

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 681

Representative Barnes

A BILL

To amend sections 2743.191, 2743.70, 4503.234, and 4511.191 and to enact section 109.922 of the Revised Code to create the community outreach grant program fund and to fund it temporarily with amounts diverted from the reparations fund.

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

Section 1. That sections 2743.191, 2743.70, 4503.234, and 4511.191 be amended and section 109.922 of the Revised Code be enacted to read as follows:

Sec. 109.922. (A) As used in this section, "political subdivision" means a county, township, municipal corporation, board of education of any school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(B) There is hereby created in the state treasury the community outreach grant program fund, consisting of money paid into the fund pursuant to sections 2743.70, 4503.234, and 4511.191 of the Revised Code. The purpose of the fund is to provide grants to political subdivisions for community-police outreach programs, diversity outreach programs, and public

education in the political subdivision concerning the ongoing 20
opioid epidemic. The attorney general shall administer the fund. 21

(C) The attorney general shall adopt rules under Chapter 22
119. of the Revised Code that establish procedures for applying 23
for and receiving a grant from the fund. 24

(D) A political subdivision or group of political 25
subdivisions may apply to the attorney general, according to 26
procedures established by the attorney general under division 27
(C) of this section, to receive a community outreach grant. An 28
application submitted to the attorney general under this section 29
must identify the proposed use of the community outreach grant, 30
which must be one or both of the following: 31

(1) Community-police outreach programs and diversity 32
outreach programs which include one or more events to educate 33
the public concerning community-police relations and to help the 34
public meet the community's police and public service personnel; 35

(2) Education programs within the political subdivision or 36
subdivisions that pertain to the ongoing opioid epidemic and its 37
effect on the political subdivision or subdivisions and the 38
state in general. 39

(E) The attorney general, upon receiving an application 40
submitted under this section, may award a grant from the fund to 41
a political subdivision or group of political subdivisions for 42
either or both of the proposed uses listed in division (D) of 43
this section. Each political subdivision may receive only one 44
grant from the fund which may not exceed five thousand dollars. 45
Additionally, a grant to a political subdivision may not exceed 46
the amount remaining in the fund that is attributable to amounts 47
collected by a court with territorial jurisdiction that includes 48

the political subdivision. 49

(F) For purposes of determining amounts available for 50
grants under division (E) of this section, the attorney general 51
shall create a separate account in the community outreach grant 52
program fund for each court that deposits money into the fund. 53

(G) The attorney general shall distribute all grants made 54
under this section not later than June 30, 2021, and all amounts 55
remaining in the fund on July 1, 2021, shall be transferred to 56
the reparations fund created by section 2743.191 of the Revised 57
Code. 58

(H) The attorney general shall collect data from each 59
political subdivision that receives a grant under this section 60
to determine whether the rate of crime decreased in those areas 61
as a result of the education or outreach made possible by the 62
grant. Additionally, the attorney general shall investigate 63
alternative means of funding the community outreach grant 64
program fund after the temporary funding provided in this 65
section has expired. 66

(I) The attorney general shall compile the information 67
collected under division (H) of this section into a report and 68
submit that report to the general assembly not later than 69
December 31, 2021. 70

Sec. 2743.191. (A) (1) There is hereby created in the state 71
treasury the reparations fund, which shall be used only for the 72
following purposes: 73

(a) The payment of awards of reparations that are granted 74
by the attorney general; 75

(b) The compensation of any personnel needed by the 76
attorney general to administer sections 2743.51 to 2743.72 of 77

the Revised Code;	78
(c) The compensation of witnesses as provided in division	79
(J) of section 2743.65 of the Revised Code;	80
(d) Other administrative costs of hearing and determining	81
claims for an award of reparations by the attorney general;	82
(e) The costs of administering sections 2907.28 and	83
2969.01 to 2969.06 of the Revised Code;	84
(f) The costs of investigation and decision-making as	85
certified by the attorney general;	86
(g) The provision of state financial assistance to victim	87
assistance programs in accordance with sections 109.91 and	88
109.92 of the Revised Code;	89
(h) The costs of paying the expenses of sex offense-	90
related examinations, antibiotics, and HIV post-exposure	91
prophylaxis pursuant to section 2907.28 of the Revised Code;	92
(i) The cost of printing and distributing the pamphlet	93
prepared by the attorney general pursuant to section 109.42 of	94
the Revised Code;	95
(j) Subject to division (D) of section 2743.71 of the	96
Revised Code, the costs associated with the printing and	97
providing of information cards or other printed materials to law	98
enforcement agencies and prosecuting authorities and with	99
publicizing the availability of awards of reparations pursuant	100
to section 2743.71 of the Revised Code;	101
(k) The payment of costs of administering a DNA specimen	102
collection procedure pursuant to sections 2152.74 and 2901.07 of	103
the Revised Code, of performing DNA analysis of those DNA	104
specimens, and of entering the resulting DNA records regarding	105

those analyses into the DNA database pursuant to section 109.573 106
of the Revised Code; 107

(l) The payment of actual costs associated with 108
initiatives by the attorney general for the apprehension, 109
prosecution, and accountability of offenders, and the enhancing 110
of services to crime victims. The amount of payments made 111
pursuant to division (A) (1) (1) of this section during any given 112
fiscal year shall not exceed five per cent of the balance of the 113
reparations fund at the close of the immediately previous fiscal 114
year; 115

(m) The costs of administering the adult parole 116
authority's supervision pursuant to division (E) of section 117
2971.05 of the Revised Code of sexually violent predators who 118
are sentenced to a prison term pursuant to division (A) (3) of 119
section 2971.03 of the Revised Code and of offenders who are 120
sentenced to a prison term pursuant to division (B) (1) (a), (b), 121
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 122
of that section; 123

(n) Subject to the limit set forth in those sections, the 124
costs of the installation and monitoring of an electronic 125
monitoring device used in the monitoring of a respondent 126
pursuant to an electronic monitoring order issued by a court 127
under division (E) (1) (b) of section 2151.34 or division (E) (1) 128
(b) of section 2903.214 of the Revised Code if the court 129
determines that the respondent is indigent or used in the 130
monitoring of an offender pursuant to an electronic monitoring 131
order issued under division (B) (5) of section 2919.27 of the 132
Revised Code if the court determines that the offender is 133
indigent. 134

(2) Except as provided in division (A) (3) of this section, 135

<u>all of the following shall be deposited into the fund:</u>	136
<u>(a) All costs paid pursuant to section 2743.70 of the</u>	137
Revised Code, the ;	138
<u>(b) The portions of license reinstatement fees mandated by</u>	139
division (F) (2) (b) of section 4511.191 of the Revised Code to be	140
credited to the fund, the ;	141
<u>(c) The portions of the proceeds of the sale of a</u>	142
forfeited vehicle specified in division (C) (2) of section	143
4503.234 of the Revised Code, payments ;	144
<u>(d) Payments collected by the department of rehabilitation</u>	145
and correction from prisoners who voluntarily participate in an	146
approved work and training program pursuant to division (C) (8)	147
(b) (ii) of section 5145.16 of the Revised Code, and all ;	148
<u>(e) All moneys collected by the state pursuant to its</u>	149
right of subrogation provided in section 2743.72 of the Revised	150
Code shall be deposited in the fund ;	151
<u>(f) All amounts remaining in the community outreach grant</u>	152
<u>program fund on July 1, 2021, pursuant to section 109.922 of the</u>	153
<u>Revised Code.</u>	154
<u>(3) For the period beginning on July 1, 2019, and</u>	155
<u>continuing through June 30, 2021, seventy-five per cent of the</u>	156
<u>costs paid pursuant to section 2743.70 of the Revised Code shall</u>	157
<u>be deposited into the fund, in lieu of the amount specified in</u>	158
<u>division (A) (2) (a) of this section.</u>	159
(B) In making an award of reparations, the attorney	160
general shall render the award against the state. The award	161
shall be accomplished only through the following procedure, and	162
the following procedure may be enforced by writ of mandamus	163

directed to the appropriate official: 164

(1) The attorney general shall provide for payment of the 165
claimant or providers in the amount of the award only if the 166
amount of the award is fifty dollars or more. 167

