

As Introduced

132nd General Assembly

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H. B. No. 515

Representative Pelanda

**Cosponsors: Representatives Antonio, Romanchuk, Smith, K., Fedor, Hambley,
Becker, Boggs, Schaffer, West**

A BILL

To amend sections 2919.22, 3107.017, 3107.05, 1
3109.51, 4510.13, 4510.31, and 5101.13 and to 2
enact sections 3107.035, 3109.81, 3109.811, 3
3109.812, 3109.813, 3109.814, and 3109.815 of 4
the Revised Code regarding child rehoming and 5
nonjudicial grants of parental rights. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2919.22, 3107.017, 3107.05, 7
3109.51, 4510.13, 4510.31, and 5101.13 be amended and sections 8
3107.035, 3109.81, 3109.811, 3109.812, 3109.813, 3109.814, and 9
3109.815 of the Revised Code be enacted to read as follows: 10

Sec. 2919.22. (A) No person, who is the parent, guardian, 11
custodian, person having custody or control, or person in loco 12
parentis of a child under eighteen years of age or a mentally or 13
physically handicapped child under twenty-one years of age, 14
shall create a substantial risk to the health or safety of the 15
child, by violating a duty of care, protection, or support. It 16
is not a violation of a duty of care, protection, or support 17
under this division when the parent, guardian, custodian, or 18

person having custody or control of a child treats the physical 19
or mental illness or defect of the child by spiritual means 20
through prayer alone, in accordance with the tenets of a 21
recognized religious body. 22

(B) No person shall do any of the following to a child 23
under eighteen years of age or a mentally or physically 24
handicapped child under twenty-one years of age: 25

(1) Abuse the child; 26

(2) Torture or cruelly abuse the child; 27

(3) Administer corporal punishment or other physical 28
disciplinary measure, or physically restrain the child in a 29
cruel manner or for a prolonged period, which punishment, 30
discipline, or restraint is excessive under the circumstances 31
and creates a substantial risk of serious physical harm to the 32
child; 33

(4) Repeatedly administer unwarranted disciplinary 34
measures to the child, when there is a substantial risk that 35
such conduct, if continued, will seriously impair or retard the 36
child's mental health or development; 37

(5) Entice, coerce, permit, encourage, compel, hire, 38
employ, use, or allow the child to act, model, or in any other 39
way participate in, or be photographed for, the production, 40
presentation, dissemination, or advertisement of any material or 41
performance that the offender knows or reasonably should know is 42
obscene, is sexually oriented matter, or is nudity-oriented 43
matter; 44

(6) Allow the child to be on the same parcel of real 45
property and within one hundred feet of, or, in the case of more 46
than one housing unit on the same parcel of real property, in 47

the same housing unit and within one hundred feet of, any act in 48
violation of section 2925.04 or 2925.041 of the Revised Code 49
when the person knows that the act is occurring, whether or not 50
any person is prosecuted for or convicted of the violation of 51
section 2925.04 or 2925.041 of the Revised Code that is the 52
basis of the violation of this division; 53

(7) Sell or transfer, or arrange to sell or transfer, a 54
child for anything of value; 55

(8) (a) (i) Receive or place a child in the custody of 56
another person, with the intent that the child remain in the 57
person's custody for more than one year; 58

(ii) Receive or place a child in the custody of another 59
person, with the intent that the child remain in that person's 60
custody for a reason other than a vacation or school sponsored 61
function or activity or because of a parent's incarceration, 62
military service, medical treatment, or incapacity. 63

(b) For purposes of division (B) (8) of this section, 64
"receive or place a child in the custody of another person" 65
means both of the following: 66

(i) To grant or be granted any of the parents', 67
guardian's, or custodian's rights and responsibilities regarding 68
the care, custody, and control of the child; 69

(ii) To have the child reside with the person. 70

(C) (1) No person shall operate a vehicle, streetcar, or 71
trackless trolley within this state in violation of division (A) 72
of section 4511.19 of the Revised Code when one or more children 73
under eighteen years of age are in the vehicle, streetcar, or 74
trackless trolley. Notwithstanding any other provision of law, a 75
person may be convicted at the same trial or proceeding of a 76

violation of this division and a violation of division (A) of 77
section 4511.19 of the Revised Code that constitutes the basis 78
of the charge of the violation of this division. For purposes of 79
sections 4511.191 to 4511.197 of the Revised Code and all 80
related provisions of law, a person arrested for a violation of 81
this division shall be considered to be under arrest for 82
operating a vehicle while under the influence of alcohol, a drug 83
of abuse, or a combination of them or for operating a vehicle 84
with a prohibited concentration of alcohol, a controlled 85
substance, or a metabolite of a controlled substance in the 86
whole blood, blood serum or plasma, breath, or urine. 87

(2) As used in division (C) (1) of this section: 88

(a) "Controlled substance" has the same meaning as in 89
section 3719.01 of the Revised Code. 90

(b) "Vehicle," "streetcar," and "trackless trolley" have 91
the same meanings as in section 4511.01 of the Revised Code. 92

(D) (1) Division (B) (5) of this section does not apply to 93
any material or performance that is produced, presented, or 94
disseminated for a bona fide medical, scientific, educational, 95
religious, governmental, judicial, or other proper purpose, by 96
or to a physician, psychologist, sociologist, scientist, 97
teacher, person pursuing bona fide studies or research, 98
librarian, member of the clergy, prosecutor, judge, or other 99
person having a proper interest in the material or performance. 100

(2) Mistake of age is not a defense to a charge under 101
division (B) (5) of this section. 102

(3) In a prosecution under division (B) (5) of this 103
section, the trier of fact may infer that an actor, model, or 104
participant in the material or performance involved is a 105

juvenile if the material or performance, through its title, 106
text, visual representation, or otherwise, represents or depicts 107
the actor, model, or participant as a juvenile. 108

(4) As used in this division and division (B) (5) of this 109
section: 110

(a) "Material," "performance," "obscene," and "sexual 111
activity" have the same meanings as in section 2907.01 of the 112
Revised Code. 113

(b) "Nudity-oriented matter" means any material or 114
performance that shows a minor in a state of nudity and that, 115
taken as a whole by the average person applying contemporary 116
community standards, appeals to prurient interest. 117

(c) "Sexually oriented matter" means any material or 118
performance that shows a minor participating or engaging in 119
sexual activity, masturbation, or bestiality. 120

(E) Division (B) (8) of this section does not apply in any 121
of the following situations: 122

(1) Voluntary delivery of a child, and that child's 123
subsequent care in accordance with sections 2151.3515 to 124
2151.3530 of the Revised Code; 125

(2) The child is related by consanguinity or affinity 126
within the fifth degree to the person receiving the child. 127

(3) Placement in accordance with Chapter 5103. of the 128
Revised Code; 129

(4) Placement in accordance with any court order. 130

(F) (1) Whoever violates this section is guilty of 131
endangering children. 132

(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following, and, in the circumstances described in division ~~(E)~~(F)(2)(e) of this section, that division applies:

(a) Except as otherwise provided in division ~~(E)~~(F)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree;

(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division ~~(E)~~(F)(2)(c) or (d) of this section, a felony of the fourth degree;

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;

(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree.

(e) If the violation is a felony violation of division (B)(1) of this section and the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code.

