

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 698

Representatives Holmes, A., Crossman

A BILL

To amend sections 127.19, 2152.021, 2743.60, 1
2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2
2925.11, 2929.01, 2929.13, 2929.14, 2941.1410, 3
2951.02, 2951.08, 2967.131, 2967.28, 3719.21, 4
4141.01, 5747.01, and 5751.01 and to enact 5
sections 121.53, 341.231, 341.232, 2925.111, 6
2925.112, 2925.113, 2935.34, 2951.023, 2967.49, 7
2967.50, 2967.51, 2967.52, 2967.53, 2967.54, 8
2967.55, 2967.56, 2967.57, 2967.58, 2967.59, 9
2967.60, 4123.392, 5120.67, 5120.85, 5139.60, 10
5139.61, 5139.62, and 5139.63 of the Revised 11
Code regarding a proposal to establish addiction 12
treatment facilities, to increase penalties for 13
drug trafficking violations, to modify penalties 14
for drug possession, to require an offender 15
convicted of a drug possession or drug 16
trafficking offense involving certain drugs to 17
be subject to ten years of post-release control, 18
to allow a criminal defendant who has a severe 19
substance use disorder involving certain drugs 20
to be confined by a state detoxification 21
provider while awaiting trial, to create 22
restitution work programs, and to make an 23
appropriation. 24

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

Section 1. That sections 127.19, 2152.021, 2743.60, 25
2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2925.11, 2929.01, 26
2929.13, 2929.14, 2941.1410, 2951.02, 2951.08, 2967.131, 27
2967.28, 3719.21, 4141.01, 5747.01, and 5751.01 be amended and 28
sections 121.53, 341.231, 341.232, 2925.111, 2925.112, 2925.113, 29
2935.34, 2951.023, 2967.49, 2967.50, 2967.51, 2967.52, 2967.53, 30
2967.54, 2967.55, 2967.56, 2967.57, 2967.58, 2967.59, 2967.60, 31
4123.392, 5120.67, 5120.85, 5139.60, 5139.61, 5139.62, and 32
5139.63 of the Revised Code be enacted to read as follows: 33

Sec. 121.53. (A) There is hereby created in the office of 34
the inspector general the position of deputy inspector general 35
for the department of rehabilitation and correction. The 36
inspector general shall appoint the deputy inspector general, 37
and the deputy inspector general shall serve at the pleasure of 38
the inspector general. A person employed as the deputy inspector 39
general shall have the same qualifications as those specified in 40
section 121.49 of the Revised Code for the inspector general. 41
The inspector general shall provide technical, professional, and 42
clerical assistance to the deputy inspector general. 43

(B) There is hereby created in the state treasury the 44
deputy inspector for the department of rehabilitation and 45
correction fund. The fund shall consist of money credited to the 46
fund for the payment of costs incurred by the deputy inspector 47
general in performing the duties of the deputy inspector general 48
as specified in this section. The inspector general shall use 49
the fund to pay costs incurred by the deputy inspector general 50
in performing the duties of the deputy inspector general as 51
required under this section. 52

(C) The deputy inspector general shall investigate all 53
wrongful acts or omissions that have been committed or are being 54
committed by employees of the department of rehabilitation and 55
correction. In addition, the deputy inspector general shall 56
inspect work safety and conditions of participants in addiction 57
treatment facilities operated under sections 2967.49 to 2967.57 58
of the Revised Code and restitution work centers operated under 59
sections 341.231 and 341.232 of the Revised Code. The deputy 60
inspector general has the same powers and duties regarding 61
matters concerning addiction treatment facilities and 62
restitution work centers as those specified in sections 121.42, 63
121.43, and 121.45 of the Revised Code for the inspector 64
general. Complaints may be filed with the deputy inspector 65
general in the same manner as prescribed for complaints filed 66
with the inspector general under section 121.46 of the Revised 67
Code. All investigations conducted and reports issued by the 68
deputy inspector general are subject to section 121.44 of the 69
Revised Code. 70

(D) All officers and employees of the department of 71
rehabilitation and correction shall cooperate with and provide 72
assistance to the deputy inspector general in the performance of 73
any investigation by the deputy inspector general. In 74
particular, those persons shall make their premises, equipment, 75
personnel, books, records, and papers readily available to the 76
deputy inspector general. In the course of an investigation, the 77
deputy inspector general may question any officer or employee of 78
the department and any person transacting business with the 79
department and may inspect and copy any book, record, or paper 80
in the possession of the department, taking care to preserve the 81
confidentiality of information contained in responses to 82
questions or the books, records, or papers that are made 83

confidential by law. In performing any investigation, the deputy 84
inspector general shall avoid interfering with the ongoing 85
operations of the department, except insofar as interference is 86
reasonably necessary to complete the investigation successfully. 87

(E) At the conclusion of an investigation conducted by the 88
deputy inspector general, the deputy inspector general shall 89
deliver to the director of rehabilitation and correction and the 90
governor any case for which remedial action is necessary. The 91
deputy inspector general shall maintain a public record of the 92
activities of the office of the deputy inspector general to the 93
extent permitted under this section, ensuring that the rights of 94
the parties involved in each case are protected. The inspector 95
general shall include in the annual report required under 96
section 121.48 of the Revised Code a summary of the activities 97
of the deputy inspector general during the previous year. 98

(F) No person shall disclose any information that is 99
designated as confidential in accordance with section 121.44 of 100
the Revised Code or any confidential information that is 101
acquired in the course of an investigation conducted under this 102
section to any person who is not legally entitled to disclosure 103
of that information. 104

Sec. 127.19. There is hereby created in the state treasury 105
the controlling board emergency purposes/contingencies fund, 106
consisting of transfers from the general revenue fund and any 107
other funds appropriated by the general assembly. Moneys in the 108
fund may be used by the controlling board at the request of a 109
state agency or the director of budget and management for any of 110
the ~~purpose of providing following purposes:~~ 111

(A) Providing disaster and emergency aid to state agencies 112
and political subdivisions ~~or for;~~ 113

(B) Providing moneys to the department of rehabilitation 114
and correction to ensure that an adequate number of 115
detoxification facilities exist in the state; 116

(C) Any other purposes approved by the controlling board. 117

Sec. 341.231. Except as provided in divisions (C) and (D) 118
of this section, the sheriff shall operate at least one 119
restitution work program in the county, in accordance with 120
section 341.232 of the Revised Code, to which offenders may be 121
sentenced or transferred through sentence modification pursuant 122
to sections 2967.58 and 2967.59 of the Revised Code. 123

(A) If the county has an operating restitution work center 124
and work is available at the restitution work center, the 125
sheriff shall order offenders participating in a restitution 126
work program to report every Saturday and Sunday during the 127
offender's period of community control, or on such other days as 128
are approved by the sheriff under division (C) of section 129
2967.60 of the Revised Code, for work at that restitution work 130
center. 131

(B) If no restitution work center is operating in the 132
county or if no work is available at a restitution work center 133
in the county, the sheriff may coordinate with a sheriff of 134
another county within one hundred miles of the county to send 135
offenders participating in the restitution work program to work 136
in a restitution work center in that other county on a combined 137
project. 138

(C) If no restitution work center is operating in the 139
county and the sheriff is unable to coordinate work with a 140
restitution work center in another county under division (B) of 141
this section, except as provided in division (D) of this 142

section, the sheriff shall transport offenders participating in 143
the restitution work program to a state work project so that 144
those offenders may provide labor for that project for the 145
period they would otherwise be required to work in a restitution 146
work center. 147

(D) If no restitution work center is operating in the 148
county, the sheriff is unable to coordinate work with a 149
restitution work center in another county under division (B) of 150
this section, and the sheriff is unable to find a state work 151
project to which offenders participating in the restitution work 152
program may contribute labor under division (C) of this section, 153
the sheriff shall choose a community service project to which 154
participating offenders may contribute labor. 155

(E) If the sheriff operates a restitution work center in 156
the county and combines labor for the operation of that 157
restitution work center with the sheriff of another county, the 158
sheriff of the first county shall distribute proceeds of the 159
restitution work center contract to the sheriff of the other 160
county in the same ratio as the ratio of work in the restitution 161
work center that is provided by offenders participating in the 162
restitution work program of the other county. 163

Sec. 341.232. (A) The sheriff of each county shall 164
establish and operate a restitution work center in the county, 165
provided that it is financially feasible to do so in accordance 166
with this section. The sheriff shall advertise a request for 167
proposals from manufacturers to partner with the sheriff in 168
establishing and operating a restitution work center in that 169
county. The request for proposals shall specify the estimated 170
number of offenders who would work at the proposed restitution 171
work center at any given time. 172

(B) A manufacturer proposal submitted in response to a 173
request for proposals issued under this section shall meet all 174
of the following requirements: 175

(1) The proposal shall specify a plan to contract with the 176
sheriff for a period of not less than five years to purchase 177
goods manufactured or altered by the offenders participating in 178
a restitution work program in that county and may provide for 179
any of the following: 180

(a) The manufacturer to provide a monetary contribution 181
toward the cost of establishing or operating the restitution 182
work center; 183

(b) The manufacturer to provide equipment, materials, or 184
training for purposes of the manufacturing work; 185

(c) Supervision or direction of the manufacturing work to 186
be performed by employees of the manufacturer, by offenders 187
participating in the restitution work program, by employees of 188
the sheriff, or by a combination of those persons. 189

(2) The proposal shall demonstrate either that the goods 190
to be manufactured or altered under the proposal or 191
substantially similar goods are not being manufactured or 192
altered in that manner in the United States or that the goods or 193
substantially similar goods are being manufactured or altered in 194
that manner in the United States and both of the following are 195
true: 196

(a) Not more than one-half of one per cent of the world's 197
total production of the goods or substantially similar goods or 198
alteration of the goods or substantially similar goods in that 199
manner was performed in the United States during the past three 200
years, excluding any such goods or substantially similar goods 201

manufactured or altered in that manner in the United States by 202
criminal offenders participating in federal, state, or local 203
work programs. 204

(b) One or more manufacturers are manufacturing the goods 205
or substantially similar goods or altering the goods or 206
substantially similar goods in that manner in the United States 207
with the intention of preventing a restitution work center from 208
manufacturing the goods, based on the restrictions set forth in 209
division (B)(2) of this section. The proposal shall include all 210
of the following information concerning the manufacturers that 211
are manufacturing the goods or substantially similar goods or 212
altering the goods or substantially similar goods in that manner 213
in the United States: 214

(i) The manufacturers' ownership, parents, affiliates, and 215
subsidiaries; 216

(ii) The manufacturers' source of capital; 217

(iii) The manufacturers' actual and projected net profits; 218

(iv) The date manufacturing began; 219

(v) The manufacturers' relationship to the world's large 220
foreign manufacturers; 221

