

5120-16-01

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

- (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 Revised Code Section 2949.221(D)(2), 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), (2), and (3) of Revised Code Section 2949.221. 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), (2), and (3) of section 2949.221 of the Ohio Revised.
- (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), (2), and (3) of Revised Code Section 2949.221 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 department’s 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 person’s principal contact and his or her phone number and address;
 - (c) Identify the activity under division (B) of section 2949.221 of the Ohio Revised Code that qualifies the person for the rights, protections and limitations specified in divisions (B)(1), (2), and (3) of Revised Code Section 2949.221;
 - (d) Expressly request that the director grant the person’s application for the rights, protections and limitations specified in divisions (B)(1), (2), and (3) of Revised Code Section 2949.221.
 - (2) Upon receipt of a person’s application submitted pursuant to division (C)(1) of this rule, the director, or the director’s designee, shall review the application to determine whether the application complies with the procedures set forth in this rule.

- (3) If a person's application complies with the procedures set forth in this rule, the director, or director's designee, may approve the person's application and provide written notice of such approval to the person's principal contact identified in the application.
- (a) The director's approval notice shall advise the person that the person is entitled to the rights, protections and limitations specified in divisions (B)(1), (2), and (3) of Revised Code Section 2949.221 for a period of twenty years after the person ceases the qualifying activity described in the application pursuant to division (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, the person must send written notice to the director of the department of rehabilitation and correction, addressed to the current address of the department's 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 person's application does not comply with the procedures set forth in this rule, the director, or the director's designee, may deny the application and provide written notice to the person's principal contact identified in the application of the application's deficiencies.
- (5) The denial of a person's 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), (2), and (3) of Revised Code Section 2949.221. 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), (2), and (3) of Revised Code Section 2949.221.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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