(3) If the offender violates division (B)(2), (3), (4), or (6) of this section, except as otherwise provided in this

division, endangering children is a felony of the third degree. 162
If the violation results in serious physical harm to the child 163
involved, or if the offender previously has been convicted of an 164
offense under this section or of any offense involving neglect, 165
abandonment, contributing to the delinquency of, or physical 166
abuse of a child, endangering children is a felony of the second 167
degree. If the offender violates division (B) (2), (3), or (4) of 168
this section and the offender also is convicted of or pleads 169
guilty to a specification as described in section 2941.1422 of 170
the Revised Code that was included in the indictment, count in 171
the indictment, or information charging the offense, the court 172
shall sentence the offender to a mandatory prison term as 173
provided in division (B) (7) of section 2929.14 of the Revised 174
Code and shall order the offender to make restitution as 175
provided in division (B) (8) of section 2929.18 of the Revised 176
Code. If the offender violates division (B) (6) of this section 177
and the drug involved is methamphetamine, the court shall impose 178
a mandatory prison term on the offender as follows: 179

(a) If the violation is a violation of division (B) (6) of 180
this section that is a felony of the third degree under division 181
~~(E)~~ (F) (3) of this section and the drug involved is 182
methamphetamine, except as otherwise provided in this division, 183
the court shall impose as a mandatory prison term one of the 184
prison terms prescribed for a felony of the third degree that is 185
not less than two years. If the violation is a violation of 186
division (B) (6) of this section that is a felony of the third 187
degree under division ~~(E)~~ (F) (3) of this section, if the drug 188
involved is methamphetamine, and if the offender previously has 189
been convicted of or pleaded guilty to a violation of division 190
(B) (6) of this section, a violation of division (A) of section 191
2925.04 of the Revised Code, or a violation of division (A) of 192

section 2925.041 of the Revised Code, the court shall impose as 193
a mandatory prison term one of the prison terms prescribed for a 194
felony of the third degree that is not less than five years. 195

(b) If the violation is a violation of division (B)(6) of 196
this section that is a felony of the second degree under 197
division ~~(E)~~(F)(3) of this section and the drug involved is 198
methamphetamine, except as otherwise provided in this division, 199
the court shall impose as a mandatory prison term one of the 200
prison terms prescribed for a felony of the second degree that 201
is not less than three years. If the violation is a violation of 202
division (B)(6) of this section that is a felony of the second 203
degree under division ~~(E)~~(F)(3) of this section, if the drug 204
involved is methamphetamine, and if the offender previously has 205
been convicted of or pleaded guilty to a violation of division 206
(B)(6) of this section, a violation of division (A) of section 207
2925.04 of the Revised Code, or a violation of division (A) of 208
section 2925.041 of the Revised Code, the court shall impose as 209
a mandatory prison term one of the prison terms prescribed for a 210
felony of the second degree that is not less than five years. 211

(4) If the offender violates division (B)(5) of this 212
section, endangering children is a felony of the second degree. 213
If the offender also is convicted of or pleads guilty to a 214
specification as described in section 2941.1422 of the Revised 215
Code that was included in the indictment, count in the 216
indictment, or information charging the offense, the court shall 217
sentence the offender to a mandatory prison term as provided in 218
division (B)(7) of section 2929.14 of the Revised Code and shall 219
order the offender to make restitution as provided in division 220
(B)(8) of section 2929.18 of the Revised Code. 221

(5)(a) If the offender violates division (B)(7) or (8) of 222

this section for a first offense, endangering children is a 223
felony of the fifth degree. 224

(b) If the offender previously has been convicted of an 225
offense under division (B) (7) or (8) of this section and 226
subsequently violates division (B) (7) or (8) of this section, 227
endangering children is a felony of the fourth degree. 228

(6) If the offender violates division (C) of this section, 229
the offender shall be punished as follows: 230

(a) Except as otherwise provided in division ~~(E) (5)~~ (F) (6) 231
(b) or (c) of this section, endangering children in violation of 232
division (C) of this section is a misdemeanor of the first 233
degree. 234

(b) If the violation results in serious physical harm to 235
the child involved or the offender previously has been convicted 236
of an offense under this section or any offense involving 237
neglect, abandonment, contributing to the delinquency of, or 238
physical abuse of a child, except as otherwise provided in 239
division ~~(E) (5)~~ (F) (6) (c) of this section, endangering children 240
in violation of division (C) of this section is a felony of the 241
fifth degree. 242

(c) If the violation results in serious physical harm to 243
the child involved and if the offender previously has been 244
convicted of a violation of division (C) of this section, 245
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 246
of the Revised Code as it existed prior to March 23, 2000, or 247
section 2903.04 of the Revised Code in a case in which the 248
offender was subject to the sanctions described in division (D) 249
of that section, endangering children in violation of division 250
(C) of this section is a felony of the fourth degree. 251

(d) In addition to any term of imprisonment, fine, or 252
other sentence, penalty, or sanction it imposes upon the 253
offender pursuant to division ~~(E) (5)~~ (F) (6) (a), (b), or (c) of 254
this section or pursuant to any other provision of law and in 255
addition to any suspension of the offender's driver's or 256
commercial driver's license or permit or nonresident operating 257
privilege under Chapter 4506., 4509., 4510., or 4511. of the 258
Revised Code or under any other provision of law, the court also 259
may impose upon the offender a class seven suspension of the 260
offender's driver's or commercial driver's license or permit or 261
nonresident operating privilege from the range specified in 262
division (A) (7) of section 4510.02 of the Revised Code. 263

(e) In addition to any term of imprisonment, fine, or 264
other sentence, penalty, or sanction imposed upon the offender 265
pursuant to division ~~(E) (5)~~ (F) (6) (a), (b), (c), or (d) of this 266
section or pursuant to any other provision of law for the 267
violation of division (C) of this section, if as part of the 268
same trial or proceeding the offender also is convicted of or 269
pleads guilty to a separate charge charging the violation of 270
division (A) of section 4511.19 of the Revised Code that was the 271
basis of the charge of the violation of division (C) of this 272
section, the offender also shall be sentenced in accordance with 273
section 4511.19 of the Revised Code for that violation of 274
division (A) of section 4511.19 of the Revised Code. 275

~~(F)~~ (G) (1) (a) A court may require an offender to perform 276
not more than two hundred hours of supervised community service 277
work under the authority of an agency, subdivision, or 278
charitable organization. The requirement shall be part of the 279
community control sanction or sentence of the offender, and the 280
court shall impose the community service in accordance with and 281
subject to divisions ~~(F)~~ (G) (1) (a) and (b) of this section. The 282

court may require an offender whom it requires to perform 283
supervised community service work as part of the offender's 284
community control sanction or sentence to pay the court a 285
reasonable fee to cover the costs of the offender's 286
participation in the work, including, but not limited to, the 287
costs of procuring a policy or policies of liability insurance 288
to cover the period during which the offender will perform the 289
work. If the court requires the offender to perform supervised 290
community service work as part of the offender's community 291
control sanction or sentence, the court shall do so in 292
accordance with the following limitations and criteria: 293

(i) The court shall require that the community service 294
work be performed after completion of the term of imprisonment 295
or jail term imposed upon the offender for the violation of 296
division (C) of this section, if applicable. 297

(ii) The supervised community service work shall be 298
subject to the limitations set forth in divisions (B) (1), (2), 299
and (3) of section 2951.02 of the Revised Code. 300

(iii) The community service work shall be supervised in 301
the manner described in division (B) (4) of section 2951.02 of 302
the Revised Code by an official or person with the 303
qualifications described in that division. The official or 304
person periodically shall report in writing to the court 305
concerning the conduct of the offender in performing the work. 306