(vi) The independence of the manufacturers; 222

(vii) Any other relevant information. 223

(C) (1) After receiving proposals from manufacturers under 224
this section, the sheriff shall evaluate the proposals and 225
select the qualified proposal that would make the establishment 226
and operation of a restitution work center the most financially 227
feasible. If no suitable proposal has been submitted, the 228
sheriff shall continue to advertise the request for proposals 229

until the sheriff has selected a proposal. 230

(2) After selecting a proposal under this section, the 231
sheriff shall request the department of rehabilitation and 232
correction to provide the funds necessary to establish and 233
operate the restitution work center. After the necessary funds 234
have been secured, the sheriff shall execute a written contract 235
with the manufacturer and begin work to establish the 236
restitution work center. 237

(D)(1) Subject to division (D)(2)(a)(ii) of this section, 238
the moneys the sheriff receives from the manufacturer under the 239
contract for the operation of the restitution work center shall 240
be divided as follows: 241

(a) The sheriff shall retain twenty-five per cent of the 242
funds in a special fund created and maintained by the county 243
exclusively for the purpose of operating the county's 244
restitution work program. The county restitution work program 245
fund shall be subject to all applicable provisions of Chapter 246
5705. of the Revised Code concerning the establishment or 247
maintenance of a special fund. 248

(b) The sheriff shall deposit twenty-five per cent of the 249
funds in the state treasury to the credit of the restitution 250
work program fund created under section 5120.67 of the Revised 251
Code. 252

(c) The sheriff shall deposit twenty-five per cent of the 253
funds in the state treasury to the credit of the reparations 254
fund created under section 2743.191 of the Revised Code. 255

(d) If the sheriff determines that it is financially 256
feasible to do so, the sheriff shall deposit twenty-five per 257
cent of the funds in a special fund created and maintained by 258

the county exclusively for the purpose of disbursing offender 259
bonuses under this section. The offender bonus fund shall be 260
subject to all applicable provisions of Chapter 5705. of the 261
Revised Code concerning the establishment or maintenance of a 262
special fund. If the sheriff determines that it is not 263
financially feasible to deposit those funds in the offender 264
bonus fund, the sheriff shall deposit them in the county 265
restitution work program fund described in division (D) (1) (a) of 266
this section. 267

(2) (a) (i) The department of rehabilitation and correction 268
shall compensate offenders participating in a restitution work 269
program for their work at a restitution work center or on a 270
state project at the same rate paid to participants in work 271
programs established under section 5145.16 of the Revised Code, 272
in addition to any bonus awarded under division (D) (3) of this 273
section. The department shall designate a financial manager for 274
each county that operates a restitution work program. 275

(ii) If the moneys the sheriff receives from the 276
manufacturer under the contract for the operation of the 277
restitution work center exceed ninety-five per cent of the cost 278
of operating the restitution work center, the sheriff shall use 279
the excess funds to increase the hourly compensation of each 280
offender who works at the restitution work center by an equal 281
amount. 282

(b) The net earnings of a participant in a restitution 283
work program, excluding any bonus described in division (D) (3) 284
of this section, shall be allocated in the same manner as the 285
earnings of participants in work programs under section 5145.16 286
of the Revised Code. Twenty-five per cent of the earnings 287
allocated to the account of the program participant shall be 288

held by a financial manager in accordance with divisions (D) (2) 289
(c) and (d) of this section. 290

(c) The financial manager shall hold the earnings 291
surrendered by a participant on behalf of the participant, place 292
the earnings surrendered by each participant in a separate 293
account, and provide a monthly account statement to the 294
participant. The financial manager shall place a participant's 295
earnings in an interest-bearing savings account at a savings 296
bank or in a bond account invested in bonds issued by the United 297
States treasury, this state, or a political subdivision of this 298
state that is chosen by the participant. 299

(d) The financial manager shall pay out the total funds 300
held on behalf of a participant upon the participant's release 301
from community control under the restitution work program. The 302
financial manager shall maintain complete and accurate records 303
with respect to all money received from and paid out to 304
participants. If an offender does not successfully complete 305
community control under the restitution work program, the 306
financial manager shall pay out the total funds held on behalf 307
of a participant upon the participant's release from 308
incarceration. 309

(3) (a) Based on the amount available in the offender bonus 310
fund described in division (D) (1) (d) of this section, the 311
sheriff shall establish an hourly bonus rate, which shall be an 312
amount reserved for each offender who participates in the 313
county's restitution work program for each hour the offender 314
works in the county's program. Except as otherwise provided in 315
division (D) (3) (b) of this section, when an offender is released 316
from community control under the restitution work program, the 317
sheriff shall pay to the offender from the fund a bonus equal to 318

the amount reserved for the offender as the offender's hourly 319
bonus rate. If the offender does not successfully complete 320
community control under the restitution work program, the 321
sheriff shall pay out the bonus upon the offender's release from 322
incarceration. 323

(b) During an offender's period of community control, the 324
sheriff annually shall notify the director of job and family 325
services of the offender's identity and ask the director to 326
determine whether the offender owes child support obligations, 327
as defined in section 4141.284 of the Revised Code. If the 328
offender owes child support obligations, the director shall 329
instruct the sheriff to deduct from the amount of any bonus 330
funds to which the offender will be entitled upon completing the 331
period of community control the amount that would be withheld 332
from any unemployment compensation payable to the offender under 333
that section. The sheriff shall remit the deducted amount to the 334
director, and the director shall dispose of the amount in the 335
same manner as if the amount were withheld from unemployment 336
compensation under that section. 337

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 338
section, any person having knowledge of a child who appears to 339
be a juvenile traffic offender or to be a delinquent child may 340
file a sworn complaint with respect to that child in the 341
juvenile court of the county in which the child has a residence 342
or legal settlement or in which the traffic offense or 343
delinquent act allegedly occurred. The sworn complaint may be 344
upon information and belief, and, in addition to the allegation 345
that the child is a delinquent child or a juvenile traffic 346
offender, the complaint shall allege the particular facts upon 347
which the allegation that the child is a delinquent child or a 348
juvenile traffic offender is based. 349

If a child appears to be a delinquent child who is 350
eligible for a serious youthful offender dispositional sentence 351
under section 2152.11 of the Revised Code and if the prosecuting 352
attorney desires to seek a serious youthful offender 353
dispositional sentence under section 2152.13 of the Revised Code 354
in regard to the child, the prosecuting attorney of the county 355
in which the alleged delinquency occurs may initiate a case in 356
the juvenile court of the county by presenting the case to a 357
grand jury for indictment, by charging the child in a bill of 358
information as a serious youthful offender pursuant to section 359
2152.13 of the Revised Code, by requesting a serious youthful 360
offender dispositional sentence in the original complaint 361
alleging that the child is a delinquent child, or by filing with 362
the juvenile court a written notice of intent to seek a serious 363
youthful offender dispositional sentence. This paragraph does 364
not apply regarding the imposition of a serious youthful 365
offender dispositional sentence pursuant to section 2152.121 of 366
the Revised Code. 367

(2) Any person having knowledge of a child who appears to 368
be a delinquent child for violating a court order regarding the 369
child's adjudication as an unruly child for being an habitual 370
truant, may file a sworn complaint with respect to that child, 371
or with respect to that child and the parent, guardian, or other 372
person having care of the child, in the juvenile court of the 373
county in which the child has a residence or legal settlement or 374
in which the child is supposed to attend public school. The 375
sworn complaint may be upon information and belief and shall 376
allege that the child is a delinquent child for violating a 377
court order regarding the child's prior adjudication as an 378
unruly child for being a habitual truant and, in addition, the 379
particular facts upon which that allegation is based. If the 380

complaint contains allegations regarding the child's parent, 381
guardian, or other person having care of the child, the 382
complaint additionally shall allege that the parent, guardian, 383
or other person having care of the child has failed to cause the 384
child's attendance at school in violation of section 3321.38 of 385
the Revised Code and, in addition, the particular facts upon 386
which that allegation is based. 387

(B) Any person with standing under applicable law may file 388
a complaint for the determination of any other matter over which 389
the juvenile court is given jurisdiction by section 2151.23 of 390
the Revised Code. The complaint shall be filed in the county in 391
which the child who is the subject of the complaint is found or 392
was last known to be found. 393

(C) Within ten days after the filing of a complaint or the 394
issuance of an indictment, the court shall give written notice 395
of the filing of the complaint or the issuance of an indictment 396
and of the substance of the complaint or indictment to the 397
superintendent of a city, local, exempted village, or joint 398
vocational school district if the complaint or indictment 399
alleges that a child committed an act that would be a criminal 400
offense if committed by an adult, that the child was sixteen 401
years of age or older at the time of the commission of the 402
alleged act, and that the alleged act is any of the following: 403

(1) A violation of section 2923.122 of the Revised Code 404
that relates to property owned or controlled by, or to an 405
activity held under the auspices of, the board of education of 406
that school district; 407

(2) A violation of section 2923.12 of the Revised Code, of 408
a substantially similar municipal ordinance, or of section 409
2925.03 of the Revised Code that was committed on property owned 410

or controlled by, or at an activity held under the auspices of, 411
the board of education of that school district; 412

(3) A violation of section 2925.11 of the Revised Code 413
that was committed on property owned or controlled by, or at an 414
activity held under the auspices of, the board of education of 415
that school district, other than a violation of that section 416
that would be a minor drug possession offense if committed by an 417
adult; 418

(4) A violation of section 2903.01, 2903.02, 2903.03, 419
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 420
Code, or a violation of former section 2907.12 of the Revised 421
Code, that was committed on property owned or controlled by, or 422
at an activity held under the auspices of, the board of 423
education of that school district, if the victim at the time of 424
the commission of the alleged act was an employee of the board 425
of education of that school district; 426

(5) Complicity in any violation described in division (C) 427
(1), (2), (3), or (4) of this section that was alleged to have 428
been committed in the manner described in division (C)(1), (2), 429
(3), or (4) of this section, regardless of whether the act of 430
complicity was committed on property owned or controlled by, or 431
at an activity held under the auspices of, the board of 432
education of that school district. 433

(D) A public children services agency, acting pursuant to 434
a complaint or an action on a complaint filed under this 435
section, is not subject to the requirements of section 3127.23 436
of the Revised Code. 437

(E) For purposes of the record to be maintained by the 438
clerk under division (B) of section 2152.71 of the Revised Code, 439

when a complaint is filed that alleges that a child is a 440
delinquent child, the court shall determine if the victim of the 441
alleged delinquent act was sixty-five years of age or older or 442
permanently and totally disabled at the time of the alleged 443
commission of the act. 444

(F) (1) At any time after the filing of a complaint 445
alleging that a child is a delinquent child and before 446
adjudication, the court may hold a hearing to determine whether 447
to hold the complaint in abeyance pending the child's successful 448
completion of actions that constitute a method to divert the 449
child from the juvenile court system if the child agrees to the 450
hearing and either of the following applies: 451

(a) The act charged would be a violation of section 452
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 453
were an adult. 454

(b) The court has reason to believe that the child is a 455
victim of a violation of section 2905.32 of the Revised Code, 456
regardless of whether any person has been convicted of a 457
violation of that section or of any other section for 458
victimizing the child, and the act charged is related to the 459
child's victimization. 460