(2) The expense shall be charged against all available 168
unencumbered moneys in the fund. 169

(3) If sufficient unencumbered moneys do not exist in the 170
fund, the attorney general shall make application for payment of 171
the award out of the emergency purposes account or any other 172
appropriation for emergencies or contingencies, and payment out 173
of this account or other appropriation shall be authorized if 174
there are sufficient moneys greater than the sum total of then 175
pending emergency purposes account requests or requests for 176
releases from the other appropriations. 177

(4) If sufficient moneys do not exist in the account or 178
any other appropriation for emergencies or contingencies to pay 179
the award, the attorney general shall request the general 180
assembly to make an appropriation sufficient to pay the award, 181
and no payment shall be made until the appropriation has been 182
made. The attorney general shall make this appropriation request 183
during the current biennium and during each succeeding biennium 184
until a sufficient appropriation is made. If, prior to the time 185
that an appropriation is made by the general assembly pursuant 186
to this division, the fund has sufficient unencumbered funds to 187
pay the award or part of the award, the available funds shall be 188
used to pay the award or part of the award, and the 189
appropriation request shall be amended to request only 190
sufficient funds to pay that part of the award that is unpaid. 191

(C) The attorney general shall not make payment on a 192

decision or order granting an award until all appeals have been 193
determined and all rights to appeal exhausted, except as 194
otherwise provided in this section. If any party to a claim for 195
an award of reparations appeals from only a portion of an award, 196
and a remaining portion provides for the payment of money by the 197
state, that part of the award calling for the payment of money 198
by the state and not a subject of the appeal shall be processed 199
for payment as described in this section. 200

(D) The attorney general shall prepare itemized bills for 201
the costs of printing and distributing the pamphlet the attorney 202
general prepares pursuant to section 109.42 of the Revised Code. 203
The itemized bills shall set forth the name and address of the 204
persons owed the amounts set forth in them. 205

(E) Interest earned on the moneys in the fund shall be 206
credited to the fund. 207

(F) As used in this section, "DNA analysis" and "DNA 208
specimen" have the same meanings as in section 109.573 of the 209
Revised Code. 210

Sec. 2743.70. (A) (1) The court, in which any person is 211
convicted of or pleads guilty to any offense other than a 212
traffic offense that is not a moving violation, shall impose the 213
following sum as costs in the case in addition to any other 214
court costs that the court is required by law to impose upon the 215
offender: 216

(a) Thirty dollars, if the offense is a felony; 217

(b) Nine dollars, if the offense is a misdemeanor. 218

The court shall not waive the payment of the ~~thirty-~~ 219
~~thirty-~~ or ~~nine-~~ nine-dollar court ~~costs~~ cost, unless the 220
court determines that the offender is indigent and waives the 221

payment of all court costs imposed upon the indigent offender. 222
~~All-Except as provided in division (A) (3) of this section, all~~ 223
such moneys shall be transmitted on the first business day of 224
each month by the clerk of the court to the treasurer of state 225
and deposited by the treasurer in the reparations fund. 226

(2) The juvenile court in which a child is found to be a 227
delinquent child or a juvenile traffic offender for an act 228
which, if committed by an adult, would be an offense other than 229
a traffic offense that is not a moving violation, shall impose 230
the following sum as costs in the case in addition to any other 231
court costs that the court is required or permitted by law to 232
impose upon the delinquent child or juvenile traffic offender: 233

(a) Thirty dollars, if the act, if committed by an adult, 234
would be a felony; 235

(b) Nine dollars, if the act, if committed by an adult, 236
would be a misdemeanor. 237

~~The thirty thirty- or nine dollars nine-dollar court-costs-~~ 238
~~cost~~ shall be collected in all cases unless the court determines 239
the juvenile is indigent and waives the payment of all court 240
costs, or enters an order on its journal stating that it has 241
determined that the juvenile is indigent, that no other court 242
costs are to be taxed in the case, and that the payment of the 243
~~thirty thirty- or nine dollars nine-dollar court-costs cost~~ is 244
waived. ~~All-Except as provided in division (A) (3) of this~~ 245
~~section,~~ such moneys collected during a month shall be 246
transmitted on or before the twentieth day of the following 247
month by the clerk of the court to the treasurer of state and 248
deposited by the treasurer in the reparations fund. 249

(3) For the period beginning July 1, 2019, and ending June 250

30, 2021, all moneys collected during a month under this section 251
shall be transmitted on or before the twentieth day of the 252
following month by the clerk of the court to the treasurer of 253
state and deposited by the treasurer as follows: 254

(a) Seventy-five per cent into the reparations fund; 255

(b) Twenty-five per cent into the community outreach grant 256
program fund created by section 109.922 of the Revised Code. 257

(B) Whenever a person is charged with any offense other 258
than a traffic offense that is not a moving violation and posts 259
bail pursuant to sections 2937.22 to 2937.46 of the Revised 260
Code, Criminal Rule 46, or Traffic Rule 4, the court shall add 261
to the amount of the bail the thirty or nine dollars required to 262
be paid by division (A) (1) of this section. The thirty or nine 263
dollars shall be retained by the clerk of the court until the 264
person is convicted, pleads guilty, forfeits bail, is found not 265
guilty, or has the charges dismissed. If the person is 266
convicted, pleads guilty, or forfeits bail, the clerk shall 267
transmit the thirty or nine dollars to the treasurer of state, 268
who shall deposit it in the reparations fund. If the person is 269
found not guilty or the charges are dismissed, the clerk shall 270
return the thirty or nine dollars to the person. 271

(C) No person shall be placed or held in jail for failing 272
to pay the additional ~~thirty thirty-~~ or ~~nine dollars~~ nine-dollar 273
court-costs cost or bail ~~that are~~ required to be paid by this 274
section. 275

(D) As used in this section: 276

(1) "Moving violation" means any violation of any statute 277
or ordinance, other than section 4513.263 of the Revised Code or 278
an ordinance that is substantially equivalent to that section, 279

that regulates the operation of vehicles, streetcars, or 280
trackless trolleys on highways or streets or that regulates size 281
or load limitations or fitness requirements of vehicles. "Moving 282
violation" does not include the violation of any statute or 283
ordinance that regulates pedestrians or the parking of vehicles. 284

(2) "Bail" means cash, a check, a money order, a credit 285
card, or any other form of money that is posted by or for an 286
offender pursuant to sections 2937.22 to 2937.46 of the Revised 287
Code, Criminal Rule 46, or Traffic Rule 4 to prevent the 288
offender from being placed or held in a detention facility, as 289
defined in section 2921.01 of the Revised Code. 290