(iv) The court shall inform the offender in writing that 307
if the offender does not adequately perform, as determined by 308
the court, all of the required community service work, the court 309
may order that the offender be committed to a jail or workhouse 310
for a period of time that does not exceed the term of 311
imprisonment that the court could have imposed upon the offender 312

for the violation of division (C) of this section, reduced by 313
the total amount of time that the offender actually was 314
imprisoned under the sentence or term that was imposed upon the 315
offender for that violation and by the total amount of time that 316
the offender was confined for any reason arising out of the 317
offense for which the offender was convicted and sentenced as 318
described in sections 2949.08 and 2967.191 of the Revised Code, 319
and that, if the court orders that the offender be so committed, 320
the court is authorized, but not required, to grant the offender 321
credit upon the period of the commitment for the community 322
service work that the offender adequately performed. 323

(b) If a court, pursuant to division ~~(F)~~(G)(1)(a) of this 324
section, orders an offender to perform community service work as 325
part of the offender's community control sanction or sentence 326
and if the offender does not adequately perform all of the 327
required community service work, as determined by the court, the 328
court may order that the offender be committed to a jail or 329
workhouse for a period of time that does not exceed the term of 330
imprisonment that the court could have imposed upon the offender 331
for the violation of division (C) of this section, reduced by 332
the total amount of time that the offender actually was 333
imprisoned under the sentence or term that was imposed upon the 334
offender for that violation and by the total amount of time that 335
the offender was confined for any reason arising out of the 336
offense for which the offender was convicted and sentenced as 337
described in sections 2949.08 and 2967.191 of the Revised Code. 338
The court may order that a person committed pursuant to this 339
division shall receive hour-for-hour credit upon the period of 340
the commitment for the community service work that the offender 341
adequately performed. No commitment pursuant to this division 342
shall exceed the period of the term of imprisonment that the 343

sentencing court could have imposed upon the offender for the 344
violation of division (C) of this section, reduced by the total 345
amount of time that the offender actually was imprisoned under 346
that sentence or term and by the total amount of time that the 347
offender was confined for any reason arising out of the offense 348
for which the offender was convicted and sentenced as described 349
in sections 2949.08 and 2967.191 of the Revised Code. 350

(2) Division ~~(F)~~(G) (1) of this section does not limit or 351
affect the authority of the court to suspend the sentence 352
imposed upon a misdemeanor offender and place the offender under 353
a community control sanction pursuant to section 2929.25 of the 354
Revised Code, to require a misdemeanor or felony offender to 355
perform supervised community service work in accordance with 356
division (B) of section 2951.02 of the Revised Code, or to place 357
a felony offender under a community control sanction. 358

~~(G)~~(H) (1) If a court suspends an offender's driver's or 359
commercial driver's license or permit or nonresident operating 360
privilege under division ~~(E) (5)~~(F) (6) (d) of this section, the 361
period of the suspension shall be consecutive to, and commence 362
after, the period of suspension of the offender's driver's or 363
commercial driver's license or permit or nonresident operating 364
privilege that is imposed under Chapter 4506., 4509., 4510., or 365
4511. of the Revised Code or under any other provision of law in 366
relation to the violation of division (C) of this section that 367
is the basis of the suspension under division ~~(E) (5)~~(F) (6) (d) of 368
this section or in relation to the violation of division (A) of 369
section 4511.19 of the Revised Code that is the basis for that 370
violation of division (C) of this section. 371

(2) An offender is not entitled to request, and the court 372
shall not grant to the offender, limited driving privileges if 373

the offender's license, permit, or privilege has been suspended 374
under division ~~(E) (5)~~ (F) (6) (d) of this section and the offender, 375
within the preceding six years, has been convicted of or pleaded 376
guilty to three or more violations of one or more of the 377
following: 378

(a) Division (C) of this section; 379

(b) Any equivalent offense, as defined in section 4511.181 380
of the Revised Code. 381

~~(H)~~ (I) (1) If a person violates division (C) of this 382
section and if, at the time of the violation, there were two or 383
more children under eighteen years of age in the motor vehicle 384
involved in the violation, the offender may be convicted of a 385
violation of division (C) of this section for each of the 386
children, but the court may sentence the offender for only one 387
of the violations. 388

(2) (a) If a person is convicted of or pleads guilty to a 389
violation of division (C) of this section but the person is not 390
also convicted of and does not also plead guilty to a separate 391
charge charging the violation of division (A) of section 4511.19 392
of the Revised Code that was the basis of the charge of the 393
violation of division (C) of this section, both of the following 394
apply: 395

(i) For purposes of the provisions of section 4511.19 of 396
the Revised Code that set forth the penalties and sanctions for 397
a violation of division (A) of section 4511.19 of the Revised 398
Code, the conviction of or plea of guilty to the violation of 399
division (C) of this section shall not constitute a violation of 400
division (A) of section 4511.19 of the Revised Code; 401

(ii) For purposes of any provision of law that refers to a 402

conviction of or plea of guilty to a violation of division (A) 403
of section 4511.19 of the Revised Code and that is not described 404
in division ~~(H)~~(I) (2) (a) (i) of this section, the conviction of 405
or plea of guilty to the violation of division (C) of this 406
section shall constitute a conviction of or plea of guilty to a 407
violation of division (A) of section 4511.19 of the Revised 408
Code. 409

(b) If a person is convicted of or pleads guilty to a 410
violation of division (C) of this section and the person also is 411
convicted of or pleads guilty to a separate charge charging the 412
violation of division (A) of section 4511.19 of the Revised Code 413
that was the basis of the charge of the violation of division 414
(C) of this section, the conviction of or plea of guilty to the 415
violation of division (C) of this section shall not constitute, 416
for purposes of any provision of law that refers to a conviction 417
of or plea of guilty to a violation of division (A) of section 418
4511.19 of the Revised Code, a conviction of or plea of guilty 419
to a violation of division (A) of section 4511.19 of the Revised 420
Code. 421

~~(I)~~(J) As used in this section: 422

(1) "Community control sanction" has the same meaning as 423
in section 2929.01 of the Revised Code; 424

(2) "Limited driving privileges" has the same meaning as 425
in section 4501.01 of the Revised Code; 426

(3) "Methamphetamine" has the same meaning as in section 427
2925.01 of the Revised Code. 428

Sec. 3107.017. (A) The department of job and family 429
services shall develop a standardized form for the disclosure of 430
information about a prospective adoptive child to prospective 431

adoptive parents. ~~The information disclosed shall include all~~ 432
~~background information available on the child.~~ The department 433
shall distribute the form to all agencies. 434

(B) The form shall disclose the following information: 435

(1) All the following information, if applicable: 436

(a) Any physical, mental, or emotional conditions common 437
in the child's country of origin that the child may have 438
experienced or been exposed to and that may have affected the 439
child's physical and mental health; 440

(b) The child's adoptive placement history, including 441
reasons for any disruption in placement. 442

(2) All other background information available on the 443
child. 444

Sec. 3107.035. Any training that the department of job and 445
family services may require for a prospective adoptive parent 446
shall include instruction regarding divisions (B) (7) and (8) of 447
section 2919.22 and sections 3109.81 to 3109.813 of the Revised 448
Code. 449

Sec. 3107.05. (A) A petition for adoption shall be 450
prepared and filed according to the procedure for commencing an 451
action under the Rules of Civil Procedure. It shall include the 452
following information: 453