(2) The prosecuting attorney has the right to participate 461
in any hearing held under division (F) (1) of this section, to 462
object to holding the complaint that is the subject of the 463
hearing in abeyance, and to make recommendations related to 464
diversion actions. No statement made by a child at a hearing 465
held under division (F) (1) of this section is admissible in any 466
subsequent proceeding against the child. 467

(3) If either division (F) (1) (a) or (b) of this section 468

applies, the court shall promptly appoint a guardian ad litem 469
for the child. The court shall not appoint the child's attorney 470
as guardian ad litem. If the court decides to hold the complaint 471
in abeyance, the guardian ad litem shall make recommendations 472
that are in the best interest of the child to the court. 473

(4) If after a hearing the court decides to hold the 474
complaint in abeyance, the court may make any orders regarding 475
placement, services, supervision, diversion actions, and 476
conditions of abeyance, including, but not limited to, 477
engagement in trauma-based behavioral health services or 478
education activities, that the court considers appropriate and 479
in the best interest of the child. The court may hold the 480
complaint in abeyance for up to ninety days while the child 481
engages in diversion actions. If the child violates the 482
conditions of abeyance or does not complete the diversion 483
actions to the court's satisfaction within ninety days, the 484
court may extend the period of abeyance for not more than two 485
additional ninety-day periods. 486

(5) If the court holds the complaint in abeyance and the 487
child complies with the conditions of abeyance and completes the 488
diversion actions to the court's satisfaction, the court shall 489
dismiss the complaint and order that the records pertaining to 490
the case be expunged immediately. If the child fails to complete 491
the diversion actions to the court's satisfaction, the court 492
shall proceed upon the complaint. 493

(G) (1) At any time after the filing of a complaint 494
alleging that a child is a delinquent child and before 495
adjudication, the court may hold a hearing to determine whether 496
to hold the complaint in abeyance pending the child's successful 497
completion of treatment at a juvenile addiction treatment 498

facility if all of the following apply: 499

(a) The child agrees to the hearing, agrees to comply with 500
the requirements of the juvenile addiction treatment facility 501
program, and acknowledges that failure to complete treatment in 502
the juvenile addiction treatment facility to the court's 503
satisfaction will result in the court proceeding upon the 504
complaint. 505

(b) The child has a severe substance use disorder 506
involving a hard drug. 507

(c) None of the acts charged or for which the child was 508
previously adjudicated delinquent would be a felony offense of 509
violence if committed by an adult. 510

(d) The child agrees to submit to a naltrexone shot two 511
weeks before conditional release from a juvenile addiction 512
treatment facility. 513

(e) An addiction services provider has conducted an 514
assessment on the child and found the child to be suffering from 515
a severe substance use disorder involving a hard drug and 516
amenable to treatment. 517

(2) The prosecuting attorney has the right to participate 518
in any hearing held under division (G) (1) of this section to 519
object to holding the complaint that is the subject of the 520
hearing in abeyance and to make recommendations related to 521
treatment at a juvenile addiction treatment facility. No 522
statement made by a child at a hearing held under division (G) 523
(1) of this section is admissible in any subsequent proceeding 524
against the child. 525

(3) If after a hearing under division (G) (1) of this 526
section the court determines that the requirements in division 527

(G) (1) of this section are met and that at least one juvenile 528
addiction treatment facility is operating in the state and has 529
available space to hold and treat the child for up to three 530
years, the court may order the child conveyed to the juvenile 531
addiction treatment facility for a period of up to three years, 532
administered a naltrexone shot at least two weeks prior to 533
conditional release from the facility, and supervised by the 534
facility for three years subsequent to release, as a condition 535
of the court's abeyance. 536

(4) If the court holds the complaint in abeyance under 537
division (G) (3) of this section and the child complies with the 538
conditions of abeyance and completes treatment at a juvenile 539
addiction treatment facility to the court's satisfaction, the 540
court shall dismiss the complaint and order that the records 541
pertaining to the case be expunged immediately. If the child 542
fails to complete treatment at the juvenile addiction treatment 543
facility, the court shall proceed upon the complaint. 544

(5) As used in division (G) of this section: 545

(a) "Hard drug" has the same meaning as in section 2967.49 546
of the Revised Code. 547

(b) "Severe substance use disorder" means a condition in 548
which a person is found to have experienced within a twelve- 549
month period six or more symptoms of a substance use disorder, 550
as determined in accordance with the criteria established in the 551
fifth edition of the diagnostic and statistical manual of mental 552
disorders published by the American psychiatric association. 553

Sec. 2743.60. (A) The attorney general or the court of 554
claims shall not make or order an award of reparations to a 555
claimant if the criminally injurious conduct upon which the 556

claimant bases a claim never was reported to a law enforcement officer or agency. 557
558

(B) (1) The attorney general or the court of claims shall 559
not make or order an award of reparations to a claimant if any 560
of the following apply: 561

(a) The claimant is the offender or an accomplice of the 562
offender who committed the criminally injurious conduct, the 563
claimant was engaged in criminal conduct at the time of the 564
injury that substantially contributed to the injury, or the 565
award would unjustly benefit the offender or accomplice. 566

(b) Except as provided in division (B) (2) of this section, 567
both of the following apply: 568

(i) The victim was a passenger in a motor vehicle and knew 569
or reasonably should have known that the driver was under the 570
influence of alcohol, a drug of abuse, or both. 571

(ii) The claimant is seeking compensation for injuries 572
proximately caused by the driver described in division (B) (1) (b) 573
(i) of this section being under the influence of alcohol, a drug 574
of abuse, or both. 575

(c) Both of the following apply: 576

(i) The victim was under the influence of alcohol, ~~a drug~~ 577
~~of abuse, or both~~ and was a passenger in a motor vehicle and, if 578
sober, should have reasonably known that the driver was under 579
the influence of alcohol, a drug of abuse, or both. 580

(ii) The claimant is seeking compensation for injuries 581
proximately caused by the driver described in division (B) (1) (b) 582
(i) of this section being under the influence of alcohol, a drug 583
of abuse, or both. 584

(2) Division (B)(1)(b) of this section does not apply if 585
on the date of the occurrence of the criminally injurious 586
conduct, the victim was under sixteen years of age or was at 587
least sixteen years of age but less than eighteen years of age 588
and was riding with a parent, guardian, or care-provider. 589

(C) The attorney general or the court of claims, upon a 590
finding that the claimant or victim has not fully cooperated 591
with appropriate law enforcement agencies, may deny a claim or 592
reconsider and reduce an award of reparations. 593

(D) The attorney general or the court of claims shall 594
reduce an award of reparations or deny a claim for an award of 595
reparations that is otherwise payable to a claimant to the 596
extent that the economic loss upon which the claim is based is 597
recouped from other persons, including collateral sources. If an 598
award is reduced or a claim is denied because of the expected 599
recoupment of all or part of the economic loss of the claimant 600
from a collateral source, the amount of the award or the denial 601
of the claim shall be conditioned upon the claimant's economic 602
loss being recouped by the collateral source. If the award or 603
denial is conditioned upon the recoupment of the claimant's 604
economic loss from a collateral source and it is determined that 605
the claimant did not unreasonably fail to present a timely claim 606
to the collateral source and will not receive all or part of the 607
expected recoupment, the claim may be reopened and an award may 608
be made in an amount equal to the amount of expected recoupment 609
that it is determined the claimant will not receive from the 610
collateral source. 611

If the claimant recoups all or part of the economic loss 612
upon which the claim is based from any other person or entity, 613
including a collateral source, the attorney general may recover 614

pursuant to section 2743.72 of the Revised Code the part of the 615
award that represents the economic loss for which the claimant 616
received the recoupment from the other person or entity. 617

(E) (1) Except as otherwise provided in division (E) (2) of 618
this section, the attorney general or the court of claims shall 619
not make an award to a claimant if any of the following applies: 620

(a) The victim was convicted of a felony within ten years 621
prior to the criminally injurious conduct that gave rise to the 622
claim or is convicted of a felony during the pendency of the 623
claim. 624

(b) The claimant was convicted of a felony within ten 625
years prior to the criminally injurious conduct that gave rise 626
to the claim or is convicted of a felony during the pendency of 627
the claim. 628

~~(c) It is proved by a preponderance of the evidence that 629
the victim or the claimant engaged, within ten years prior to 630
the criminally injurious conduct that gave rise to the claim or 631
during the pendency of the claim, in an offense of violence, a 632
violation of section 2925.03 of the Revised Code, or any 633
substantially similar offense that also would constitute a 634
felony under the laws of this state, another state, or the 635
United States. 636~~

~~(d) The claimant was convicted of a violation of section 637
2919.22 or 2919.25 of the Revised Code, or of any state law or 638
municipal ordinance substantially similar to either section, 639
within ten years prior to the criminally injurious conduct that 640
gave rise to the claim or during the pendency of the claim. 641~~

~~(e) It is proved by a preponderance of the evidence that 642
the victim at the time of the criminally injurious conduct that 643~~

~~gave rise to the claim engaged in conduct that was a felony~~ 644
~~violation of section 2925.11 of the Revised Code or engaged in~~ 645
~~any substantially similar conduct that would constitute a felony~~ 646
~~under the laws of this state, another state, or the United~~ 647
~~States.~~ 648

(2) The attorney general or the court of claims may make 649
an award to a minor dependent of a deceased victim for 650
dependent's economic loss or for counseling pursuant to division 651
(F) (2) of section 2743.51 of the Revised Code if the minor 652
dependent is not ineligible under division (E) (1) of this 653
section due to the minor dependent's criminal history and if the 654
victim was not killed while engaging in illegal conduct that 655
contributed to the criminally injurious conduct that gave rise 656
to the claim. For purposes of this section, the use of illegal 657
drugs by the deceased victim shall not be deemed to have 658
contributed to the criminally injurious conduct that gave rise 659
to the claim and the attorney general shall not deny an award 660
under division (E) (1) of this section based solely on the victim 661
being under the influence of a drug of abuse at the time of the 662
criminally injurious conduct. 663

(F) In determining whether to make an award of reparations 664
pursuant to this section, the attorney general or the court of 665
claims shall consider whether there was contributory misconduct 666
by the victim or the claimant. The attorney general or the court 667
of claims shall reduce an award of reparations or deny a claim 668
for an award of reparations to the extent it is determined to be 669
reasonable because of the contributory misconduct of the 670
claimant or the victim. 671

When the attorney general decides whether a claim should 672
be denied because of an allegation of contributory misconduct, 673

the burden of proof on the issue of that alleged contributory 674
misconduct shall be upon the claimant, if ~~either of the~~ 675
~~following apply:~~ 676

~~(1) The the victim was convicted of a felony more than ten 677
years prior to the criminally injurious conduct that is the 678
subject of the claim ~~or has a record of felony arrests~~ under the 679
laws of this state, another state, or the United States. 680~~

~~(2) There is good cause to believe that the victim engaged 681
in an ongoing course of criminal conduct within five years or 682
less of the criminally injurious conduct that is the subject of 683
the claim. 684~~