Sec. 4503.234. (A) If a court orders the criminal 291
forfeiture of a vehicle pursuant to section 4503.233, 4503.236, 292
4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 4511.193, or 293
4511.203 of the Revised Code, the order shall be issued and 294
enforced in accordance with this division, subject to division 295
(B) of this section. An order of criminal forfeiture issued 296
under this division shall authorize an appropriate law 297
enforcement agency to seize the vehicle ordered criminally 298
forfeited upon the terms and conditions that the court 299
determines proper. No vehicle ordered criminally forfeited 300
pursuant to this division shall be considered contraband for 301
purposes of Chapter 2981. of the Revised Code, but the law 302
enforcement agency that employs the officer who seized it shall 303
hold the vehicle for disposal in accordance with this section. A 304
forfeiture order may be issued only after the offender has been 305
provided with an opportunity to be heard. The prosecuting 306
attorney shall give the offender written notice of the 307
possibility of forfeiture by sending a copy of the relevant 308
uniform traffic ticket or other written notice to the offender 309
not less than seven days prior to the date of issuance of the 310

forfeiture order. A vehicle is subject to an order of criminal 311
forfeiture pursuant to this division upon the conviction of the 312
offender of or plea of guilty by the offender to a violation of 313
division (A) of section 4503.236, section 4510.11, 4510.14, or 314
4511.203, or division (A) of section 4511.19 of the Revised 315
Code, or a municipal ordinance that is substantially equivalent 316
to any of those sections or divisions. 317

(B) (1) Prior to the issuance of an order of criminal 318
forfeiture pursuant to this section, the law enforcement agency 319
that employs the law enforcement officer who seized the vehicle 320
shall conduct or cause to be conducted a search of the 321
appropriate public records that relate to the vehicle and shall 322
make or cause to be made reasonably diligent inquiries to 323
identify any lienholder or any person or entity with an 324
ownership interest in the vehicle. The court that is to issue 325
the forfeiture order also shall cause a notice of the potential 326
order relative to the vehicle and of the expected manner of 327
disposition of the vehicle after its forfeiture to be sent to 328
any lienholder or person who is known to the court to have any 329
right, title, or interest in the vehicle. The court shall give 330
the notice by certified mail, return receipt requested, or by 331
personal service. 332

(2) No order of criminal forfeiture shall be issued 333
pursuant to this section if a lienholder or other person with an 334
ownership interest in the vehicle establishes to the court, by a 335
preponderance of the evidence after filing a motion with the 336
court, that the lienholder or other person neither knew nor 337
should have known after a reasonable inquiry that the vehicle 338
would be used or involved, or likely would be used or involved, 339
in the violation resulting in the issuance of the order of 340
criminal forfeiture or the violation of the order of 341

immobilization issued under section 4503.233 of the Revised 342
Code, that the lienholder or other person did not expressly or 343
impliedly consent to the use or involvement of the vehicle in 344
that violation, and that the lien or ownership interest was 345
perfected pursuant to law prior to the seizure of the vehicle 346
under section 4503.236, 4510.41, 4511.195, or 4511.203 of the 347
Revised Code. If the lienholder or holder of the ownership 348
interest satisfies the court that these criteria have been met, 349
the court shall preserve the lienholder's or other person's lien 350
or interest, and the court either shall return the vehicle to 351
the holder, or shall order that the proceeds of any sale held 352
pursuant to division (C) (2) of this section be paid to the 353
lienholder or holder of the interest less the costs of seizure, 354
storage, and maintenance of the vehicle. The court shall not 355
return a vehicle to a lienholder or a holder of an ownership 356
interest unless the lienholder or holder submits an affidavit to 357
the court that states that the lienholder or holder will not 358
return the vehicle to the person from whom the vehicle was 359
seized pursuant to the order of criminal forfeiture or to any 360
member of that person's family and will not otherwise knowingly 361
permit that person or any member of that person's family to 362
obtain possession of the vehicle. 363

(3) No order of criminal forfeiture shall be issued 364
pursuant to this section if a person with an interest in the 365
vehicle establishes to the court, by a preponderance of the 366
evidence after filing a motion with the court, that the person 367
neither knew nor should have known after a reasonable inquiry 368
that the vehicle had been used or was involved in the violation 369
resulting in the issuance of the order of criminal forfeiture or 370
the violation of the order of immobilization issued under 371
section 4503.233 of the Revised Code, that the person did not 372

expressly or impliedly consent to the use or involvement of the 373
vehicle in that violation, that the interest was perfected in 374
good faith and for value pursuant to law between the time of the 375
arrest of the offender and the final disposition of the criminal 376
charge in question, and that the vehicle was in the possession 377
of the interest holder at the time of the perfection of the 378
interest. If the court is satisfied that the interest holder has 379
met these criteria, the court shall preserve the interest 380
holder's interest, and the court either shall return the vehicle 381
to the interest holder or order that the proceeds of any sale 382
held pursuant to division (C) of this section be paid to the 383
holder of the interest less the costs of seizure, storage, and 384
maintenance of the vehicle. The court shall not return a vehicle 385
to an interest holder unless the holder submits an affidavit to 386
the court stating that the holder will not return the vehicle to 387
the person from whom the holder acquired the holder's interest, 388
nor to any member of that person's family, and the holder will 389
not otherwise knowingly permit that person or any member of that 390
person's family to obtain possession of the vehicle. 391

(C) A vehicle ordered criminally forfeited to the state 392
pursuant to this section shall be disposed of as follows: 393

(1) It shall be given to the law enforcement agency that 394
employs the law enforcement officer who seized the vehicle, if 395
that agency desires to have it; 396

(2) If a vehicle is not disposed of pursuant to division 397
(C) (1) of this section, the vehicle shall be sold, without 398
appraisal, if the value of the vehicle is two thousand dollars 399
or more as determined by publications of the national auto 400
dealer's association, at a public auction to the highest bidder 401
for cash. Prior to the sale, the prosecuting attorney in the 402

case shall cause a notice of the proposed sale to be given in 403
accordance with law. The court shall cause notice of the sale of 404
the vehicle to be published in a newspaper of general 405
circulation in the county in which the court is located at least 406
seven days prior to the date of the sale. The proceeds of a sale 407
under this division or division (F) of this section shall be 408
applied in the following order: 409

(a) First, they shall be applied to the payment of the 410
costs incurred in connection with the seizure, storage, and 411
maintenance of, and provision of security for, the vehicle, any 412
proceeding arising out of the forfeiture, and if any, the sale. 413

(b) Second, the remaining proceeds after compliance with 414
division (C) (2) (a) of this section, shall be applied to the 415
payment of the value of any lien or ownership interest in the 416
vehicle preserved under division (B) of this section. 417

(c) Third, the remaining proceeds, after compliance with 418
divisions (C) (2) (a) and (b) of this section, shall be applied to 419
the appropriate funds in accordance with divisions (B) and (C) 420
of section 2981.13 of the Revised Code, provided that the total 421
of the amount so deposited under this division shall not exceed 422
one thousand dollars. The remaining proceeds deposited under 423
this division shall be used only for the purposes authorized by 424
those divisions and division (D) of that section. 425

(d) Fourth, the remaining proceeds after compliance with 426
divisions (C) (2) (a) and (b) of this section and after deposit of 427
a total amount of one thousand dollars under division (C) (2) (c) 428
of this section shall be applied as follows: 429

(i) Except as provided in division (C) (2) (d) (ii) of this 430
section, the remaining proceeds shall be applied so that fifty 431

per cent of those remaining proceeds is paid into the reparation 432
fund established by section 2743.191 of the Revised Code, 433
twenty-five per cent is paid into the drug abuse resistance 434
education programs fund created by division (F) (2) (e) of section 435
4511.191 of the Revised Code and shall be used only for the 436
purposes authorized by division (F) (2) (e) of that section, and 437
twenty-five per cent is applied to the appropriate funds in 438
accordance with divisions (B) and (C) of section 2981.13 of the 439
Revised Code. The proceeds deposited into any fund described in 440
section 2981.13 of the Revised Code shall be used only for the 441
purposes authorized by divisions (B) (4) (c), (C), and (D) of that 442
section. 443