(1) The date and place of birth of the person to be 454
adopted, if known; 455

(2) The name of the person to be adopted, if known; 456

(3) The name to be used for the person to be adopted; 457

(4) The date of placement of a minor and the name of the 458

person placing the minor;	459
(5) The full name, age, place, and duration of residence of the petitioner;	460 461
(6) The marital status of the petitioner, including the date and place of marriage, if married;	462 463
(7) The relationship to the petitioner of the person to be adopted;	464 465
(8) That the petitioner has facilities and resources suitable to provide for the nurture and care of the person to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted;	466 467 468 469 470
(9) A description and estimate of value of all property of the person to be adopted;	471 472
(10) The name and address, if known, of any person whose consent to the adoption is required, but who has not consented, and facts that explain the lack of the consent normally required to the adoption;	473 474 475 476
<u>(11) A certification by the petitioner that the petitioner is aware of the provisions of divisions (B) (7) and (8) of section 2919.22 and sections 3109.81 to 3109.813 of the Revised Code.</u>	477 478 479 480
(B) A certified copy of the birth certificate of the person to be adopted, if available, and ordinary copies of the required consents, and relinquishments of consents, if any, shall be filed with the clerk.	481 482 483 484
Sec. 3109.51. As used in sections 3109.52 to 3109.80 <u>3109.815</u> of the Revised Code:	485 486

(A) "Child" means a person under eighteen years of age.	487
(B) "Custodian" means an individual with legal custody of a child.	488 489
(C) "Guardian" means an individual granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights, privileges, and responsibilities of the child's parents.	490 491 492 493 494
(D) "Legal custody" and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.	495 496 497
<u>Sec. 3109.81. As used in sections 3109.811 to 3109.813 of the Revised Code, "mandatory reporter" means any person listed in division (A)(1)(b) of section 2151.421 of the Revised Code.</u>	498 499 500
<u>Sec. 3109.811. (A) Except as provided in division (B) of this section, when an attorney in fact under a document that purports to grant to a person with whom a child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical control, and custody of the child requests registration in a school, medical treatment, or other services for a child and presents the document as authority for requesting the services, the mandatory reporter shall promptly investigate whether the child has been placed with the attorney in fact due to a vacation, school sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity. The mandatory reporter shall also investigate how long the child has been placed with the attorney in fact. If the mandatory reporter determines that the child has been placed for</u>	501 502 503 504 505 506 507 508 509 510 511 512 513 514 515

more than one year or that the child has been placed for a 516
reason other than because of a vacation, school sponsored 517
function or activity, or because of a parent's incarceration, 518
military service, medical treatment, or incapacity, the 519
mandatory reporter shall promptly report the request, in 520
writing, to the public children services agency of the county in 521
which the child resides. The report shall include the name and 522
address of the attorney in fact and of the child, the child's 523
age, and the nature of the services requested. 524

(B) A mandatory reporter is not required to conduct an 525
investigation or make a report under division (A) of this 526
section if either of the following apply: 527

(1) The document presented appears to be a valid court 528
order, power of attorney given to a grandparent under section 529
3109.52 of the Revised Code, or caretaker authorization 530
affidavit executed under section 3109.65 of the Revised Code. 531

(2) The child has been placed in a situation as described 532
in division (E) of section 2919.22 of the Revised Code. 533

Sec. 3109.812. (A) Except as provided in division (B) of 534
this section, on receiving a report made under section 3109.811 535
of the Revised Code, a public children services agency shall 536
investigate the child's placement. 537

(1) The public children services agency shall determine 538
the extent of the investigation, based upon the facts in the 539
report under section 3109.811 of the Revised Code, the agency's 540
familiarity with the parties involved, and other factors it 541
determines relevant. 542

(2) The investigation may include a criminal records 543
check, a check of court records for any child-related civil 544

proceedings, and, if the public children services agency 545
determines that the records check warrants it, a study following 546
standard protocols. 547

(B) A public children services agency is not required to 548
conduct an investigation under division (A) of this section if 549
the child has been placed in either of the following situations: 550

(1) For a designated period of less than one year due to a 551
vacation, school sponsored function or activity, or because of a 552
parent's incarceration, military service, medical treatment, or 553
incapacity; 554

(2) As described in division (E) of section 2919.22 of the 555
Revised Code. 556

Sec. 3109.813. If a public children services agency, after 557
an investigation conducted under section 3109.812 of the Revised 558
Code, determines that the placement of the child with the 559
attorney in fact is unsafe for the child, the agency shall file 560
a complaint with the juvenile court pursuant to section 2151.27 561
of the Revised Code. 562

Sec. 3109.814. The general assembly strongly recommends 563
that every board, commission, or agency that is created under 564
Title XLVII of the Revised Code and that is authorized to grant 565
licensure or certification to persons who may encounter a child 566
described in sections 3109.811 to 3109.813 of the Revised Code 567
in the normal course of their work adopt rules pursuant to 568
Chapter 119. of the Revised Code to require those persons, as a 569
condition of receiving or maintaining licensure or 570
certification, to receive training in the recognition and 571
handling of these cases in accordance with sections 3109.81 to 572
3109.813 of the Revised Code. 573

Sec. 3109.815. The department of job and family services 574
shall adopt rules pursuant to Chapter 119. of the Revised Code 575
establishing the following: 576

(A) Guidelines and procedures for public children services 577
agencies to conduct investigations under section 3109.812 of the 578
Revised Code; 579

(B) Criteria for determining if the placement of a child 580
is unsafe under section 3109.813 of the Revised Code. 581

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 582
section apply to a judge or mayor regarding the suspension of, 583
or the grant of limited driving privileges during a suspension 584
of, an offender's driver's or commercial driver's license or 585
permit or nonresident operating privilege imposed under division 586
(G) or (H) of section 4511.19 of the Revised Code, under 587
division (B) or (C) of section 4511.191 of the Revised Code, or 588
under section 4510.07 of the Revised Code for a conviction of a 589
violation of a municipal OVI ordinance. 590

(2) No judge or mayor shall suspend the following portions 591
of the suspension of an offender's driver's or commercial 592
driver's license or permit or nonresident operating privilege 593
imposed under division (G) or (H) of section 4511.19 of the 594
Revised Code or under section 4510.07 of the Revised Code for a 595
conviction of a violation of a municipal OVI ordinance, provided 596
that division (A) (2) of this section does not limit a court or 597
mayor in crediting any period of suspension imposed pursuant to 598
division (B) or (C) of section 4511.191 of the Revised Code 599
against any time of judicial suspension imposed pursuant to 600
section 4511.19 or 4510.07 of the Revised Code, as described in 601
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 602
Code: 603

(a) The first six months of a suspension imposed under 604
division (G) (1) (a) of section 4511.19 of the Revised Code or of 605
a comparable length suspension imposed under section 4510.07 of 606
the Revised Code; 607

(b) The first year of a suspension imposed under division 608
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 609
comparable length suspension imposed under section 4510.07 of 610
the Revised Code; 611

(c) The first three years of a suspension imposed under 612
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 613
or of a comparable length suspension imposed under section 614
4510.07 of the Revised Code; 615

(d) The first sixty days of a suspension imposed under 616
division (H) of section 4511.19 of the Revised Code or of a 617
comparable length suspension imposed under section 4510.07 of 618
the Revised Code. 619

(3) No judge or mayor shall grant limited driving 620
privileges to an offender whose driver's or commercial driver's 621
license or permit or nonresident operating privilege has been 622
suspended under division (G) or (H) of section 4511.19 of the 623
Revised Code, under division (C) of section 4511.191 of the 624
Revised Code, or under section 4510.07 of the Revised Code for a 625
municipal OVI conviction if the offender, within the preceding 626
ten years, has been convicted of or pleaded guilty to three or 627
more violations of one or more of the Revised Code sections, 628
municipal ordinances, statutes of the United States or another 629
state, or municipal ordinances of a municipal corporation of 630
another state that are identified in divisions ~~(G)~~ (H) (2) (b) to 631
(h) of section 2919.22 of the Revised Code. 632