(G) The attorney general or the court of claims shall not 685
make an award of reparations to a claimant if the criminally 686
injurious conduct that caused the injury or death that is the 687
subject of the claim occurred to a victim who was an adult and 688
while the victim, after being convicted of or pleading guilty to 689
an offense, was serving a sentence of imprisonment in any 690
detention facility, as defined in section 2921.01 of the Revised 691
Code. 692

(H) If a claimant unreasonably fails to present a claim 693
timely to a source of benefits or advantages that would have 694
been a collateral source and that would have reimbursed the 695
claimant for all or a portion of a particular expense, the 696
attorney general or the court of claims may reduce an award of 697
reparations or deny a claim for an award of reparations to the 698
extent that it is reasonable to do so. 699

(I) Reparations payable to a victim and to all other 700
claimants sustaining economic loss because of injury to or the 701
death of that victim shall not exceed fifty thousand dollars in 702

the aggregate. If the attorney general or the court of claims 703
reduces an award under division (F) of this section, the maximum 704
aggregate amount of reparations payable under this division 705
shall be reduced proportionately to the reduction under division 706
(F) of this section. 707

(J) Nothing in this section shall be construed to prohibit 708
an award to a claimant whose claim is based on the claimant's 709
being a victim of a violation of section 2905.32 of the Revised 710
Code if the claimant was less than eighteen years of age when 711
the criminally injurious conduct occurred. 712

(K) Nothing in this section shall be construed to prohibit 713
an award to a claimant or victim based solely on the claimant or 714
victim being under the influence of a drug of abuse at the time 715
of the criminally injurious conduct. 716

Sec. 2901.01. (A) As used in the Revised Code: 717

(1) "Force" means any violence, compulsion, or constraint 718
physically exerted by any means upon or against a person or 719
thing. 720

(2) "Deadly force" means any force that carries a 721
substantial risk that it will proximately result in the death of 722
any person. 723

(3) "Physical harm to persons" means any injury, illness, 724
or other physiological impairment, regardless of its gravity or 725
duration. 726

(4) "Physical harm to property" means any tangible or 727
intangible damage to property that, in any degree, results in 728
loss to its value or interferes with its use or enjoyment. 729
"Physical harm to property" does not include wear and tear 730
occasioned by normal use. 731

(5) "Serious physical harm to persons" means any of the following:	732 733
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	734 735 736
(b) Any physical harm that carries a substantial risk of death;	737 738
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	739 740 741
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	742 743 744
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	745 746 747
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	748 749
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	750 751 752
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	753 754 755
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	756 757 758

(8) "Substantial risk" means a strong possibility, as 759
contrasted with a remote or significant possibility, that a 760
certain result may occur or that certain circumstances may 761
exist. 762

(9) "Offense of violence" means any of the following: 763

(a) A violation of section 2903.01, 2903.02, 2903.03, 764
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 765
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 766
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 767
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 768
2921.34, or 2923.161, of division (A) (1) of section 2903.34, of 769
division (A) (1), (2), or (3) of section 2911.12, or of division 770
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 771
or felonious sexual penetration in violation of former section 772
2907.12 of the Revised Code; 773

(b) A violation of an existing or former municipal 774
ordinance or law of this or any other state or the United 775
States, substantially equivalent to any section, division, or 776
offense listed in division (A) (9) (a) of this section; 777

(c) An offense, other than a traffic offense, under an 778
existing or former municipal ordinance or law of this or any 779
other state or the United States, committed purposely or 780
knowingly, and involving physical harm to persons or a risk of 781
serious physical harm to persons; 782

(d) A violation of section 2925.03 of the Revised Code 783
that is a felony and that involves heroin, fentanyl, 784
carfentanil, cocaine, L.S.D., or methamphetamine; 785

(e) A conspiracy or attempt to commit, or complicity in 786
committing, any offense under division (A) (9) (a), (b), ~~or~~ (c), 787

or (d) of this section. 788

(10) (a) "Property" means any property, real or personal, 789
tangible or intangible, and any interest or license in that 790
property. "Property" includes, but is not limited to, cable 791
television service, other telecommunications service, 792
telecommunications devices, information service, computers, 793
data, computer software, financial instruments associated with 794
computers, other documents associated with computers, or copies 795
of the documents, whether in machine or human readable form, 796
trade secrets, trademarks, copyrights, patents, and property 797
protected by a trademark, copyright, or patent. "Financial 798
instruments associated with computers" include, but are not 799
limited to, checks, drafts, warrants, money orders, notes of 800
indebtedness, certificates of deposit, letters of credit, bills 801
of credit or debit cards, financial transaction authorization 802
mechanisms, marketable securities, or any computer system 803
representations of any of them. 804

(b) As used in division (A) (10) of this section, "trade 805
secret" has the same meaning as in section 1333.61 of the 806
Revised Code, and "telecommunications service" and "information 807
service" have the same meanings as in section 2913.01 of the 808
Revised Code. 809

(c) As used in divisions (A) (10) and (13) of this section, 810
"cable television service," "computer," "computer software," 811
"computer system," "computer network," "data," and 812
"telecommunications device" have the same meanings as in section 813
2913.01 of the Revised Code. 814

(11) "Law enforcement officer" means any of the following: 815

(a) A sheriff, deputy sheriff, constable, police officer 816

of a township or joint police district, marshal, deputy marshal, 817
municipal police officer, member of a police force employed by a 818
metropolitan housing authority under division (D) of section 819
3735.31 of the Revised Code, or state highway patrol trooper; 820

(b) An officer, agent, or employee of the state or any of 821
its agencies, instrumentalities, or political subdivisions, upon 822
whom, by statute, a duty to conserve the peace or to enforce all 823
or certain laws is imposed and the authority to arrest violators 824
is conferred, within the limits of that statutory duty and 825
authority; 826

(c) A mayor, in the mayor's capacity as chief conservator 827
of the peace within the mayor's municipal corporation; 828

(d) A member of an auxiliary police force organized by 829
county, township, or municipal law enforcement authorities, 830
within the scope of the member's appointment or commission; 831

(e) A person lawfully called pursuant to section 311.07 of 832
the Revised Code to aid a sheriff in keeping the peace, for the 833
purposes and during the time when the person is called; 834

(f) A person appointed by a mayor pursuant to section 835
737.01 of the Revised Code as a special patrolling officer 836
during riot or emergency, for the purposes and during the time 837
when the person is appointed; 838

(g) A member of the organized militia of this state or the 839
armed forces of the United States, lawfully called to duty to 840
aid civil authorities in keeping the peace or protect against 841
domestic violence; 842

(h) A prosecuting attorney, assistant prosecuting 843
attorney, secret service officer, or municipal prosecutor; 844

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	845 846
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	847 848 849
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	850 851
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	852 853 854 855
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	856 857
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	858 859 860 861 862 863 864 865 866 867
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	868 869 870 871
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or	872 873

rule, or that a trier of fact lawfully determines to be illegal 874
to possess by reason of the property's involvement in an 875
offense. "Contraband" includes, but is not limited to, all of 876
the following: 877

(a) Any controlled substance, as defined in section 878
3719.01 of the Revised Code, or any device or paraphernalia; 879

(b) Any unlawful gambling device or paraphernalia; 880

(c) Any dangerous ordnance or obscene material. 881

(14) A person is "not guilty by reason of insanity" 882
relative to a charge of an offense only if the person proves, in 883
the manner specified in section 2901.05 of the Revised Code, 884
that at the time of the commission of the offense, the person 885
did not know, as a result of a severe mental disease or defect, 886
the wrongfulness of the person's acts. 887

(B) (1) (a) Subject to division (B) (2) of this section, as 888
used in any section contained in Title XXIX of the Revised Code 889
that sets forth a criminal offense, "person" includes all of the 890
following: 891

(i) An individual, corporation, business trust, estate, 892
trust, partnership, and association; 893

(ii) An unborn human who is viable. 894

(b) As used in any section contained in Title XXIX of the 895
Revised Code that does not set forth a criminal offense, 896
"person" includes an individual, corporation, business trust, 897
estate, trust, partnership, and association. 898

(c) As used in division (B) (1) (a) of this section: 899

(i) "Unborn human" means an individual organism of the 900

species Homo sapiens from fertilization until live birth. 901

(ii) "Viable" means the stage of development of a human 902
fetus at which there is a realistic possibility of maintaining 903
and nourishing of a life outside the womb with or without 904
temporary artificial life-sustaining support. 905

(2) Notwithstanding division (B) (1) (a) of this section, in 906
no case shall the portion of the definition of the term "person" 907
that is set forth in division (B) (1) (a) (ii) of this section be 908
applied or construed in any section contained in Title XXIX of 909
the Revised Code that sets forth a criminal offense in any of 910
the following manners: 911

(a) Except as otherwise provided in division (B) (2) (a) of 912
this section, in a manner so that the offense prohibits or is 913
construed as prohibiting any pregnant woman or her physician 914
from performing an abortion with the consent of the pregnant 915
woman, with the consent of the pregnant woman implied by law in 916
a medical emergency, or with the approval of one otherwise 917
authorized by law to consent to medical treatment on behalf of 918
the pregnant woman. An abortion that violates the conditions 919
described in the immediately preceding sentence may be punished 920
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 921
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 922
2903.21, or 2903.22 of the Revised Code, as applicable. An 923
abortion that does not violate the conditions described in the 924
second immediately preceding sentence, but that does violate 925
section 2919.12, division (B) of section 2919.13, or section 926
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 927
be punished as a violation of section 2919.12, division (B) of 928
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 929
2919.18 of the Revised Code, as applicable. Consent is 930

sufficient under this division if it is of the type otherwise 931
adequate to permit medical treatment to the pregnant woman, even 932
if it does not comply with section 2919.12 of the Revised Code. 933

(b) In a manner so that the offense is applied or is 934
construed as applying to a woman based on an act or omission of 935
the woman that occurs while she is or was pregnant and that 936
results in any of the following: 937

(i) Her delivery of a stillborn baby; 938

(ii) Her causing, in any other manner, the death in utero 939
of a viable, unborn human that she is carrying; 940

(iii) Her causing the death of her child who is born alive 941
but who dies from one or more injuries that are sustained while 942
the child is a viable, unborn human; 943

(iv) Her causing her child who is born alive to sustain 944
one or more injuries while the child is a viable, unborn human; 945

(v) Her causing, threatening to cause, or attempting to 946
cause, in any other manner, an injury, illness, or other 947
physiological impairment, regardless of its duration or gravity, 948
or a mental illness or condition, regardless of its duration or 949
gravity, to a viable, unborn human that she is carrying. 950

(C) As used in Title XXIX of the Revised Code: 951

(1) "School safety zone" consists of a school, school 952
building, school premises, school activity, and school bus. 953

(2) "School," "school building," and "school premises" 954
have the same meanings as in section 2925.01 of the Revised 955
Code. 956