(ii) For the period beginning July 1, 2019, and continuing 444
through June 30, 2021, the remaining proceeds shall be applied 445
so that thirty-seven and one-half per cent of those remaining 446
proceeds is paid into the reparations fund established by 447
section 2743.191 of the Revised Code, twelve and one-half per 448
cent is paid into the community outreach grant program fund 449
created by section 109.922 of the Revised Code, twenty-five per 450
cent is paid into the drug abuse resistance education programs 451
fund created by division (F) (2) (e) of section 4511.191 of the 452
Revised Code and shall be used only for the purposes authorized 453
by division (F) (2) (e) of that section, and twenty-five per cent 454
is applied to the appropriate funds in accordance with divisions 455
(B) and (C) of section 2981.13 of the Revised Code. The proceeds 456
deposited into any fund described in section 2981.13 of the 457
Revised Code shall be used only for the purposes authorized by 458
divisions (B) (4) (c), (C), and (D) of that section. 459

(D) Except as provided in division (E) of section 4511.203 460
of the Revised Code and notwithstanding any other provision of 461
law, neither the registrar of motor vehicles nor any deputy 462

registrar shall accept an application for the registration of 463
any motor vehicle in the name of any person, or register any 464
motor vehicle in the name of any person, if both of the 465
following apply: 466

(1) Any vehicle registered in the person's name was 467
criminally forfeited under this section and section 4503.233, 468
4503.236, 4510.10, 4510.11, 4510.14, 4510.41, 4511.19, 4511.193, 469
or 4511.203 of the Revised Code; 470

(2) Less than five years have expired since the issuance 471
of the most recent order of criminal forfeiture issued in 472
relation to a vehicle registered in the person's name. 473

(E) If a court orders the criminal forfeiture to the state 474
of a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 475
4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 4511.193, or 476
4511.203 of the Revised Code, the title to the motor vehicle is 477
assigned or transferred, and division (B) (2) or (3) of this 478
section applies, in addition to or independent of any other 479
penalty established by law, the court may fine the offender the 480
value of the vehicle as determined by publications of the 481
national auto dealer's association. The proceeds from any fine 482
imposed under this division shall be distributed in accordance 483
with division (C) (2) of this section. 484

(F) As used in this section and divisions (B) (4) (c), (C), 485
and (D) of section 2981.13 of the Revised Code in relation to 486
proceeds of the sale of a vehicle under division (C) of this 487
section, "prosecuting attorney" includes the prosecuting 488
attorney, village solicitor, city director of law, or similar 489
chief legal officer of a municipal corporation who prosecutes 490
the case resulting in the conviction or guilty plea in question. 491

(G) If the vehicle to be forfeited has an average retail value of less than two thousand dollars as determined by publications of the national auto dealer's association, no public auction is required to be held. In such a case, the court may direct that the vehicle be disposed of in any manner that it considers appropriate, including assignment of the certificate of title to the motor vehicle to a salvage dealer or a scrap metal processing facility. The court shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.

If the court assigns the motor vehicle to a salvage dealer or scrap metal processing facility and the court is in possession of the certificate of title to the motor vehicle, it shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The court shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

If the court is not in possession of the certificate of title to the motor vehicle, the court shall issue an order transferring ownership of the motor vehicle to a salvage dealer or scrap metal processing facility, send the order to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located, and send a photocopy of the order to the salvage dealer or scrap metal processing facility for its records. The clerk shall make the proper notations or entries in the clerk's records concerning the disposition of the motor vehicle.

Sec. 4511.191. (A) (1) As used in this section:	522
(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.	523 524
(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.	525 526 527 528 529 530 531 532 533
(c) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	534 535
(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.	536 537 538 539 540 541 542 543 544 545 546 547 548 549
(3) The chemical test or tests under division (A) (2) of	550

this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5) (a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not

required to give the person the form described in division (B) 582
of section 4511.192 of the Revised Code, but the officer shall 583
advise the person at the time of the arrest that if the person 584
refuses to take a chemical test the officer may employ whatever 585
reasonable means are necessary to ensure that the person submits 586
to a chemical test of the person's whole blood or blood serum or 587
plasma. The officer shall also advise the person at the time of 588
the arrest that the person may have an independent chemical test 589
taken at the person's own expense. Divisions (A) (3) and (4) of 590
this section apply to the administration of a chemical test or 591
tests pursuant to this division. 592

(b) If a person refuses to submit to a chemical test upon 593
a request made pursuant to division (A) (5) (a) of this section, 594
the law enforcement officer who made the request may employ 595
whatever reasonable means are necessary to ensure that the 596
person submits to a chemical test of the person's whole blood or 597
blood serum or plasma. A law enforcement officer who acts 598
pursuant to this division to ensure that a person submits to a 599
chemical test of the person's whole blood or blood serum or 600
plasma is immune from criminal and civil liability based upon a 601
claim for assault and battery or any other claim for the acts, 602
unless the officer so acted with malicious purpose, in bad 603
faith, or in a wanton or reckless manner. 604

(B) (1) Upon receipt of the sworn report of a law 605
enforcement officer who arrested a person for a violation of 606
division (A) or (B) of section 4511.19 of the Revised Code, 607
section 4511.194 of the Revised Code or a substantially 608
equivalent municipal ordinance, or a municipal OVI ordinance 609
that was completed and sent to the registrar of motor vehicles 610
and a court pursuant to section 4511.192 of the Revised Code in 611
regard to a person who refused to take the designated chemical 612

test, the registrar shall enter into the registrar's records the 613
fact that the person's driver's or commercial driver's license 614
or permit or nonresident operating privilege was suspended by 615
the arresting officer under this division and that section and 616
the period of the suspension, as determined under this section. 617
The suspension shall be subject to appeal as provided in section 618
4511.197 of the Revised Code. The suspension shall be for 619
whichever of the following periods applies: 620

(a) Except when division (B) (1) (b), (c), or (d) of this 621
section applies and specifies a different class or length of 622
suspension, the suspension shall be a class C suspension for the 623
period of time specified in division (B) (3) of section 4510.02 624
of the Revised Code. 625

(b) If the arrested person, within ten years of the date 626
on which the person refused the request to consent to the 627
chemical test, had refused one previous request to consent to a 628
chemical test or had been convicted of or pleaded guilty to one 629
violation of division (A) or (B) of section 4511.19 of the 630
Revised Code or one other equivalent offense, the suspension 631
shall be a class B suspension imposed for the period of time 632
specified in division (B) (2) of section 4510.02 of the Revised 633
Code. 634

(c) If the arrested person, within ten years of the date 635
on which the person refused the request to consent to the 636
chemical test, had refused two previous requests to consent to a 637
chemical test, had been convicted of or pleaded guilty to two 638
violations of division (A) or (B) of section 4511.19 of the 639
Revised Code or other equivalent offenses, or had refused one 640
previous request to consent to a chemical test and also had been 641
convicted of or pleaded guilty to one violation of division (A) 642

or (B) of section 4511.19 of the Revised Code or other 643
equivalent offenses, which violation or offense arose from an 644
incident other than the incident that led to the refusal, the 645
suspension shall be a class A suspension imposed for the period 646
of time specified in division (B) (1) of section 4510.02 of the 647
Revised Code. 648