Additionally, no judge or mayor shall grant limited 633
driving privileges to an offender whose driver's or commercial 634
driver's license or permit or nonresident operating privilege 635
has been suspended under division (B) of section 4511.191 of the 636
Revised Code if the offender, within the preceding ten years, 637
has refused three previous requests to consent to a chemical 638
test of the person's whole blood, blood serum or plasma, breath, 639
or urine to determine its alcohol content. 640

(4) No judge or mayor shall grant limited driving 641
privileges for employment as a driver of commercial motor 642
vehicles to an offender whose driver's or commercial driver's 643
license or permit or nonresident operating privilege has been 644
suspended under division (G) or (H) of section 4511.19 of the 645
Revised Code, under division (B) or (C) of section 4511.191 of 646
the Revised Code, or under section 4510.07 of the Revised Code 647
for a municipal OVI conviction if the offender is disqualified 648
from operating a commercial motor vehicle, or whose license or 649
permit has been suspended, under section 3123.58 or 4506.16 of 650
the Revised Code. 651

(5) No judge or mayor shall grant limited driving 652
privileges to an offender whose driver's or commercial driver's 653
license or permit or nonresident operating privilege has been 654
suspended under division (G) or (H) of section 4511.19 of the 655
Revised Code, under division (C) of section 4511.191 of the 656
Revised Code, or under section 4510.07 of the Revised Code for a 657
conviction of a violation of a municipal OVI ordinance during 658
any of the following periods of time: 659

(a) The first fifteen days of a suspension imposed under 660
division (G)(1)(a) of section 4511.19 of the Revised Code or a 661
comparable length suspension imposed under section 4510.07 of 662

the Revised Code, or of a suspension imposed under division (C) 663
(1) (a) of section 4511.191 of the Revised Code. On or after the 664
sixteenth day of the suspension, the court may grant limited 665
driving privileges, but the court may require that the offender 666
shall not exercise the privileges unless the vehicles the 667
offender operates are equipped with immobilizing or disabling 668
devices that monitor the offender's alcohol consumption or any 669
other type of immobilizing or disabling devices, except as 670
provided in division (C) of section 4510.43 of the Revised Code. 671

(b) The first forty-five days of a suspension imposed 672
under division (C) (1) (b) of section 4511.191 of the Revised 673
Code. On or after the forty-sixth day of suspension, the court 674
may grant limited driving privileges, but the court may require 675
that the offender shall not exercise the privileges unless the 676
vehicles the offender operates are equipped with immobilizing or 677
disabling devices that monitor the offender's alcohol 678
consumption or any other type of immobilizing or disabling 679
devices, except as provided in division (C) of section 4510.43 680
of the Revised Code. 681

(c) The first sixty days of a suspension imposed under 682
division (H) of section 4511.19 of the Revised Code or a 683
comparable length suspension imposed under section 4510.07 of 684
the Revised Code. 685

(d) The first one hundred eighty days of a suspension 686
imposed under division (C) (1) (c) of section 4511.191 of the 687
Revised Code. On or after the one hundred eighty-first day of 688
suspension, the court may grant limited driving privileges, and 689
either of the following applies: 690

(i) If the underlying arrest is alcohol-related, the court 691
shall issue an order that, except as provided in division (C) of 692

section 4510.43 of the Revised Code, for the remainder of the 693
period of suspension the offender shall not exercise the 694
privileges unless the vehicles the offender operates are 695
equipped with a certified ignition interlock device. 696

(ii) If the underlying arrest is drug-related, the court 697
in its discretion may issue an order that, except as provided in 698
division (C) of section 4510.43 of the Revised Code, for the 699
remainder of the period of suspension the offender shall not 700
exercise the privileges unless the vehicles the offender 701
operates are equipped with a certified ignition interlock 702
device. 703

(e) The first forty-five days of a suspension imposed 704
under division (G) (1) (b) of section 4511.19 of the Revised Code 705
or a comparable length suspension imposed under section 4510.07 706
of the Revised Code. On or after the forty-sixth day of the 707
suspension, the court may grant limited driving privileges, and 708
either of the following applies: 709

(i) If the underlying conviction is alcohol-related, the 710
court shall issue an order that, except as provided in division 711
(C) of section 4510.43 of the Revised Code, for the remainder of 712
the period of suspension the offender shall not exercise the 713
privileges unless the vehicles the offender operates are 714
equipped with a certified ignition interlock device. 715

(ii) If the underlying conviction is drug-related, the 716
court in its discretion may issue an order that, except as 717
provided in division (C) of section 4510.43 of the Revised Code, 718
for the remainder of the period of suspension the offender shall 719
not exercise the privileges unless the vehicles the offender 720
operates are equipped with a certified ignition interlock 721
device. 722

If a court grants limited driving privileges under 723
division (A) (5) (e) of this section, the court may issue an order 724
terminating an immobilization order issued pursuant to division 725
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 726
effect concurrently with the granting of limited driving 727
privileges. The court shall send notice of the termination of 728
the immobilization order to the registrar of motor vehicles. 729

Upon receiving information that an offender violated any 730
condition imposed by the court at the time an immobilization 731
order was terminated under this section, the court may hold a 732
hearing and, in its discretion, issue an order reinstating the 733
immobilization order for the balance of the immobilization 734
period that remained when the court originally ordered the 735
termination of the immobilization order. The court may issue the 736
order only upon a showing of good cause that the offender 737
violated any condition imposed by the court. The court shall 738
send notice of the reinstatement of the immobilization order to 739
the registrar. 740

(f) The first one hundred eighty days of a suspension 741
imposed under division (G) (1) (c) of section 4511.19 of the 742
Revised Code or a comparable length suspension imposed under 743
section 4510.07 of the Revised Code. On or after the one hundred 744
eighty-first day of the suspension, the court may grant limited 745
driving privileges, and either of the following applies: 746

(i) If the underlying conviction is alcohol-related, the 747
court shall issue an order that, except as provided in division 748
(C) of section 4510.43 of the Revised Code, for the remainder of 749
the period of suspension the offender shall not exercise the 750
privileges unless the vehicles the offender operates are 751
equipped with a certified ignition interlock device. 752

(ii) If the underlying conviction is drug-related, the 753
court in its discretion may issue an order that, except as 754
provided in division (C) of section 4510.43 of the Revised Code, 755
for the remainder of the period of suspension the offender shall 756
not exercise the privileges unless the vehicles the offender 757
operates are equipped with a certified ignition interlock 758
device. 759

(g) The first three years of a suspension imposed under 760
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 761
or a comparable length suspension imposed under section 4510.07 762
of the Revised Code, or of a suspension imposed under division 763
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 764
the first three years of suspension, the court may grant limited 765
driving privileges, and either of the following applies: 766

(i) If the underlying conviction is alcohol-related, the 767
court shall issue an order that, except as provided in division 768
(C) of section 4510.43 of the Revised Code, for the remainder of 769
the period of suspension the offender shall not exercise the 770
privileges unless the vehicles the offender operates are 771
equipped with a certified ignition interlock device. 772

(ii) If the underlying conviction is drug-related, the 773
court in its discretion may issue an order that, except as 774
provided in division (C) of section 4510.43 of the Revised Code, 775
for the remainder of the period of suspension the offender shall 776
not exercise the privileges unless the vehicles the offender 777
operates are equipped with a certified ignition interlock 778
device. 779

(6) No judge or mayor shall grant limited driving 780
privileges to an offender whose driver's or commercial driver's 781
license or permit or nonresident operating privilege has been 782

suspended under division (B) of section 4511.191 of the Revised Code during any of the following periods of time: 783
784

