST NAME  
\_\_\_\_\_  
TELEPHONE = \_\_\_\_\_ = \_\_\_\_\_

*NOTE:* Supervising Officer is the probation officer or forensic monitor to whom the Defendant reports.

**ORDERED BY:** \_\_\_\_\_ **DATE** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
**Judge/Magistrate (circle one)**