(d) If the arrested person, within ten years of the date 649
on which the person refused the request to consent to the 650
chemical test, had refused three or more previous requests to 651
consent to a chemical test, had been convicted of or pleaded 652
guilty to three or more violations of division (A) or (B) of 653
section 4511.19 of the Revised Code or other equivalent 654
offenses, or had refused a number of previous requests to 655
consent to a chemical test and also had been convicted of or 656
pleaded guilty to a number of violations of division (A) or (B) 657
of section 4511.19 of the Revised Code or other equivalent 658
offenses that cumulatively total three or more such refusals, 659
convictions, and guilty pleas, the suspension shall be for five 660
years. 661

(2) The registrar shall terminate a suspension of the 662
driver's or commercial driver's license or permit of a resident 663
or of the operating privilege of a nonresident, or a denial of a 664
driver's or commercial driver's license or permit, imposed 665
pursuant to division (B) (1) of this section upon receipt of 666
notice that the person has entered a plea of guilty to, or that 667
the person has been convicted after entering a plea of no 668
contest to, operating a vehicle in violation of section 4511.19 669
of the Revised Code or in violation of a municipal OVI 670
ordinance, if the offense for which the conviction is had or the 671
plea is entered arose from the same incident that led to the 672
suspension or denial. 673

The registrar shall credit against any judicial suspension 674
of a person's driver's or commercial driver's license or permit 675
or nonresident operating privilege imposed pursuant to section 676
4511.19 of the Revised Code, or pursuant to section 4510.07 of 677
the Revised Code for a violation of a municipal OVI ordinance, 678
any time during which the person serves a related suspension 679
imposed pursuant to division (B) (1) of this section. 680

(C) (1) Upon receipt of the sworn report of the law 681
enforcement officer who arrested a person for a violation of 682
division (A) or (B) of section 4511.19 of the Revised Code or a 683
municipal OVI ordinance that was completed and sent to the 684
registrar and a court pursuant to section 4511.192 of the 685
Revised Code in regard to a person whose test results indicate 686
that the person's whole blood, blood serum or plasma, breath, or 687
urine contained at least the concentration of alcohol specified 688
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 689
the Revised Code or at least the concentration of a listed 690
controlled substance or a listed metabolite of a controlled 691
substance specified in division (A) (1) (j) of section 4511.19 of 692
the Revised Code, the registrar shall enter into the registrar's 693
records the fact that the person's driver's or commercial 694
driver's license or permit or nonresident operating privilege 695
was suspended by the arresting officer under this division and 696
section 4511.192 of the Revised Code and the period of the 697
suspension, as determined under divisions (C) (1) (a) to (d) of 698
this section. The suspension shall be subject to appeal as 699
provided in section 4511.197 of the Revised Code. The suspension 700
described in this division does not apply to, and shall not be 701
imposed upon, a person arrested for a violation of section 702
4511.194 of the Revised Code or a substantially equivalent 703
municipal ordinance who submits to a designated chemical test. 704

The suspension shall be for whichever of the following periods 705
applies: 706

(a) Except when division (C) (1) (b), (c), or (d) of this 707
section applies and specifies a different period, the suspension 708
shall be a class E suspension imposed for the period of time 709
specified in division (B) (5) of section 4510.02 of the Revised 710
Code. 711

(b) The suspension shall be a class C suspension for the 712
period of time specified in division (B) (3) of section 4510.02 713
of the Revised Code if the person has been convicted of or 714
pleaded guilty to, within ten years of the date the test was 715
conducted, one violation of division (A) or (B) of section 716
4511.19 of the Revised Code or one other equivalent offense. 717

(c) If, within ten years of the date the test was 718
conducted, the person has been convicted of or pleaded guilty to 719
two violations of a statute or ordinance described in division 720
(C) (1) (b) of this section, the suspension shall be a class B 721
suspension imposed for the period of time specified in division 722
(B) (2) of section 4510.02 of the Revised Code. 723

(d) If, within ten years of the date the test was 724
conducted, the person has been convicted of or pleaded guilty to 725
more than two violations of a statute or ordinance described in 726
division (C) (1) (b) of this section, the suspension shall be a 727
class A suspension imposed for the period of time specified in 728
division (B) (1) of section 4510.02 of the Revised Code. 729

(2) The registrar shall terminate a suspension of the 730
driver's or commercial driver's license or permit of a resident 731
or of the operating privilege of a nonresident, or a denial of a 732
driver's or commercial driver's license or permit, imposed 733

pursuant to division (C) (1) of this section upon receipt of 734
notice that the person has entered a plea of guilty to, or that 735
the person has been convicted after entering a plea of no 736
contest to, operating a vehicle in violation of section 4511.19 737
of the Revised Code or in violation of a municipal OVI 738
ordinance, if the offense for which the conviction is had or the 739
plea is entered arose from the same incident that led to the 740
suspension or denial. 741

The registrar shall credit against any judicial suspension 742
of a person's driver's or commercial driver's license or permit 743
or nonresident operating privilege imposed pursuant to section 744
4511.19 of the Revised Code, or pursuant to section 4510.07 of 745
the Revised Code for a violation of a municipal OVI ordinance, 746
any time during which the person serves a related suspension 747
imposed pursuant to division (C) (1) of this section. 748

(D) (1) A suspension of a person's driver's or commercial 749
driver's license or permit or nonresident operating privilege 750
under this section for the time described in division (B) or (C) 751
of this section is effective immediately from the time at which 752
the arresting officer serves the notice of suspension upon the 753
arrested person. Any subsequent finding that the person is not 754
guilty of the charge that resulted in the person being requested 755
to take the chemical test or tests under division (A) of this 756
section does not affect the suspension. 757

(2) If a person is arrested for operating a vehicle, 758
streetcar, or trackless trolley in violation of division (A) or 759
(B) of section 4511.19 of the Revised Code or a municipal OVI 760
ordinance, or for being in physical control of a vehicle, 761
streetcar, or trackless trolley in violation of section 4511.194 762
of the Revised Code or a substantially equivalent municipal 763

ordinance, regardless of whether the person's driver's or 764
commercial driver's license or permit or nonresident operating 765
privilege is or is not suspended under division (B) or (C) of 766
this section or Chapter 4510. of the Revised Code, the person's 767
initial appearance on the charge resulting from the arrest shall 768
be held within five days of the person's arrest or the issuance 769
of the citation to the person, subject to any continuance 770
granted by the court pursuant to section 4511.197 of the Revised 771
Code regarding the issues specified in that division. 772

(E) When it finally has been determined under the 773
procedures of this section and sections 4511.192 to 4511.197 of 774
the Revised Code that a nonresident's privilege to operate a 775
vehicle within this state has been suspended, the registrar 776
shall give information in writing of the action taken to the 777
motor vehicle administrator of the state of the person's 778
residence and of any state in which the person has a license. 779

(F) At the end of a suspension period under this section, 780
under section 4511.194, section 4511.196, or division (G) of 781
section 4511.19 of the Revised Code, or under section 4510.07 of 782
the Revised Code for a violation of a municipal OVI ordinance 783
and upon the request of the person whose driver's or commercial 784
driver's license or permit was suspended and who is not 785
otherwise subject to suspension, cancellation, or 786
disqualification, the registrar shall return the driver's or 787
commercial driver's license or permit to the person upon the 788
occurrence of all of the conditions specified in divisions (F) 789
(1) and (2) of this section: 790

(1) A showing that the person has proof of financial 791
responsibility, a policy of liability insurance in effect that 792
meets the minimum standards set forth in section 4509.51 of the 793