(a) The first thirty days of suspension imposed under division (B) (1) (a) of section 4511.191 of the Revised Code; 785
786

(b) The first ninety days of suspension imposed under division (B) (1) (b) of section 4511.191 of the Revised Code; 787
788

(c) The first year of suspension imposed under division (B) (1) (c) of section 4511.191 of the Revised Code; 789
790

(d) The first three years of suspension imposed under division (B) (1) (d) of section 4511.191 of the Revised Code. 791
792

(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code, under division (G) (1) (a) or (b) of section 4511.19 of the Revised Code for a violation of division (A) (1) (f), (g), (h), or (i) of that section, or under section 4510.07 of the Revised Code for a municipal OVI conviction for which sentence would have been imposed under division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code had the offender been charged with and convicted of a violation of section 4511.19 of the Revised Code instead of a violation of the municipal OVI ordinance, the judge or mayor shall impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section. 793
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(8) In any case in which an offender is required by a 811

court under this section to operate a motor vehicle that is 812
equipped with a certified ignition interlock device and either 813
the offender commits an ignition interlock device violation as 814
defined under section 4510.46 of the Revised Code or the 815
offender operates a motor vehicle that is not equipped with a 816
certified ignition interlock device, the following applies: 817

(a) If the offender was sentenced under division (G) (1) (a) 818
or (b) or division (H) of section 4511.19 of the Revised Code, 819
on a first instance the court may require the offender to wear a 820
monitor that provides continuous alcohol monitoring that is 821
remote. On a second instance, the court shall require the 822
offender to wear a monitor that provides continuous alcohol 823
monitoring that is remote for a minimum of forty days. On a 824
third instance or more, the court shall require the offender to 825
wear a monitor that provides continuous alcohol monitoring that 826
is remote for a minimum of sixty days. 827

(b) If the offender was sentenced under division (G) (1) 828
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 829
first instance the court shall require the offender to wear a 830
monitor that provides continuous alcohol monitoring that is 831
remote for a minimum of forty days. On a second instance or 832
more, the court shall require the offender to wear a monitor 833
that provides continuous alcohol monitoring that is remote for a 834
minimum of sixty days. 835

(c) The court may increase the period of suspension of the 836
offender's driver's or commercial driver's license or permit or 837
nonresident operating privilege from that originally imposed by 838
the court by a factor of two and may increase the period of time 839
during which the offender will be prohibited from exercising any 840
limited driving privileges granted to the offender unless the 841

vehicles the offender operates are equipped with a certified 842
ignition interlock device by a factor of two. The limitation 843
under division (E) of section 4510.46 of the Revised Code 844
applies to an increase under division (A) (8) (c) of this section. 845

(d) If the violation occurred within sixty days of the end 846
of the suspension of the offender's driver's or commercial 847
driver's license or permit or nonresident operating privilege 848
and the court does not impose an increase in the period of the 849
suspension under division (A) (8) (c) of this section, the court 850
shall proceed as follows: 851

(i) Issue an order extending the period of suspension and 852
the grant of limited driving privileges with a required 853
certified ignition interlock device so that the suspension 854
terminates sixty days from the date the offender committed that 855
violation. 856

(ii) For each violation subsequent to a violation for 857
which an extension was ordered under division (A) (8) (d) (i) of 858
this section, issue an order extending the period of suspension 859
and the grant of limited driving privileges with a required 860
certified ignition interlock device so that the suspension 861
terminates sixty days from the date the offender committed that 862
violation. 863

The registrar of motor vehicles is prohibited from 864
reinstating an offender's license unless the applicable period 865
of suspension has been served and no ignition interlock device 866
violations have been committed within the sixty days prior to 867
the application for reinstatement. 868

(9) At the time the court issues an order under this 869
section requiring an offender to use an ignition interlock 870

device, the court shall provide notice to the offender of each 871
action the court is authorized or required to take under 872
division (A)(8) of this section if the offender circumvents or 873
tamper with the device or in any case in which the court 874
receives notice pursuant to section 4510.46 of the Revised Code 875
that a device prevented an offender from starting a motor 876
vehicle. 877

(10) In any case in which the court issues an order under 878
this section prohibiting an offender from exercising limited 879
driving privileges unless the vehicles the offender operates are 880
equipped with an immobilizing or disabling device, including a 881
certified ignition interlock device, or requires an offender to 882
wear a monitor that provides continuous alcohol monitoring that 883
is remote, the court shall impose an additional court cost of 884
two dollars and fifty cents upon the offender. The court shall 885
not waive the payment of the two dollars and fifty cents unless 886
the court determines that the offender is indigent and waives 887
the payment of all court costs imposed upon the indigent 888
offender. The clerk of court shall transmit one hundred per cent 889
of this mandatory court cost collected during a month on or 890
before the twenty-third day of the following month to the state 891
treasury to be credited to the public safety - highway purposes 892
fund created under section 4501.06 of the Revised Code, to be 893
used by the department of public safety to cover costs 894
associated with maintaining the habitual OVI/OMWI offender 895
registry created under section 5502.10 of the Revised Code. In 896
its discretion the court may impose an additional court cost of 897
two dollars and fifty cents upon the offender. The clerk of 898
court shall retain this discretionary two dollar and fifty cent 899
court cost, if imposed, and shall deposit it in the court's 900
special projects fund that is established under division (E)(1) 901

of section 2303.201, division (B) (1) of section 1901.26, or 902
division (B) (1) of section 1907.24 of the Revised Code. 903

(B) Any person whose driver's or commercial driver's 904
license or permit or nonresident operating privilege has been 905
suspended pursuant to section 4511.19 or 4511.191 of the Revised 906
Code or under section 4510.07 of the Revised Code for a 907
violation of a municipal OVI ordinance may file a petition for 908
limited driving privileges during the suspension. The person 909
shall file the petition in the court that has jurisdiction over 910
the place of arrest. Subject to division (A) of this section, 911
the court may grant the person limited driving privileges during 912
the period during which the suspension otherwise would be 913
imposed. However, the court shall not grant the privileges for 914
employment as a driver of a commercial motor vehicle to any 915
person who is disqualified from operating a commercial motor 916
vehicle under section 4506.16 of the Revised Code or during any 917
of the periods prescribed by division (A) of this section. 918

(C) (1) After a driver's or commercial driver's license or 919
permit or nonresident operating privilege has been suspended 920
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 921
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 922
4549.021, or 5743.99 of the Revised Code, any provision of 923
Chapter 2925. of the Revised Code, or section 4510.07 of the 924
Revised Code for a violation of a municipal OVI ordinance, the 925
judge of the court or mayor of the mayor's court that suspended 926
the license, permit, or privilege shall cause the offender to 927
deliver to the court the license or permit. The judge, mayor, or 928
clerk of the court or mayor's court shall forward to the 929
registrar the license or permit together with notice of the 930
action of the court. 931

(2) A suspension of a commercial driver's license under 932
any section or chapter identified in division (C) (1) of this 933
section shall be concurrent with any period of suspension or 934
disqualification under section 3123.58 or 4506.16 of the Revised 935
Code. No person who is disqualified for life from holding a 936
commercial driver's license under section 4506.16 of the Revised 937
Code shall be issued a driver's license under this chapter 938
during the period for which the commercial driver's license was 939
suspended under this section, and no person whose commercial 940
driver's license is suspended under any section or chapter 941
identified in division (C) (1) of this section shall be issued a 942
driver's license under Chapter 4507. of the Revised Code during 943
the period of the suspension. 944

(3) No judge or mayor shall suspend any class one 945
suspension, or any portion of any class one suspension, imposed 946
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 947
Revised Code. No judge or mayor shall suspend the first thirty 948
days of any class two, class three, class four, class five, or 949
class six suspension imposed under section 2903.06, 2903.08, 950
2903.11, 2923.02, or 2929.02 of the Revised Code. 951

(D) The judge of the court or mayor of the mayor's court 952
shall credit any time during which an offender was subject to an 953
administrative suspension of the offender's driver's or 954
commercial driver's license or permit or nonresident operating 955
privilege imposed pursuant to section 4511.191 or 4511.192 of 956
the Revised Code or a suspension imposed by a judge, referee, or 957
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 958
the Revised Code against the time to be served under a related 959
suspension imposed pursuant to any section or chapter identified 960
in division (C) (1) of this section. 961

(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C) (1) of this section.