(3) "School activity" means any activity held under the 957

auspices of a board of education of a city, local, exempted 958
village, joint vocational, or cooperative education school 959
district; a governing authority of a community school 960
established under Chapter 3314. of the Revised Code; a governing 961
board of an educational service center, or the governing body of 962
a school for which the state board of education prescribes 963
minimum standards under section 3301.07 of the Revised Code. 964

(4) "School bus" has the same meaning as in section 965
4511.01 of the Revised Code. 966

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of 967
the Revised Code: 968

(A) "Public official" means any elected or appointed 969
officer, or employee, or agent of the state or any political 970
subdivision, whether in a temporary or permanent capacity, and 971
includes, but is not limited to, legislators, judges, and law 972
enforcement officers. "Public official" does not include an 973
employee, officer, or governor-appointed member of the board of 974
directors of the nonprofit corporation formed under section 975
187.01 of the Revised Code. 976

(B) "Public servant" means any of the following: 977

(1) Any public official; 978

(2) Any person performing ad hoc a governmental function, 979
including, but not limited to, a juror, member of a temporary 980
commission, master, arbitrator, advisor, or consultant; 981

(3) A person who is a candidate for public office, whether 982
or not the person is elected or appointed to the office for 983
which the person is a candidate. A person is a candidate for 984
purposes of this division if the person has been nominated 985
according to law for election or appointment to public office, 986

or if the person has filed a petition or petitions as required 987
by law to have the person's name placed on the ballot in a 988
primary, general, or special election, or if the person 989
campaigns as a write-in candidate in any primary, general, or 990
special election. 991

"Public servant" does not include an employee, officer, or 992
governor-appointed member of the board of directors of the 993
nonprofit corporation formed under section 187.01 of the Revised 994
Code. 995

(C) "Party official" means any person who holds an 996
elective or appointive post in a political party in the United 997
States or this state, by virtue of which the person directs, 998
conducts, or participates in directing or conducting party 999
affairs at any level of responsibility. 1000

(D) "Official proceeding" means any proceeding before a 1001
legislative, judicial, administrative, or other governmental 1002
agency or official authorized to take evidence under oath, and 1003
includes any proceeding before a referee, hearing examiner, 1004
commissioner, notary, or other person taking testimony or a 1005
deposition in connection with an official proceeding. 1006

(E) "Detention" means arrest; confinement in any vehicle 1007
subsequent to an arrest; confinement in any public or private 1008
facility for custody of persons charged with or convicted of 1009
crime in this state or another state or under the laws of the 1010
United States or alleged or found to be a delinquent child or 1011
unruly child in this state or another state or under the laws of 1012
the United States; hospitalization, institutionalization, or 1013
confinement in any public or private facility that is ordered 1014
pursuant to or under the authority of section 2935.34, 2945.37, 1015
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of 1016

the Revised Code; confinement in any vehicle for transportation 1017
to or from any facility of any of those natures; detention for 1018
extradition or deportation; except as provided in this division, 1019
supervision by any employee of any facility of any of those 1020
natures that is incidental to hospitalization, 1021
institutionalization, or confinement in the facility but that 1022
occurs outside the facility; supervision by an employee of the 1023
department of rehabilitation and correction of a person on any 1024
type of release from a state correctional institution; or 1025
confinement in any vehicle, airplane, or place while being 1026
returned from outside of this state into this state by a private 1027
person or entity pursuant to a contract entered into under 1028
division (E) of section 311.29 of the Revised Code or division 1029
(B) of section 5149.03 of the Revised Code. For a person 1030
confined in a county jail who participates in a county jail 1031
industry program pursuant to section 5147.30 of the Revised 1032
Code, "detention" includes time spent at an assigned work site 1033
and going to and from the work site. 1034

(F) "Detention facility" means any public or private place 1035
used for the confinement of a person charged with or convicted 1036
of any crime in this state or another state or under the laws of 1037
the United States or alleged or found to be a delinquent child 1038
or unruly child in this state or another state or under the laws 1039
of the United States. 1040

(G) "Valuable thing or valuable benefit" includes, but is 1041
not limited to, a contribution. This inclusion does not indicate 1042
or imply that a contribution was not included in those terms 1043
before September 17, 1986. 1044

(H) "Campaign committee," "contribution," "political 1045
action committee," "legislative campaign fund," "political 1046

party," and "political contributing entity" have the same 1047
meanings as in section 3517.01 of the Revised Code. 1048

(I) "Provider agreement" has the same meaning as in 1049
section 5164.01 of the Revised Code. 1050

Sec. 2923.01. (A) No person, with purpose to commit or to 1051
promote or facilitate the commission of aggravated murder, 1052
murder, kidnapping, abduction, compelling prostitution, 1053
promoting prostitution, trafficking in persons, aggravated 1054
arson, arson, aggravated robbery, robbery, aggravated burglary, 1055
burglary, trespassing in a habitation when a person is present 1056
or likely to be present, engaging in a pattern of corrupt 1057
activity, corrupting another with drugs, a felony drug 1058
trafficking, manufacturing, processing, or possession offense, 1059
theft of drugs, or illegal processing of drug documents, the 1060
commission of a felony offense of unauthorized use of a vehicle, 1061
illegally transmitting multiple commercial electronic mail 1062
messages or unauthorized access of a computer in violation of 1063
section 2923.421 of the Revised Code, or the commission of a 1064
violation of any provision of Chapter 3734. of the Revised Code, 1065
other than section 3734.18 of the Revised Code, that relates to 1066
hazardous wastes, shall do either of the following: 1067

(1) With another person or persons, plan or aid in 1068
planning the commission of any of the specified offenses; 1069

(2) Agree with another person or persons that one or more 1070
of them will engage in conduct that facilitates the commission 1071
of any of the specified offenses. 1072

(B) No person shall be convicted of conspiracy unless a 1073
substantial overt act in furtherance of the conspiracy is 1074
alleged and proved to have been done by the accused or a person 1075

with whom the accused conspired, subsequent to the accused's 1076
entrance into the conspiracy. For purposes of this section, an 1077
overt act is substantial when it is of a character that 1078
manifests a purpose on the part of the actor that the object of 1079
the conspiracy should be completed. 1080

(C) When the offender knows or has reasonable cause to 1081
believe that a person with whom the offender conspires also has 1082
conspired or is conspiring with another to commit the same 1083
offense, the offender is guilty of conspiring with that other 1084
person, even though the other person's identity may be unknown 1085
to the offender. 1086

(D) It is no defense to a charge under this section that, 1087
in retrospect, commission of the offense that was the object of 1088
the conspiracy was impossible under the circumstances. 1089

(E) A conspiracy terminates when the offense or offenses 1090
that are its objects are committed or when it is abandoned by 1091
all conspirators. In the absence of abandonment, it is no 1092
defense to a charge under this section that no offense that was 1093
the object of the conspiracy was committed. 1094

(F) A person who conspires to commit more than one offense 1095
is guilty of only one conspiracy, when the offenses are the 1096
object of the same agreement or continuous conspiratorial 1097
relationship. 1098

(G) When a person is convicted of committing or attempting 1099
to commit a specific offense or of complicity in the commission 1100
of or attempt to commit the specific offense, the person shall 1101
not be convicted of conspiracy involving the same offense. 1102

(H) (1) No person shall be convicted of conspiracy upon the 1103
testimony of a person with whom the defendant conspired, 1104

unsupported by other evidence. 1105

(2) If a person with whom the defendant allegedly has 1106
conspired testifies against the defendant in a case in which the 1107
defendant is charged with conspiracy and if the testimony is 1108
supported by other evidence, the court, when it charges the 1109
jury, shall state substantially the following: 1110

"The testimony of an accomplice that is supported by other 1111
evidence does not become inadmissible because of the 1112
accomplice's complicity, moral turpitude, or self-interest, but 1113
the admitted or claimed complicity of a witness may affect the 1114
witness' credibility and make the witness' testimony subject to 1115
grave suspicion, and require that it be weighed with great 1116
caution. 1117

It is for you, as jurors, in the light of all the facts 1118
presented to you from the witness stand, to evaluate such 1119
testimony and to determine its quality and worth or its lack of 1120
quality and worth." 1121

(3) "Conspiracy," as used in division (H)(1) of this 1122
section, does not include any conspiracy that results in an 1123
attempt to commit an offense or in the commission of an offense. 1124

(I) The following are affirmative defenses to a charge of 1125
conspiracy: 1126

(1) After conspiring to commit an offense, the actor 1127
thwarted the success of the conspiracy under circumstances 1128
manifesting a complete and voluntary renunciation of the actor's 1129
criminal purpose. 1130

(2) After conspiring to commit an offense, the actor 1131
abandoned the conspiracy prior to the commission of or attempt 1132
to commit any offense that was the object of the conspiracy, 1133

either by advising all other conspirators of the actor's 1134
abandonment, or by informing any law enforcement authority of 1135
the existence of the conspiracy and of the actor's participation 1136
in the conspiracy. 1137

(J) Whoever violates this section is guilty of conspiracy, 1138
which is one of the following: 1139

(1) A felony of the first degree, when one of the objects 1140
of the conspiracy is aggravated murder, murder, or an offense 1141
for which the maximum penalty is imprisonment for life; 1142

(2) A felony of the next lesser degree than the most 1143
serious offense that is the object of the conspiracy, when the 1144
most serious offense that is the object of the conspiracy is a 1145
felony of the first, second, third, or fourth degree; 1146

(3) A felony punishable by a fine of not more than twenty- 1147
five thousand dollars or imprisonment for not more than eighteen 1148
months, or both, when the offense that is the object of the 1149
conspiracy is a violation of any provision of Chapter 3734. of 1150
the Revised Code, other than section 3734.18 of the Revised 1151
Code, that relates to hazardous wastes; 1152

(4) A misdemeanor of the first degree, when the most 1153
serious offense that is the object of the conspiracy is a felony 1154
of the fifth degree. 1155

(K) This section does not define a separate conspiracy 1156
offense or penalty where conspiracy is defined as an offense by 1157
one or more sections of the Revised Code, other than this 1158
section. In such a case, however: 1159

(1) With respect to the offense specified as the object of 1160
the conspiracy in the other section or sections, division (A) of 1161
this section defines the voluntary act or acts and culpable 1162

mental state necessary to constitute the conspiracy; 1163

(2) Divisions (B) to (I) of this section are incorporated 1164
by reference in the conspiracy offense defined by the other 1165
section or sections of the Revised Code. 1166

(L) (1) In addition to the penalties that otherwise are 1167
imposed for conspiracy, a person who is found guilty of 1168
conspiracy to engage in a pattern of corrupt activity is subject 1169
to divisions (B) (2) and (3) of section 2923.32, division (A) of 1170
section 2981.04, and division (D) of section 2981.06 of the 1171
Revised Code. 1172

(2) If a person is convicted of or pleads guilty to 1173
conspiracy and if the most serious offense that is the object of 1174
the conspiracy is a felony drug trafficking, manufacturing, 1175
processing, or possession offense, in addition to the penalties 1176
or sanctions that may be imposed for the conspiracy under 1177
division (J) (2) or (4) of this section and Chapter 2929. of the 1178
Revised Code, both of the following apply: 1179