Revised Code, or proof, to the satisfaction of the registrar, 794
that the person is able to respond in damages in an amount at 795
least equal to the minimum amounts specified in section 4509.51 796
of the Revised Code. 797

(2) Subject to the limitation contained in division (F) (3) 798
of this section, payment by the person to the registrar or an 799
eligible deputy registrar of a license reinstatement fee of four 800
hundred seventy-five dollars, which fee shall be deposited in 801
the state treasury and credited as follows: 802

(a) One hundred twelve dollars and fifty cents shall be 803
credited to the statewide treatment and prevention fund created 804
by section 4301.30 of the Revised Code. Money credited to the 805
fund under this section shall be used for purposes identified 806
under section 5119.22 of the Revised Code. 807

(b) Seventy-five dollars shall be credited as follows: 808

(i) Except as provided in division (F) (2) (b) (ii) of this 809
section, to the reparations fund created by section 2743.191 of 810
the Revised Code; 811

(ii) For the period beginning on July 1, 2019, and 812
extending through June 30, 2021, fifty-six dollars and twenty- 813
five cents to the reparations fund created by section 2743.191 814
of the Revised Code and eighteen dollars and seventy-five cents 815
to the community outreach grant program fund created by section 816
109.922 of the Revised Code. 817

(c) Thirty-seven dollars and fifty cents shall be credited 818
to the indigent drivers alcohol treatment fund, which is hereby 819
established in the state treasury. The department of mental 820
health and addiction services shall distribute the moneys in 821
that fund to the county indigent drivers alcohol treatment 822

funds, the county juvenile indigent drivers alcohol treatment 823
funds, and the municipal indigent drivers alcohol treatment 824
funds that are required to be established by counties and 825
municipal corporations pursuant to division (H) of this section 826
to be used only as provided in division (H)(3) of this section. 827
Moneys in the fund that are not distributed to a county indigent 828
drivers alcohol treatment fund, a county juvenile indigent 829
drivers alcohol treatment fund, or a municipal indigent drivers 830
alcohol treatment fund under division (H) of this section 831
because the director of mental health and addiction services 832
does not have the information necessary to identify the county 833
or municipal corporation where the offender or juvenile offender 834
was arrested may be transferred by the director of budget and 835
management to the statewide treatment and prevention fund 836
created by section 4301.30 of the Revised Code, upon 837
certification of the amount by the director of mental health and 838
addiction services. 839

(d) Seventy-five dollars shall be credited to the 840
opportunities for Ohioans with disabilities agency established 841
by section 3304.15 of the Revised Code, to the services for 842
rehabilitation fund, which is hereby established. The fund shall 843
be used to match available federal matching funds where 844
appropriate, and for any other purpose or program of the agency 845
to rehabilitate persons with disabilities to help them become 846
employed and independent. 847

(e) Seventy-five dollars shall be deposited into the state 848
treasury and credited to the drug abuse resistance education 849
programs fund, which is hereby established, to be used by the 850
attorney general for the purposes specified in division (F)(4) 851
of this section. 852

(f) Thirty dollars shall be credited to the public safety 853
- highway purposes fund created by section 4501.06 of the 854
Revised Code. 855

(g) Twenty dollars shall be credited to the trauma and 856
emergency medical services fund created by section 4513.263 of 857
the Revised Code. 858

(h) Fifty dollars shall be credited to the indigent 859
drivers interlock and alcohol monitoring fund, which is hereby 860
established in the state treasury. Moneys in the fund shall be 861
distributed by the department of public safety to the county 862
indigent drivers interlock and alcohol monitoring funds, the 863
county juvenile indigent drivers interlock and alcohol 864
monitoring funds, and the municipal indigent drivers interlock 865
and alcohol monitoring funds that are required to be established 866
by counties and municipal corporations pursuant to this section, 867
and shall be used only to pay the cost of an immobilizing or 868
disabling device, including a certified ignition interlock 869
device, or an alcohol monitoring device used by an offender or 870
juvenile offender who is ordered to use the device by a county, 871
juvenile, or municipal court judge and who is determined by the 872
county, juvenile, or municipal court judge not to have the means 873
to pay for the person's use of the device. 874

(3) If a person's driver's or commercial driver's license 875
or permit is suspended under this section, under section 876
4511.196 or division (G) of section 4511.19 of the Revised Code, 877
under section 4510.07 of the Revised Code for a violation of a 878
municipal OVI ordinance or under any combination of the 879
suspensions described in division (F)(3) of this section, and if 880
the suspensions arise from a single incident or a single set of 881
facts and circumstances, the person is liable for payment of, 882

and shall be required to pay to the registrar or an eligible 883
deputy registrar, only one reinstatement fee of four hundred 884
seventy-five dollars. The reinstatement fee shall be distributed 885
by the bureau in accordance with division (F) (2) of this 886
section. 887

(4) The attorney general shall use amounts in the drug 888
abuse resistance education programs fund to award grants to law 889
enforcement agencies to establish and implement drug abuse 890
resistance education programs in public schools. Grants awarded 891
to a law enforcement agency under this section shall be used by 892
the agency to pay for not more than fifty per cent of the amount 893
of the salaries of law enforcement officers who conduct drug 894
abuse resistance education programs in public schools. The 895
attorney general shall not use more than six per cent of the 896
amounts the attorney general's office receives under division 897
(F) (2) (e) of this section to pay the costs it incurs in 898
administering the grant program established by division (F) (2) 899
(e) of this section and in providing training and materials 900
relating to drug abuse resistance education programs. 901

The attorney general shall report to the governor and the 902
general assembly each fiscal year on the progress made in 903
establishing and implementing drug abuse resistance education 904
programs. These reports shall include an evaluation of the 905
effectiveness of these programs. 906

(5) In addition to the reinstatement fee under this 907
section, if the person pays the reinstatement fee to a deputy 908
registrar, the deputy registrar shall collect a service fee of 909
ten dollars to compensate the deputy registrar for services 910
performed under this section. The deputy registrar shall retain 911
eight dollars of the service fee and shall transmit the 912

reinstatement fee, plus two dollars of the service fee, to the 913
registrar in the manner the registrar shall determine. 914

(G) Suspension of a commercial driver's license under 915
division (B) or (C) of this section shall be concurrent with any 916
period of disqualification under section 3123.611 or 4506.16 of 917
the Revised Code or any period of suspension under section 918
3123.58 of the Revised Code. No person who is disqualified for 919
life from holding a commercial driver's license under section 920
4506.16 of the Revised Code shall be issued a driver's license 921
under Chapter 4507. of the Revised Code during the period for 922
which the commercial driver's license was suspended under 923
division (B) or (C) of this section. No person whose commercial 924
driver's license is suspended under division (B) or (C) of this 925
section shall be issued a driver's license under Chapter 4507. 926
of the Revised Code during the period of the suspension. 927