(F) (1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with such a device, except as provided in division (C) of section 4510.43 of the Revised Code. The court shall provide the offender with a copy of the order for purposes of obtaining a restricted license and shall submit a copy of the order to the registrar of motor vehicles.

(2) An offender shall present to the registrar or to a deputy registrar the copy of an immobilizing or disabling device order issued under this section and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(3) (a) No person who has been granted limited driving 992
privileges subject to an immobilizing or disabling device order 993
under this section shall operate a motor vehicle prior to 994
obtaining a restricted license. Any person who violates this 995
prohibition is subject to the penalties prescribed in section 996
4510.14 of the Revised Code. 997

(b) The offense established under division (F) (3) (a) of 998
this section is a strict liability offense and section 2901.20 999
of the Revised Code does not apply. 1000

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) 1001
or (2) of this section, the registrar of motor vehicles shall 1002
suspend the probationary driver's license, restricted license, 1003
or temporary instruction permit issued to any person when the 1004
person has been convicted of, pleaded guilty to, or been 1005
adjudicated in juvenile court of having committed, prior to the 1006
person's eighteenth birthday, any of the following: 1007

(a) Three separate violations of section 2903.06, 2903.08, 1008
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 1009
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 1010
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 1011
Revised Code, section 4510.14 of the Revised Code involving a 1012
suspension imposed under section 4511.191 or 4511.196 of the 1013
Revised Code, section 2903.04 of the Revised Code in a case in 1014
which the person would have been subject to the sanctions 1015
described in division (D) of that section had the person been 1016
convicted of the violation of that section, former section 1017
2903.07 of the Revised Code, or any municipal ordinances 1018
similarly relating to the offenses referred to in those 1019
sections; 1020

(b) One violation of section 4511.19 of the Revised Code 1021

or a substantially similar municipal ordinance; 1022

(c) Two separate violations of any of the Revised Code 1023
sections referred to in division (A)(1)(a) of this section, or 1024
any municipal ordinance that is substantially similar to any of 1025
those sections. 1026

(2) Any person whose license or permit is suspended under 1027
division (A)(1)(a), (b), or (c) of this section shall mail or 1028
deliver the person's probationary driver's license, restricted 1029
license, or temporary instruction permit to the registrar within 1030
fourteen days of notification of the suspension. The registrar 1031
shall retain the license or permit during the period of the 1032
suspension. A suspension pursuant to division (A)(1)(a) of this 1033
section shall be a class C suspension, a suspension pursuant to 1034
division (A)(1)(b) of this section shall be a class D 1035
suspension, and a suspension pursuant to division (A)(1)(c) of 1036
this section shall be a class E suspension, all for the periods 1037
of time specified in division (B) of section 4510.02 of the 1038
Revised Code. If the person's probationary driver's license, 1039
restricted license, or temporary instruction permit is under 1040
suspension on the date the court imposes sentence upon the 1041
person for a violation described in division (A)(1)(b) of this 1042
section, the suspension shall take effect on the next day 1043
immediately following the end of that period of suspension. If 1044
the person is sixteen years of age or older and pleads guilty to 1045
or is convicted of a violation described in division (A)(1)(b) 1046
of this section and the person does not have a current, valid 1047
probationary driver's license, restricted license, or temporary 1048
instruction permit, the registrar shall deny the issuance to the 1049
person of a probationary driver's license, restricted license, 1050
driver's license, commercial driver's license, or temporary 1051
instruction permit, as the case may be, for six months beginning 1052

on the date the court imposes sentence upon the person for the 1053
violation. If the person has not attained the age of sixteen 1054
years on the date the court imposes sentence upon the person for 1055
the violation, the period of denial shall commence on the date 1056
the person attains the age of sixteen years. 1057

(3) The registrar shall suspend the person's license or 1058
permit under division (A) of this section regardless of whether 1059
the disposition of the case in juvenile court occurred after the 1060
person's eighteenth birthday. 1061

(B) The registrar also shall impose a class D suspension 1062
for the period of time specified in division (B) (4) of section 1063
4510.02 of the Revised Code of the temporary instruction permit 1064
or probationary driver's license of any person under the age of 1065
eighteen who has been adjudicated an unruly child, delinquent 1066
child, or juvenile traffic offender for having committed any act 1067
that if committed by an adult would be a drug abuse offense or a 1068
violation of division (B) of section 2917.11 of the Revised 1069
Code. The registrar, in the registrar's discretion, may 1070
terminate the suspension if the child, at the discretion of the 1071
court, attends and satisfactorily completes a drug abuse or 1072
alcohol abuse education, intervention, or treatment program 1073
specified by the court. Any person whose temporary instruction 1074
permit or probationary driver's license is suspended under this 1075
division shall mail or deliver the person's permit or license to 1076
the registrar within fourteen days of notification of the 1077
suspension. The registrar shall retain the permit or license 1078
during the period of the suspension. 1079

(C) (1) (a) Except as provided in division (C) (1) (c) of this 1080
section, for any person who is convicted of, pleads guilty to, 1081
or is adjudicated in juvenile court of having committed a second 1082

or third violation of section 4511.12, 4511.13, 4511.20 to 1083
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 1084
4511.75 of the Revised Code or any similar municipal ordinances 1085
and whose license or permit is suspended under division (A) (1) 1086
(a) or (c) of this section, the court in which the second or 1087
third conviction, finding, plea, or adjudication resulting in 1088
the suspension was made, upon petition of the person, may grant 1089
the person limited driving privileges during the period during 1090
which the suspension otherwise would be imposed under division 1091
(A) (1) (a) or (c) of this section for any of the purposes set 1092
forth in division (A) of section 4510.021 of the Revised Code. 1093
In granting the limited driving privileges, the court shall 1094
specify the purposes, times, and places of the privileges and 1095
may impose any other conditions upon the person's driving a 1096
motor vehicle that the court considers reasonable and necessary. 1097

A court that grants limited driving privileges to a person 1098
under this division shall retain the person's probationary 1099
driver's license, restricted license, or temporary instruction 1100
permit during the period the license or permit is suspended and 1101
also during the period for which limited driving privileges are 1102
granted, and shall deliver to the person a permit card, in a 1103
form to be prescribed by the court, setting forth the date on 1104
which the limited driving privileges will become effective, the 1105
purposes for which the person may drive, the times and places at 1106
which the person may drive, and any other conditions imposed 1107
upon the person's use of a motor vehicle. 1108

The court immediately shall notify the registrar, in 1109
writing, of a grant of limited driving privileges under this 1110
division. The notification shall specify the date on which the 1111
limited driving privileges will become effective, the purposes 1112
for which the person may drive, the times and places at which 1113

the person may drive, and any other conditions imposed upon the 1114
person's use of a motor vehicle. The registrar shall not suspend 1115
the probationary driver's license, restricted license, or 1116
temporary instruction permit of any person pursuant to division 1117
(A) of this section during any period for which the person has 1118
been granted limited driving privileges as provided in this 1119
division, if the registrar has received the notification 1120
described in this division from the court. 1121