(a) The provisions of divisions (D), (F), and (G) of 1180
section 2925.03, division (D) of section 2925.04, division (D) 1181
of section 2925.05, and division (D) of section 2925.06, ~~and~~ 1182
~~division (E) of section 2925.11~~ of the Revised Code that pertain 1183
to mandatory and additional fines, driver's or commercial 1184
driver's license or permit suspensions, and professionally 1185
licensed persons and that would apply under the appropriate 1186
provisions of those divisions to a person who is convicted of or 1187
pleads guilty to the felony drug trafficking, manufacturing, 1188
processing, or possession offense that is the most serious 1189
offense that is the basis of the conspiracy shall apply to the 1190
person who is convicted of or pleads guilty to the conspiracy as 1191
if the person had been convicted of or pleaded guilty to the 1192

felony drug trafficking, manufacturing, processing, or 1193
possession offense that is the most serious offense that is the 1194
basis of the conspiracy. 1195

(b) The court that imposes sentence upon the person who is 1196
convicted of or pleads guilty to the conspiracy shall comply 1197
with the provisions identified as being applicable under 1198
division (L)(2) of this section, in addition to any other 1199
penalty or sanction that it imposes for the conspiracy under 1200
division (J)(2) or (4) of this section and Chapter 2929. of the 1201
Revised Code. 1202

(M) As used in this section: 1203

(1) "Felony drug trafficking, manufacturing, processing, 1204
or possession offense" means any of the following that is a 1205
felony: 1206

(a) A violation of section 2925.03, 2925.04, 2925.05, or 1207
2925.06 of the Revised Code; 1208

(b) A violation of section 2925.11 of the Revised Code 1209
that is not a minor drug possession offense. 1210

(2) "Minor drug possession offense" has the same meaning 1211
as in section 2925.01 of the Revised Code. 1212

Sec. 2925.01. As used in this chapter: 1213

(A) "Administer," "controlled substance," "controlled 1214
substance analog," "dispense," "distribute," "hypodermic," 1215
"manufacturer," "official written order," "person," 1216
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1217
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1218
have the same meanings as in section 3719.01 of the Revised 1219
Code. 1220

(B) "Drug dependent person" and "drug of abuse" have the 1221
same meanings as in section 3719.011 of the Revised Code. 1222

(C) "Drug," "dangerous drug," "licensed health 1223
professional authorized to prescribe drugs," and "prescription" 1224
have the same meanings as in section 4729.01 of the Revised 1225
Code. 1226

(D) "Bulk amount" of a controlled substance means any of 1227
the following: 1228

(1) For any compound, mixture, preparation, or substance 1229
included in schedule I, schedule II, or schedule III, with the 1230
exception of any controlled substance analog, marihuana, 1231
cocaine, L.S.D., heroin, ~~any fentanyl-related compound~~ fentanyl, 1232
carfentanil, and hashish and except as provided in division (D) 1233
(2) or (5) ~~or~~ (6) of this section, whichever of the following 1234
is applicable: 1235

(a) An amount equal to or exceeding ten grams or twenty- 1236
five unit doses of a compound, mixture, preparation, or 1237
substance that is or contains any amount of a schedule I opiate 1238
or opium derivative; 1239

(b) An amount equal to or exceeding ten grams of a 1240
compound, mixture, preparation, or substance that is or contains 1241
any amount of raw or gum opium; 1242

(c) An amount equal to or exceeding thirty grams or ten 1243
unit doses of a compound, mixture, preparation, or substance 1244
that is or contains any amount of a schedule I hallucinogen 1245
other than tetrahydrocannabinol or lysergic acid amide, or a 1246
schedule I stimulant or depressant; 1247

(d) An amount equal to or exceeding twenty grams or five 1248
times the maximum daily dose in the usual dose range specified 1249

in a standard pharmaceutical reference manual of a compound, 1250
mixture, preparation, or substance that is or contains any 1251
amount of a schedule II opiate or opium derivative; 1252

(e) An amount equal to or exceeding five grams or ten unit 1253
doses of a compound, mixture, preparation, or substance that is 1254
or contains any amount of phencyclidine; 1255

(f) An amount equal to or exceeding one hundred twenty 1256
grams or thirty times the maximum daily dose in the usual dose 1257
range specified in a standard pharmaceutical reference manual of 1258
a compound, mixture, preparation, or substance that is or 1259
contains any amount of a schedule II stimulant that is in a 1260
final dosage form manufactured by a person authorized by the 1261
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1262
U.S.C.A. 301, as amended, and the federal drug abuse control 1263
laws, as defined in section 3719.01 of the Revised Code, that is 1264
or contains any amount of a schedule II depressant substance or 1265
a schedule II hallucinogenic substance; 1266

(g) An amount equal to or exceeding three grams of a 1267
compound, mixture, preparation, or substance that is or contains 1268
any amount of a schedule II stimulant, or any of its salts or 1269
isomers, that is not in a final dosage form manufactured by a 1270
person authorized by the Federal Food, Drug, and Cosmetic Act 1271
and the federal drug abuse control laws. 1272

(2) An amount equal to or exceeding one hundred twenty 1273
grams or thirty times the maximum daily dose in the usual dose 1274
range specified in a standard pharmaceutical reference manual of 1275
a compound, mixture, preparation, or substance that is or 1276
contains any amount of a schedule III or IV substance other than 1277
an anabolic steroid or a schedule III opiate or opium 1278
derivative; 1279

(3) An amount equal to or exceeding twenty grams or five 1280
times the maximum daily dose in the usual dose range specified 1281
in a standard pharmaceutical reference manual of a compound, 1282
mixture, preparation, or substance that is or contains any 1283
amount of a schedule III opiate or opium derivative; 1284

(4) An amount equal to or exceeding two hundred fifty 1285
milliliters or two hundred fifty grams of a compound, mixture, 1286
preparation, or substance that is or contains any amount of a 1287
schedule V substance; 1288

(5) An amount equal to or exceeding two hundred solid 1289
dosage units, sixteen grams, or sixteen milliliters of a 1290
compound, mixture, preparation, or substance that is or contains 1291
any amount of a schedule III anabolic steroid; 1292

~~(6) For any compound, mixture, preparation, or substance 1293
that is a combination of a fentanyl related compound and any 1294
other compound, mixture, preparation, or substance included in 1295
schedule III, schedule IV, or schedule V, if the defendant is 1296
charged with a violation of section 2925.11 of the Revised Code 1297
and the sentencing provisions set forth in divisions (C) (10) (b) 1298
and (C) (11) of that section will not apply regarding the 1299
defendant and the violation, the bulk amount of the controlled 1300
substance for purposes of the violation is the amount specified 1301
in division (D) (1), (2), (3), (4), or (5) of this section for 1302
the other schedule III, IV, or V controlled substance that is 1303
combined with the fentanyl related compound. 1304~~

(E) "Unit dose" means an amount or unit of a compound, 1305
mixture, or preparation containing a controlled substance that 1306
is separately identifiable and in a form that indicates that it 1307
is the amount or unit by which the controlled substance is 1308
separately administered to or taken by an individual. 1309

(F) "Cultivate" includes planting, watering, fertilizing,	1310
or tilling.	1311
(G) "Drug abuse offense" means any of the following:	1312
(1) A violation of division (A) of section 2913.02 that	1313
constitutes theft of drugs, or a violation of section 2925.02,	1314
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, <u>2925.111,</u>	1315
<u>2925.112, 2925.113,</u> 2925.12, 2925.13, 2925.22, 2925.23, 2925.24,	1316
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	1317
(2) A violation of an existing or former law of this or	1318
any other state or of the United States that is substantially	1319
equivalent to any section listed in division (G) (1) of this	1320
section;	1321
(3) An offense under an existing or former law of this or	1322
any other state, or of the United States, of which planting,	1323
cultivating, harvesting, processing, making, manufacturing,	1324
producing, shipping, transporting, delivering, acquiring,	1325
possessing, storing, distributing, dispensing, selling, inducing	1326
another to use, administering to another, using, or otherwise	1327
dealing with a controlled substance is an element;	1328
(4) A conspiracy to commit, attempt to commit, or	1329
complicity in committing or attempting to commit any offense	1330
under division (G) (1), (2), or (3) of this section.	1331
(H) "Felony drug abuse offense" means any drug abuse	1332
offense that would constitute a felony under the laws of this	1333
state, any other state, or the United States.	1334
(I) "Harmful intoxicant" does not include beer or	1335
intoxicating liquor but means any of the following:	1336
(1) Any compound, mixture, preparation, or substance the	1337

gas, fumes, or vapor of which when inhaled can induce 1338
intoxication, excitement, giddiness, irrational behavior, 1339
depression, stupefaction, paralysis, unconsciousness, 1340
asphyxiation, or other harmful physiological effects, and 1341
includes, but is not limited to, any of the following: 1342

(a) Any volatile organic solvent, plastic cement, model 1343
cement, fingernail polish remover, lacquer thinner, cleaning 1344
fluid, gasoline, or other preparation containing a volatile 1345
organic solvent; 1346

(b) Any aerosol propellant; 1347

(c) Any fluorocarbon refrigerant; 1348

(d) Any anesthetic gas. 1349

(2) Gamma Butyrolactone; 1350

(3) 1,4 Butanediol. 1351

(J) "Manufacture" means to plant, cultivate, harvest, 1352
process, make, prepare, or otherwise engage in any part of the 1353
production of a drug, by propagation, extraction, chemical 1354
synthesis, or compounding, or any combination of the same, and 1355
includes packaging, repackaging, labeling, and other activities 1356
incident to production. 1357

(K) "Possess" or "possession" means having control over a 1358
thing or substance, but may not be inferred solely from mere 1359
access to the thing or substance through ownership or occupation 1360
of the premises upon which the thing or substance is found. 1361

(L) "Sample drug" means a drug or pharmaceutical 1362
preparation that would be hazardous to health or safety if used 1363
without the supervision of a licensed health professional 1364
authorized to prescribe drugs, or a drug of abuse, and that, at 1365

one time, had been placed in a container plainly marked as a 1366
sample by a manufacturer. 1367

(M) "Standard pharmaceutical reference manual" means the 1368
current edition, with cumulative changes if any, of references 1369
that are approved by the state board of pharmacy. 1370

(N) "Juvenile" means a person under eighteen years of age. 1371

(O) "Counterfeit controlled substance" means any of the 1372
following: 1373

(1) Any drug that bears, or whose container or label 1374
bears, a trademark, trade name, or other identifying mark used 1375
without authorization of the owner of rights to that trademark, 1376
trade name, or identifying mark; 1377

(2) Any unmarked or unlabeled substance that is 1378
represented to be a controlled substance manufactured, 1379
processed, packed, or distributed by a person other than the 1380
person that manufactured, processed, packed, or distributed it; 1381

(3) Any substance that is represented to be a controlled 1382
substance but is not a controlled substance or is a different 1383
controlled substance; 1384