(H) (1) Each county shall establish an indigent drivers 928
alcohol treatment fund and a juvenile indigent drivers alcohol 929
treatment fund. Each municipal corporation in which there is a 930
municipal court shall establish an indigent drivers alcohol 931
treatment fund. All revenue that the general assembly 932
appropriates to the indigent drivers alcohol treatment fund for 933
transfer to a county indigent drivers alcohol treatment fund, a 934
county juvenile indigent drivers alcohol treatment fund, or a 935
municipal indigent drivers alcohol treatment fund, all portions 936
of fees that are paid under division (F) of this section and 937
that are credited under that division to the indigent drivers 938
alcohol treatment fund in the state treasury for a county 939
indigent drivers alcohol treatment fund, a county juvenile 940
indigent drivers alcohol treatment fund, or a municipal indigent 941
drivers alcohol treatment fund, all portions of additional costs 942
imposed under section 2949.094 of the Revised Code that are 943

specified for deposit into a county, county juvenile, or 944
municipal indigent drivers alcohol treatment fund by that 945
section, and all portions of fines that are specified for 946
deposit into a county or municipal indigent drivers alcohol 947
treatment fund by section 4511.193 of the Revised Code shall be 948
deposited into that county indigent drivers alcohol treatment 949
fund, county juvenile indigent drivers alcohol treatment fund, 950
or municipal indigent drivers alcohol treatment fund. The 951
portions of the fees paid under division (F) of this section 952
that are to be so deposited shall be determined in accordance 953
with division (H) (2) of this section. Additionally, all portions 954
of fines that are paid for a violation of section 4511.19 of the 955
Revised Code or of any prohibition contained in Chapter 4510. of 956
the Revised Code, and that are required under section 4511.19 or 957
any provision of Chapter 4510. of the Revised Code to be 958
deposited into a county indigent drivers alcohol treatment fund 959
or municipal indigent drivers alcohol treatment fund shall be 960
deposited into the appropriate fund in accordance with the 961
applicable division of the section or provision. 962

(2) That portion of the license reinstatement fee that is 963
paid under division (F) of this section and that is credited 964
under that division to the indigent drivers alcohol treatment 965
fund shall be deposited into a county indigent drivers alcohol 966
treatment fund, a county juvenile indigent drivers alcohol 967
treatment fund, or a municipal indigent drivers alcohol 968
treatment fund as follows: 969

(a) Regarding a suspension imposed under this section, 970
that portion of the fee shall be deposited as follows: 971

(i) If the fee is paid by a person who was charged in a 972
county court with the violation that resulted in the suspension 973

or in the imposition of the court costs, the portion shall be 974
deposited into the county indigent drivers alcohol treatment 975
fund under the control of that court; 976

(ii) If the fee is paid by a person who was charged in a 977
juvenile court with the violation that resulted in the 978
suspension or in the imposition of the court costs, the portion 979
shall be deposited into the county juvenile indigent drivers 980
alcohol treatment fund established in the county served by the 981
court; 982

(iii) If the fee is paid by a person who was charged in a 983
municipal court with the violation that resulted in the 984
suspension or in the imposition of the court costs, the portion 985
shall be deposited into the municipal indigent drivers alcohol 986
treatment fund under the control of that court. 987

(b) Regarding a suspension imposed under section 4511.19 988
of the Revised Code or under section 4510.07 of the Revised Code 989
for a violation of a municipal OVI ordinance, that portion of 990
the fee shall be deposited as follows: 991

(i) If the fee is paid by a person whose license or permit 992
was suspended by a county court, the portion shall be deposited 993
into the county indigent drivers alcohol treatment fund under 994
the control of that court; 995

(ii) If the fee is paid by a person whose license or 996
permit was suspended by a municipal court, the portion shall be 997
deposited into the municipal indigent drivers alcohol treatment 998
fund under the control of that court. 999

(3) (a) As used in division (H) (3) of this section, 1000
"indigent person" means a person who is convicted of a violation 1001
of division (A) or (B) of section 4511.19 of the Revised Code or 1002

a substantially similar municipal ordinance or found to be a 1003
juvenile traffic offender by reason of a violation of division 1004
(A) or (B) of section 4511.19 of the Revised Code or a 1005
substantially similar municipal ordinance, who is ordered by the 1006
court to attend an alcohol and drug addiction treatment program, 1007
and who is determined by the court under division (H) (5) of this 1008
section to be unable to pay the cost of the assessment or the 1009
cost of attendance at the treatment program. 1010

(b) A county, juvenile, or municipal court judge, by 1011
order, may make expenditures from a county indigent drivers 1012
alcohol treatment fund, a county juvenile indigent drivers 1013
alcohol treatment fund, or a municipal indigent drivers alcohol 1014
treatment fund with respect to an indigent person for any of the 1015
following: 1016

(i) To pay the cost of an assessment that is conducted by 1017
an appropriately licensed clinician at either a driver 1018
intervention program that is certified under section 5119.38 of 1019
the Revised Code or at a community addiction services provider 1020
whose alcohol and drug addiction services are certified under 1021
section 5119.36 of the Revised Code; 1022

(ii) To pay the cost of alcohol addiction services, drug 1023
addiction services, or integrated alcohol and drug addiction 1024
services at a community addiction services provider whose 1025
alcohol and drug addiction services are certified under section 1026
5119.36 of the Revised Code; 1027

(iii) To pay the cost of transportation to attend an 1028
assessment as provided under division (H) (3) (b) (i) of this 1029
section or addiction services as provided under division (H) (3) 1030
(b) (ii) of this section. 1031

The alcohol and drug addiction services board or the board 1032
of alcohol, drug addiction, and mental health services 1033
established pursuant to section 340.02 or 340.021 of the Revised 1034
Code and serving the alcohol, drug addiction, and mental health 1035
service district in which the court is located shall administer 1036
the indigent drivers alcohol treatment program of the court. 1037
When a court orders an offender or juvenile traffic offender to 1038
obtain an assessment or attend an alcohol and drug addiction 1039
treatment program, the board shall determine which program is 1040
suitable to meet the needs of the offender or juvenile traffic 1041
offender, and when a suitable program is located and space is 1042
available at the program, the offender or juvenile traffic 1043
offender shall attend the program designated by the board. A 1044
reasonable amount not to exceed five per cent of the amounts 1045
credited to and deposited into the county indigent drivers 1046
alcohol treatment fund, the county juvenile indigent drivers 1047
alcohol treatment fund, or the municipal indigent drivers 1048
alcohol treatment fund serving every court whose program is 1049
administered by that board shall be paid to the board to cover 1050
the costs it incurs in administering those indigent drivers 1051
alcohol treatment programs. 1052

(c) Upon exhaustion of moneys in the indigent drivers 1053
interlock and alcohol monitoring fund for the use of an alcohol 1054
monitoring device, a county, juvenile, or municipal court judge 1055
may use moneys in the county indigent drivers alcohol treatment 1056
fund, county juvenile indigent drivers alcohol treatment fund, 1057
or municipal indigent drivers alcohol treatment fund in either 1058
of the following manners: 1059

(i) If the source of the moneys was an appropriation of 1060
the general assembly, a portion of a fee that was paid under 1061
division (F) of this section, a portion of a fine that was 1062

specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section 4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device;

(ii) If the source of the moneys was a portion of an additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of mental health and addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of

the Revised Code and serving the alcohol, drug addiction, and 1094
mental health district in which the court is located, that the 1095
funds in the county indigent drivers alcohol treatment fund, the 1096
county juvenile indigent drivers alcohol treatment fund, or the 1097
municipal indigent drivers alcohol treatment fund under the 1098
control of the court are more than sufficient to satisfy the 1099
purpose for which the fund was established, as specified in 1100
divisions (H) (1) to (3) of this section, the court may declare a 1101
surplus in the fund. If the court declares a surplus in the 1102
fund, the court may take any of the following actions with 1103
regard to the amount of the surplus in the fund: 1104

(a) Expend any of the surplus amount for alcohol and drug 1105
abuse assessment and treatment, and for the cost of 1106
transportation related to assessment and treatment, of persons 1107
who are charged in the court with committing a criminal offense 1108
or with being a delinquent child or juvenile traffic offender 1109
and in relation to whom both of the following apply: 1110