(b) Except as provided in division (C)(1)(c) of this 1122
section, in any case in which the temporary instruction permit 1123
or probationary driver's license of a person under eighteen 1124
years of age has been suspended under division (A) or (B) of 1125
this section or any other provision of law, the court may grant 1126
the person limited driving privileges for the purpose of the 1127
person's practicing of driving with the person's parent, 1128
guardian, or other custodian during the period of the 1129
suspension. Any grant of limited driving privileges under this 1130
division shall comply with division (D) of section 4510.021 of 1131
the Revised Code. 1132

(c) A court shall not grant limited driving privileges to 1133
a person identified in division (C)(1)(a) or (b) of this section 1134
if the person, within the preceding six years, has been 1135
convicted of, pleaded guilty to, or adjudicated in juvenile 1136
court of having committed three or more violations of one or 1137
more of the divisions or sections set forth in divisions ~~(G)~~(H) 1138
(2)(b) to (g) of section 2919.22 of the Revised Code. 1139

(2)(a) In a case in which a person is convicted of, pleads 1140
guilty to, or is adjudicated in juvenile court of having 1141
committed, prior to the person's eighteenth birthday, a second 1142
or third violation of section 4511.12, 4511.13, 4511.20 to 1143

4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 1144
4511.75 of the Revised Code or any similar municipal ordinances 1145
and division (A) (1) (a) or (c) of this section requires the 1146
registrar of motor vehicles to suspend the person's license or 1147
permit, the court in which the person is convicted of, pleads 1148
guilty to, or is adjudicated of having committed the second or 1149
third violation may elect to order the registrar of motor 1150
vehicles to waive the suspension if all of the following apply: 1151

(i) Prior to the date on which the court imposes sentence 1152
upon, or makes an order of disposition for, the person for the 1153
second or third violation, the person submits to the court a 1154
petition requesting the court to order the registrar to waive 1155
the prescribed suspension and describing the reasons why the 1156
person believes the suspension, if imposed, would seriously 1157
affect the person's ability to continue in employment, 1158
educational training, vocational training, or treatment. 1159

(ii) Prior to the date specified in division (C) (2) (a) (i) 1160
of this section, the person submits to the court satisfactory 1161
proof showing that the person successfully completed an advanced 1162
juvenile driver improvement program approved by the director of 1163
public safety under division (B) of section 4510.311 of the 1164
Revised Code after the date the person committed that second or 1165
third violation. 1166

(iii) Prior to imposing sentence upon, or making an order 1167
of disposition for, the person for the second or third 1168
violation, the court finds reasonable cause to believe that the 1169
suspension, if imposed, would seriously affect the person's 1170
ability to continue in employment, educational training, 1171
vocational training, or treatment. 1172

(iv) If the court is imposing sentence upon, or making an 1173

order of disposition for, the person for a third violation, the 1174
person did not submit to the court that imposed sentence upon, 1175
or made an order of disposition for, the person for the second 1176
violation a petition of the type described in division (C) (2) (a) 1177
(i) of this section, and the court that imposed sentence upon, 1178
or made an order of disposition for, the person for that second 1179
violation did not order the registrar of motor vehicles to waive 1180
the suspension of the person's license or permit required under 1181
division (A) (1) (c) of this section for the conviction of, plea 1182
of guilty to, or adjudication in juvenile court of having 1183
committed that second violation. 1184

(b) If a court elects pursuant to division (C) (2) (a) of 1185
this section to order the registrar of motor vehicles to waive a 1186
suspension that otherwise is required under division (A) (1) (a) 1187
or (c) of this section, the court immediately shall send a 1188
written copy of the order to the registrar. Upon receipt of the 1189
written copy of the order, the registrar shall not suspend 1190
pursuant to division (A) (1) (a) or (c) of this section the 1191
probationary driver's license, restricted license, or temporary 1192
instruction permit of the person who is the subject of the order 1193
for the second or third violation for which the suspension 1194
otherwise would be imposed under that division. 1195

(D) If a person who has been granted limited driving 1196
privileges under division (C) (1) of this section is convicted 1197
of, pleads guilty to, or is adjudicated in juvenile court of 1198
having committed, a violation of Chapter 4510. of the Revised 1199
Code, or a subsequent violation of any of the sections of the 1200
Revised Code listed in division (A) (1) (a) of this section or any 1201
similar municipal ordinance during the period for which the 1202
person was granted limited driving privileges, the court that 1203
granted the limited driving privileges shall suspend the 1204

person's permit card. The court or the clerk of the court 1205
immediately shall forward the person's probationary driver's 1206
license, restricted license, or temporary instruction permit 1207
together with written notification of the court's action to the 1208
registrar. Upon receipt of the license or permit and 1209
notification, the registrar shall impose a class C suspension of 1210
the person's probationary driver's license, restricted license, 1211
or temporary instruction permit for the period of time specified 1212
in division (B) (3) of section 4510.02 of the Revised Code. The 1213
registrar shall retain the license or permit during the period 1214
of suspension, and no further limited driving privileges shall 1215
be granted during that period. 1216

(E) No application for a driver's or commercial driver's 1217
license shall be received from any person whose probationary 1218
driver's license, restricted license, or temporary instruction 1219
permit has been suspended under this section until each of the 1220
following has occurred: 1221

(1) The suspension period has expired; 1222

(2) A temporary instruction permit or commercial driver's 1223
license temporary instruction permit has been issued; 1224

(3) The person successfully completes a juvenile driver 1225
improvement program approved by the director of public safety 1226
under division (A) of section 4510.311 of the Revised Code; 1227

(4) The applicant has submitted to the examination for a 1228
driver's license as provided for in section 4507.11 or a 1229
commercial driver's license as provided in Chapter 4506. of the 1230
Revised Code. 1231

Sec. 5101.13. (A) The department of job and family 1232
services shall establish and maintain a uniform statewide 1233

automated child welfare information system in accordance with 1234
the requirements of 42 U.S.C.A. 674(a)(3)(C) and related federal 1235
regulations and guidelines. The information system shall contain 1236
records regarding any of the following: 1237

(1) (a) Investigations of children and families, and 1238
children's care in out-of-home care, in accordance with sections 1239
2151.421 and 5153.16 of the Revised Code; 1240

(b) Investigations and determinations under sections 1241
3109.812 and 3109.813 of the Revised Code. 1242

(2) Care and treatment provided to children and families; 1243

(3) Any other information related to children and families 1244
that state or federal law, regulation, or rule requires the 1245
department or a public children services agency to maintain. 1246

(B) The department shall plan implementation of the 1247
information system on a county-by-county basis and shall 1248
finalize statewide implementation by all public children 1249
services agencies as described in section 5153.02 of the Revised 1250
Code not later than January 1, 2008. 1251

(C) The department shall promptly notify all public 1252
children services agencies of the initiation and completion of 1253
statewide implementation of the statewide information system 1254
established under division (A) of this section. 1255

(D) The department may adopt rules, not later than June 1256
30, 2018, creating an intake type for unregulated child custody 1257
transfers in the statewide information system for records of 1258
investigations and determinations under division (A)(1)(b) of 1259
this section. 1260

(E) "Out-of-home care" has the same meaning as in section 1261

2151.011 of the Revised Code. 1262

Section 2. That existing sections 2919.22, 3107.017, 1263
3107.05, 3109.51, 4510.13, 4510.31, and 5101.13 of the Revised 1264
Code are hereby repealed. 1265