(4) Any substance other than a controlled substance that a 1385
reasonable person would believe to be a controlled substance 1386
because of its similarity in shape, size, and color, or its 1387
markings, labeling, packaging, distribution, or the price for 1388
which it is sold or offered for sale. 1389

(P) An offense is "committed in the vicinity of a school" 1390
if the offender commits the offense on school premises, in a 1391
school building, or within one thousand feet of the boundaries 1392
of any school premises, regardless of whether the offender knows 1393

the offense is being committed on school premises, in a school 1394
building, or within one thousand feet of the boundaries of any 1395
school premises. 1396

(Q) "School" means any school operated by a board of 1397
education, any community school established under Chapter 3314. 1398
of the Revised Code, or any nonpublic school for which the state 1399
board of education prescribes minimum standards under section 1400
3301.07 of the Revised Code, whether or not any instruction, 1401
extracurricular activities, or training provided by the school 1402
is being conducted at the time a criminal offense is committed. 1403

(R) "School premises" means either of the following: 1404

(1) The parcel of real property on which any school is 1405
situated, whether or not any instruction, extracurricular 1406
activities, or training provided by the school is being 1407
conducted on the premises at the time a criminal offense is 1408
committed; 1409

(2) Any other parcel of real property that is owned or 1410
leased by a board of education of a school, the governing 1411
authority of a community school established under Chapter 3314. 1412
of the Revised Code, or the governing body of a nonpublic school 1413
for which the state board of education prescribes minimum 1414
standards under section 3301.07 of the Revised Code and on which 1415
some of the instruction, extracurricular activities, or training 1416
of the school is conducted, whether or not any instruction, 1417
extracurricular activities, or training provided by the school 1418
is being conducted on the parcel of real property at the time a 1419
criminal offense is committed. 1420

(S) "School building" means any building in which any of 1421
the instruction, extracurricular activities, or training 1422

provided by a school is conducted, whether or not any 1423
instruction, extracurricular activities, or training provided by 1424
the school is being conducted in the school building at the time 1425
a criminal offense is committed. 1426

(T) "Disciplinary counsel" means the disciplinary counsel 1427
appointed by the board of commissioners on grievances and 1428
discipline of the supreme court under the Rules for the 1429
Government of the Bar of Ohio. 1430

(U) "Certified grievance committee" means a duly 1431
constituted and organized committee of the Ohio state bar 1432
association or of one or more local bar associations of the 1433
state of Ohio that complies with the criteria set forth in Rule 1434
V, section 6 of the Rules for the Government of the Bar of Ohio. 1435

(V) "Professional license" means any license, permit, 1436
certificate, registration, qualification, admission, temporary 1437
license, temporary permit, temporary certificate, or temporary 1438
registration that is described in divisions (W) (1) to (37) of 1439
this section and that qualifies a person as a professionally 1440
licensed person. 1441

(W) "Professionally licensed person" means any of the 1442
following: 1443

(1) A person who has received a certificate or temporary 1444
certificate as a certified public accountant or who has 1445
registered as a public accountant under Chapter 4701. of the 1446
Revised Code and who holds an Ohio permit issued under that 1447
chapter; 1448

(2) A person who holds a certificate of qualification to 1449
practice architecture issued or renewed and registered under 1450
Chapter 4703. of the Revised Code; 1451

(3) A person who is registered as a landscape architect	1452
under Chapter 4703. of the Revised Code or who holds a permit as	1453
a landscape architect issued under that chapter;	1454
(4) A person licensed under Chapter 4707. of the Revised	1455
Code;	1456
(5) A person who has been issued a certificate of	1457
registration as a registered barber under Chapter 4709. of the	1458
Revised Code;	1459
(6) A person licensed and regulated to engage in the	1460
business of a debt pooling company by a legislative authority,	1461
under authority of Chapter 4710. of the Revised Code;	1462
(7) A person who has been issued a cosmetologist's	1463
license, hair designer's license, manicurist's license,	1464
esthetician's license, natural hair stylist's license, advanced	1465
cosmetologist's license, advanced hair designer's license,	1466
advanced manicurist's license, advanced esthetician's license,	1467
advanced natural hair stylist's license, cosmetology	1468
instructor's license, hair design instructor's license,	1469
manicurist instructor's license, esthetics instructor's license,	1470
natural hair style instructor's license, independent	1471
contractor's license, or tanning facility permit under Chapter	1472
4713. of the Revised Code;	1473
(8) A person who has been issued a license to practice	1474
dentistry, a general anesthesia permit, a conscious sedation	1475
permit, a limited resident's license, a limited teaching	1476
license, a dental hygienist's license, or a dental hygienist's	1477
teacher's certificate under Chapter 4715. of the Revised Code;	1478
(9) A person who has been issued an embalmer's license, a	1479
funeral director's license, a funeral home license, or a	1480

crematory license, or who has been registered for an embalmer's	1481
or funeral director's apprenticeship under Chapter 4717. of the	1482
Revised Code;	1483
(10) A person who has been licensed as a registered nurse	1484
or practical nurse, or who has been issued a certificate for the	1485
practice of nurse-midwifery under Chapter 4723. of the Revised	1486
Code;	1487
(11) A person who has been licensed to practice optometry	1488
or to engage in optical dispensing under Chapter 4725. of the	1489
Revised Code;	1490
(12) A person licensed to act as a pawnbroker under	1491
Chapter 4727. of the Revised Code;	1492
(13) A person licensed to act as a precious metals dealer	1493
under Chapter 4728. of the Revised Code;	1494
(14) A person licensed under Chapter 4729. of the Revised	1495
Code as a pharmacist or pharmacy intern or registered under that	1496
chapter as a registered pharmacy technician, certified pharmacy	1497
technician, or pharmacy technician trainee;	1498
(15) A person licensed under Chapter 4729. of the Revised	1499
Code as a manufacturer of dangerous drugs, outsourcing facility,	1500
third-party logistics provider, repackager of dangerous drugs,	1501
wholesale distributor of dangerous drugs, or terminal	1502
distributor of dangerous drugs;	1503
(16) A person who is authorized to practice as a physician	1504
assistant under Chapter 4730. of the Revised Code;	1505
(17) A person who has been issued a license to practice	1506
medicine and surgery, osteopathic medicine and surgery, or	1507
podiatric medicine and surgery under Chapter 4731. of the	1508

Revised Code or has been issued a certificate to practice a	1509
limited branch of medicine under that chapter;	1510
(18) A person licensed as a psychologist or school	1511
psychologist under Chapter 4732. of the Revised Code;	1512
(19) A person registered to practice the profession of	1513
engineering or surveying under Chapter 4733. of the Revised	1514
Code;	1515
(20) A person who has been issued a license to practice	1516
chiropractic under Chapter 4734. of the Revised Code;	1517
(21) A person licensed to act as a real estate broker or	1518
real estate salesperson under Chapter 4735. of the Revised Code;	1519
(22) A person registered as a registered sanitarian under	1520
Chapter 4736. of the Revised Code;	1521
(23) A person licensed to operate or maintain a junkyard	1522
under Chapter 4737. of the Revised Code;	1523
(24) A person who has been issued a motor vehicle salvage	1524
dealer's license under Chapter 4738. of the Revised Code;	1525
(25) A person who has been licensed to act as a steam	1526
engineer under Chapter 4739. of the Revised Code;	1527
(26) A person who has been issued a license or temporary	1528
permit to practice veterinary medicine or any of its branches,	1529
or who is registered as a graduate animal technician under	1530
Chapter 4741. of the Revised Code;	1531
(27) A person who has been issued a hearing aid dealer's	1532
or fitter's license or trainee permit under Chapter 4747. of the	1533
Revised Code;	1534
(28) A person who has been issued a class A, class B, or	1535

class C license or who has been registered as an investigator or	1536
security guard employee under Chapter 4749. of the Revised Code;	1537
(29) A person licensed to practice as a nursing home	1538
administrator under Chapter 4751. of the Revised Code;	1539
(30) A person licensed to practice as a speech-language	1540
pathologist or audiologist under Chapter 4753. of the Revised	1541
Code;	1542
(31) A person issued a license as an occupational	1543
therapist or physical therapist under Chapter 4755. of the	1544
Revised Code;	1545
(32) A person who is licensed as a licensed professional	1546
clinical counselor, licensed professional counselor, social	1547
worker, independent social worker, independent marriage and	1548
family therapist, or marriage and family therapist, or	1549
registered as a social work assistant under Chapter 4757. of the	1550
Revised Code;	1551
(33) A person issued a license to practice dietetics under	1552
Chapter 4759. of the Revised Code;	1553
(34) A person who has been issued a license or limited	1554
permit to practice respiratory therapy under Chapter 4761. of	1555
the Revised Code;	1556
(35) A person who has been issued a real estate appraiser	1557
certificate under Chapter 4763. of the Revised Code;	1558
(36) A person who has been issued a home inspector license	1559
under Chapter 4764. of the Revised Code;	1560
(37) A person who has been admitted to the bar by order of	1561
the supreme court in compliance with its prescribed and	1562
published rules.	1563

(X) "Cocaine" means any of the following:	1564
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1565 1566
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	1567 1568 1569 1570
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	1571 1572 1573 1574 1575 1576
(Y) "L.S.D." means lysergic acid diethylamide.	1577
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	1578 1579 1580
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	1581 1582 1583
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	1584 1585 1586 1587 1588 1589 1590
(CC) "Presumption for a prison term" or "presumption that	1591

a prison term shall be imposed" means a presumption, as 1592
described in division (D) of section 2929.13 of the Revised 1593
Code, that a prison term is a necessary sanction for a felony in 1594
order to comply with the purposes and principles of sentencing 1595
under section 2929.11 of the Revised Code. 1596

(DD) "Major drug offender" has the same meaning as in 1597
section 2929.01 of the Revised Code. 1598

(EE) "Minor drug possession offense" means either of the 1599
following: 1600

(1) A violation of section 2925.11 of the Revised Code as 1601
it existed prior to July 1, 1996; 1602

(2) A violation of section 2925.11 of the Revised Code as 1603
it exists on and after July 1, 1996, that is a misdemeanor or a 1604
felony of the fifth degree. 1605

(FF) "Mandatory prison term" has the same meaning as in 1606
section 2929.01 of the Revised Code. 1607

(GG) "Adulterate" means to cause a drug to be adulterated 1608
as described in section 3715.63 of the Revised Code. 1609

(HH) "Public premises" means any hotel, restaurant, 1610
tavern, store, arena, hall, or other place of public 1611
accommodation, business, amusement, or resort. 1612

(II) "Methamphetamine" means methamphetamine, any salt, 1613
isomer, or salt of an isomer of methamphetamine, or any 1614
compound, mixture, preparation, or substance containing 1615
methamphetamine or any salt, isomer, or salt of an isomer of 1616
methamphetamine. 1617

(JJ) "Deception" has the same meaning as in section 1618
2913.01 of the Revised Code. 1619

