



Ohio Administrative Code

Rule 5120-16-01 Confidentiality application for persons who assist in carrying out a court-ordered sentence of death by lethal injection.

Effective: April 13, 2015

(A) Section 2949.221 of the Revised Code was enacted to protect the identities of persons who assist the department of rehabilitation and correction in carrying out a court-ordered sentence of death by lethal injection, in order to protect those persons from harassment and potential physical harm.

Pursuant to division (D)(2) of section 2949.221 of the Revised Code, a person who is not an individual must apply in writing to the director of the department of rehabilitation and correction to receive the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code. The purpose of this rule is to establish the procedure according to which a person who is not an individual may apply in writing to the director of the department of rehabilitation and correction for recognition of the rights, protections and limitations described in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code.

(B) As used in this rule, person has the same meaning as in section 1.59 of the Revised Code (person includes an individual, corporation, business trust, estate, trust, partnership, and association).

(C) The application procedure for a person who is not an individual to receive the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code is as follows:

(1) The person shall submit an application in the form of a letter or other written document to the director of the department of rehabilitation and correction, addressed to the current address of the departments operation support center. The application, in the form of a letter or other written document, shall:

(a) Identify the person by name, address and phone number;

(b) Identify the persons principal contact and his or her phone number and address;

(c) Identify the activity under division (B) of section 2949.221 of the Revised Code that qualifies the



person for the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code;

(d) Expressly request that the director grant the persons application for the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code.

(2) Upon receipt of a persons application submitted pursuant to paragraph (C)(1) of this rule, the director, or the directors designee, shall review the application to determine whether the application complies with the procedures set forth in this rule.

(3) If a persons application complies with the procedures set forth in this rule, the director, or directors designee, may approve the persons application and provide written notice of such approval to the persons principal contact identified in the application.

(a) The directors approval notice shall advise the person that the person is entitled to the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code for a period of twenty years after the person ceases the qualifying activity described in the application pursuant to paragraph (C)(1)(c) of this rule.

(b) The director's approval notice shall also advise that, upon cessation of the qualifying activity contemplated by section 2949.221 of the Revised Code, the person must send written notice to the director of the department of rehabilitation and correction, addressed to the current address of the departments operation support center, advising that the person has ceased the qualifying activity and advising of the specific date the qualifying activity ceased.

(4) If a persons application does not comply with the procedures set forth in this rule, the director, or the directors designee, may deny the application and provide written notice to the persons principal contact identified in the application of the applications deficiencies.

(5) The denial of a persons application does not bar the person from submitting an additional application.

(6) All approved applications and director's approval notices are entitled to the rights, protections



and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code. If any application of a person is denied by the director due to non-compliance with this rule, but that person subsequently submits an application that is approved by the director, then any prior denied applications of that person and any related director's notices of deficiencies concerning those prior applications shall also be entitled to the rights, protections and limitations specified in divisions (B)(1), (B)(2), and (B)(3) of section 2949.221 of the Revised Code.