(i) The court determines that substance abuse was a 1111
contributing factor leading to the criminal or delinquent 1112
activity or the juvenile traffic offense with which the person 1113
is charged. 1114

(ii) The court determines that the person is unable to pay 1115
the cost of the alcohol and drug abuse assessment and treatment 1116
for which the surplus money will be used. 1117

(b) Expend any of the surplus amount to pay all or part of 1118
the cost of purchasing alcohol monitoring devices to be used in 1119
conjunction with division (H) (3) (c) of this section, upon 1120
exhaustion of moneys in the indigent drivers interlock and 1121
alcohol monitoring fund for the use of an alcohol monitoring 1122
device. 1123

(c) Transfer to another court in the same county any of 1124
the surplus amount to be utilized in a manner consistent with 1125
division (H) (3) of this section. If surplus funds are 1126
transferred to another court, the court that transfers the funds 1127
shall notify the alcohol and drug addiction services board or 1128
the board of alcohol, drug addiction, and mental health services 1129
that serves the alcohol, drug addiction, and mental health 1130
service district in which that court is located. 1131

(d) Transfer to the alcohol and drug addiction services 1132
board or the board of alcohol, drug addiction, and mental health 1133
services that serves the alcohol, drug addiction, and mental 1134
health service district in which the court is located any of the 1135
surplus amount to be utilized in a manner consistent with 1136
division (H) (3) of this section or for board contracted recovery 1137
support services. 1138

(5) In order to determine if an offender does not have the 1139
means to pay for the offender's attendance at an alcohol and 1140
drug addiction treatment program for purposes of division (H) (3) 1141
of this section or if an alleged offender or delinquent child is 1142
unable to pay the costs specified in division (H) (4) of this 1143
section, the court shall use the indigent client eligibility 1144
guidelines and the standards of indigency established by the 1145
state public defender to make the determination. 1146

(6) The court shall identify and refer any community 1147
addiction services provider that intends to provide alcohol and 1148
drug addiction services and has not had its alcohol and drug 1149
addiction services certified under section 5119.36 of the 1150
Revised Code and that is interested in receiving amounts from 1151
the surplus in the fund declared under division (H) (4) of this 1152
section to the department of mental health and addiction 1153

services in order for the community addiction services provider 1154
to have its alcohol and drug addiction services certified by the 1155
department. The department shall keep a record of applicant 1156
referrals received pursuant to this division and shall submit a 1157
report on the referrals each year to the general assembly. If a 1158
community addiction services provider interested in having its 1159
alcohol and drug addiction services certified makes an 1160
application pursuant to section 5119.36 of the Revised Code, the 1161
community addiction services provider is eligible to receive 1162
surplus funds as long as the application is pending with the 1163
department. The department of mental health and addiction 1164
services must offer technical assistance to the applicant. If 1165
the interested community addiction services provider withdraws 1166
the certification application, the department must notify the 1167
court, and the court shall not provide the interested community 1168
addiction services provider with any further surplus funds. 1169

(7) (a) Each alcohol and drug addiction services board and 1170
board of alcohol, drug addiction, and mental health services 1171
established pursuant to section 340.02 or 340.021 of the Revised 1172
Code shall submit to the department of mental health and 1173
addiction services an annual report for each indigent drivers 1174
alcohol treatment fund in that board's area. 1175

(b) The report, which shall be submitted not later than 1176
sixty days after the end of the state fiscal year, shall provide 1177
the total payment that was made from the fund, including the 1178
number of indigent consumers that received treatment services 1179
and the number of indigent consumers that received an alcohol 1180
monitoring device. The report shall identify the treatment 1181
program and expenditure for an alcohol monitoring device for 1182
which that payment was made. The report shall include the fiscal 1183
year balance of each indigent drivers alcohol treatment fund 1184

located in that board's area. In the event that a surplus is 1185
declared in the fund pursuant to division (H) (4) of this 1186
section, the report also shall provide the total payment that 1187
was made from the surplus moneys and identify the authorized 1188
purpose for which that payment was made. 1189

(c) If a board is unable to obtain adequate information to 1190
develop the report to submit to the department for a particular 1191
indigent drivers alcohol treatment fund, the board shall submit 1192
a report detailing the effort made in obtaining the information. 1193

(I) (1) Each county shall establish an indigent drivers 1194
interlock and alcohol monitoring fund and a juvenile indigent 1195
drivers interlock and alcohol treatment fund. Each municipal 1196
corporation in which there is a municipal court shall establish 1197
an indigent drivers interlock and alcohol monitoring fund. All 1198
revenue that the general assembly appropriates to the indigent 1199
drivers interlock and alcohol monitoring fund for transfer to a 1200
county indigent drivers interlock and alcohol monitoring fund, a 1201
county juvenile indigent drivers interlock and alcohol 1202
monitoring fund, or a municipal indigent drivers interlock and 1203
alcohol monitoring fund, all portions of license reinstatement 1204
fees that are paid under division (F) (2) of this section and 1205
that are credited under that division to the indigent drivers 1206
interlock and alcohol monitoring fund in the state treasury, and 1207
all portions of fines that are paid under division (G) of 1208
section 4511.19 of the Revised Code and that are credited by 1209
division (G) (5) (e) of that section to the indigent drivers 1210
interlock and alcohol monitoring fund in the state treasury 1211
shall be deposited in the appropriate fund in accordance with 1212
division (I) (2) of this section. 1213

(2) That portion of the license reinstatement fee that is 1214

paid under division (F) of this section and that portion of the 1215
fine paid under division (G) of section 4511.19 of the Revised 1216
Code and that is credited under either division to the indigent 1217
drivers interlock and alcohol monitoring fund shall be deposited 1218
into a county indigent drivers interlock and alcohol monitoring 1219
fund, a county juvenile indigent drivers interlock and alcohol 1220
monitoring fund, or a municipal indigent drivers interlock and 1221
alcohol monitoring fund as follows: 1222

(a) If the fee or fine is paid by a person who was charged 1223
in a county court with the violation that resulted in the 1224
suspension or fine, the portion shall be deposited into the 1225
county indigent drivers interlock and alcohol monitoring fund 1226
under the control of that court. 1227

(b) If the fee or fine is paid by a person who was charged 1228
in a juvenile court with the violation that resulted in the 1229
suspension or fine, the portion shall be deposited into the 1230
county juvenile indigent drivers interlock and alcohol 1231
monitoring fund established in the county served by the court. 1232

(c) If the fee or fine is paid by a person who was charged 1233
in a municipal court with the violation that resulted in the 1234
suspension, the portion shall be deposited into the municipal 1235
indigent drivers interlock and alcohol monitoring fund under the 1236
control of that court. 1237

(3) If a county, juvenile, or municipal court determines 1238
that the funds in the county indigent drivers interlock and 1239
alcohol monitoring fund, the county juvenile indigent drivers 1240
interlock and alcohol monitoring fund, or the municipal indigent 1241
drivers interlock and alcohol monitoring fund under the control 1242
of that court are more than sufficient to satisfy the purpose 1243
for which the fund was established as specified in division (F) 1244

(2) (h) of this section, the court may declare a surplus in the 1245
fund. The court then may order the transfer of a specified 1246
amount into the county indigent drivers alcohol treatment fund, 1247
the county juvenile indigent drivers alcohol treatment fund, or 1248
the municipal indigent drivers alcohol treatment fund under the 1249
control of that court to be utilized in accordance with division 1250
(H) of this section. 1251

Section 2. That existing sections 2743.191, 2743.70, 1252
4503.234, and 4511.191 of the Revised Code are hereby repealed. 1253