(KK) "Fentanyl-related compound" means any of the following:	1620 1621
(1) Fentanyl;	1622
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1623 1624 1625
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1626 1627
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	1628 1629
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1630 1631 1632
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	1633 1634
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1635 1636
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	1637 1638
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	1639 1640
(10) Alfentanil;	1641
(11) Carfentanil;	1642
(12) Remifentanil;	1643
(13) Sufentanil;	1644
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	1645

phenethyl)-4- piperidinyl]-N-phenylacetamide); and 1646

(15) Any compound that meets all of the following fentanyl 1647
pharmacophore requirements to bind at the mu receptor, as 1648
identified by a report from an established forensic laboratory, 1649
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1650
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1651
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1652
fluorofentanyl: 1653

(a) A chemical scaffold consisting of both of the 1654
following: 1655

(i) A five, six, or seven member ring structure containing 1656
a nitrogen, whether or not further substituted; 1657

(ii) An attached nitrogen to the ring, whether or not that 1658
nitrogen is enclosed in a ring structure, including an attached 1659
aromatic ring or other lipophilic group to that nitrogen. 1660

(b) A polar functional group attached to the chemical 1661
scaffold, including but not limited to a hydroxyl, ketone, 1662
amide, or ester; 1663

(c) An alkyl or aryl substitution off the ring nitrogen of 1664
the chemical scaffold; and 1665

(d) The compound has not been approved for medical use by 1666
the United States food and drug administration. 1667

(LL) "First degree felony mandatory prison term" means one 1668
of the definite prison terms prescribed in division (A) (1) (b) of 1669
section 2929.14 of the Revised Code for a felony of the first 1670
degree, except that if the violation for which sentence is being 1671
imposed is committed on or after ~~the effective date of this~~ 1672
~~amendment~~ March 22, 2019, it means one of the minimum prison 1673

terms prescribed in division (A) (1) (a) of that section for a 1674
felony of the first degree. 1675

(MM) "Second degree felony mandatory prison term" means 1676
one of the definite prison terms prescribed in division (A) (2) 1677
(b) of section 2929.14 of the Revised Code for a felony of the 1678
second degree, except that if the violation for which sentence 1679
is being imposed is committed on or after ~~the effective date of~~ 1680
~~this amendment~~ March 22, 2019, it means one of the minimum prison 1681
terms prescribed in division (A) (2) (a) of that section for a 1682
felony of the second degree. 1683

(NN) "Maximum first degree felony mandatory prison term" 1684
means the maximum definite prison term prescribed in division 1685
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1686
the first degree, except that if the violation for which 1687
sentence is being imposed is committed on or after ~~the effective~~ 1688
~~date of this amendment~~ March 22, 2019, it means the longest 1689
minimum prison term prescribed in division (A) (1) (a) of that 1690
section for a felony of the first degree. 1691

(OO) "Maximum second degree felony mandatory prison term" 1692
means the maximum definite prison term prescribed in division 1693
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1694
the second degree, except that if the violation for which 1695
sentence is being imposed is committed on or after ~~the effective~~ 1696
~~date of this amendment~~ March 22, 2019, it means the longest 1697
minimum prison term prescribed in division (A) (2) (a) of that 1698
section for a felony of the second degree. 1699

(PP) (1) "Hard drug analog" means, except as provided in 1700
division (PP) (2) of this section, a substance to which both of 1701
the following apply: 1702

(a) The chemical structure of the substance is 1703
substantially similar to the structure of heroin, fentanyl, 1704
carfentanil, L.S.D., methamphetamine, or cocaine. 1705

(b) One of the following applies regarding the substance: 1706

(i) The substance has a stimulant, depressant, or 1707
hallucinogenic effect on the central nervous system that is 1708
substantially similar to or greater than the stimulant, 1709
depressant, or hallucinogenic effect on the central nervous 1710
system of heroin, fentanyl, carfentanil, L.S.D., 1711
methamphetamine, or cocaine. 1712

(ii) With respect to a particular person, that person 1713
represents or intends the substance to have a stimulant, 1714
depressant, or hallucinogenic effect on the central nervous 1715
system that is substantially similar to or greater than the 1716
stimulant, depressant, or hallucinogenic effect on the central 1717
nervous system of heroin, fentanyl, carfentanil, L.S.D., 1718
methamphetamine, or cocaine. 1719

(2) "Hard drug analog" does not include any of the 1720
following: 1721

(a) Heroin, fentanyl, carfentanil, L.S.D., 1722
methamphetamine, or cocaine; 1723

(b) Any substance for which there is an approved new drug 1724
application; 1725

(c) With respect to a particular person, any substance if 1726
an exemption is in effect for investigational use for that 1727
person pursuant to federal law to the extent that conduct with 1728
respect to that substance is pursuant to that exemption; 1729

(d) Any substance to the extent it is not intended for 1730

human consumption before the exemption described in division 1731
(PP) (2) (b) of this section takes effect with respect to that 1732
substance. 1733

Sec. 2925.03. (A) No person shall knowingly do any of the 1734
following: 1735

(1) Sell or offer to sell a controlled substance or a 1736
controlled substance analog; 1737

(2) Prepare for shipment, ship, transport, deliver, 1738
prepare for distribution, or distribute a controlled substance 1739
or a controlled substance analog, when the offender knows or has 1740
reasonable cause to believe that the controlled substance or a 1741
controlled substance analog is intended for sale or resale by 1742
the offender or another person. 1743

(B) This section does not apply to any of the following: 1744

(1) Manufacturers, licensed health professionals 1745
authorized to prescribe drugs, pharmacists, owners of 1746
pharmacies, and other persons whose conduct is in accordance 1747
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1748
4741. of the Revised Code; 1749

(2) If the offense involves an anabolic steroid, any 1750
person who is conducting or participating in a research project 1751
involving the use of an anabolic steroid if the project has been 1752
approved by the United States food and drug administration; 1753

(3) Any person who sells, offers for sale, prescribes, 1754
dispenses, or administers for livestock or other nonhuman 1755
species an anabolic steroid that is expressly intended for 1756
administration through implants to livestock or other nonhuman 1757
species and approved for that purpose under the "Federal Food, 1758
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1759

as amended, and is sold, offered for sale, prescribed, 1760
dispensed, or administered for that purpose in accordance with 1761
that act. 1762

(C) Whoever violates division (A) of this section is 1763
guilty of one of the following: 1764

(1) If the drug involved in the violation is any compound, 1765
mixture, preparation, or substance included in schedule I or 1766
schedule II, with the exception of marihuana, cocaine, L.S.D., 1767
heroin, ~~any fentanyl related compound,~~ hashish, fentanyl, 1768
carfentanil, and any controlled substance analog, whoever 1769
violates division (A) of this section is guilty of aggravated 1770
trafficking in drugs. The penalty for the offense shall be 1771
determined as follows: 1772

(a) Except as otherwise provided in division (C) (1) (b), 1773
(c), (d), (e), or (f) of this section, aggravated trafficking in 1774
drugs is a felony of the fourth degree, and division (C) of 1775
section 2929.13 of the Revised Code applies in determining 1776
whether to impose a prison term on the offender. 1777

(b) Except as otherwise provided in division (C) (1) (c), 1778
(d), (e), or (f) of this section, if the offense was committed 1779
in the vicinity of a school or in the vicinity of a juvenile, 1780
aggravated trafficking in drugs is a felony of the third degree, 1781
and division (C) of section 2929.13 of the Revised Code applies 1782
in determining whether to impose a prison term on the offender. 1783

(c) Except as otherwise provided in this division, if the 1784
amount of the drug involved equals or exceeds the bulk amount 1785
but is less than five times the bulk amount, aggravated 1786
trafficking in drugs is a felony of the third degree, and, 1787
except as otherwise provided in this division, there is a 1788

presumption for a prison term for the offense. If aggravated 1789
trafficking in drugs is a felony of the third degree under this 1790
division and if the offender two or more times previously has 1791
been convicted of or pleaded guilty to a felony drug abuse 1792
offense, the court shall impose as a mandatory prison term one 1793
of the prison terms prescribed for a felony of the third degree. 1794
If the amount of the drug involved is within that range and if 1795
the offense was committed in the vicinity of a school or in the 1796
vicinity of a juvenile, aggravated trafficking in drugs is a 1797
felony of the second degree, and the court shall impose as a 1798
mandatory prison term a second degree felony mandatory prison 1799
term. 1800

(d) Except as otherwise provided in this division, if the 1801
amount of the drug involved equals or exceeds five times the 1802
bulk amount but is less than fifty times the bulk amount, 1803
aggravated trafficking in drugs is a felony of the second 1804
degree, and the court shall impose as a mandatory prison term a 1805
second degree felony mandatory prison term. If the amount of the 1806
drug involved is within that range and if the offense was 1807
committed in the vicinity of a school or in the vicinity of a 1808
juvenile, aggravated trafficking in drugs is a felony of the 1809
first degree, and the court shall impose as a mandatory prison 1810
term a first degree felony mandatory prison term. 1811

(e) If the amount of the drug involved equals or exceeds 1812
fifty times the bulk amount but is less than one hundred times 1813
the bulk amount and regardless of whether the offense was 1814
committed in the vicinity of a school or in the vicinity of a 1815
juvenile, aggravated trafficking in drugs is a felony of the 1816
first degree, and the court shall impose as a mandatory prison 1817
term a first degree felony mandatory prison term. 1818

(f) If the amount of the drug involved equals or exceeds 1819
one hundred times the bulk amount and regardless of whether the 1820
offense was committed in the vicinity of a school or in the 1821
vicinity of a juvenile, aggravated trafficking in drugs is a 1822
felony of the first degree, the offender is a major drug 1823
offender, and the court shall impose as a mandatory prison term 1824
a maximum first degree felony mandatory prison term. 1825

(2) If the drug involved in the violation is any compound, 1826
mixture, preparation, or substance included in schedule III, IV, 1827
or V, whoever violates division (A) of this section is guilty of 1828
trafficking in drugs. The penalty for the offense shall be 1829
determined as follows: 1830

(a) Except as otherwise provided in division (C) (2) (b), 1831
(c), (d), or (e) of this section, trafficking in drugs is a 1832
felony of the fifth degree, and division (B) of section 2929.13 1833
of the Revised Code applies in determining whether to impose a 1834
prison term on the offender. 1835

(b) Except as otherwise provided in division (C) (2) (c), 1836
(d), or (e) of this section, if the offense was committed in the 1837
vicinity of a school or in the vicinity of a juvenile, 1838
trafficking in drugs is a felony of the fourth degree, and 1839
division (C) of section 2929.13 of the Revised Code applies in 1840
determining whether to impose a prison term on the offender. 1841

(c) Except as otherwise provided in this division, if the 1842
amount of the drug involved equals or exceeds the bulk amount 1843
but is less than five times the bulk amount, trafficking in 1844
drugs is a felony of the fourth degree, and division (B) of 1845
section 2929.13 of the Revised Code applies in determining 1846
whether to impose a prison term for the offense. If the amount 1847
of the drug involved is within that range and if the offense was 1848

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in

marihuana is a felony of the fifth degree, and division (B) of 1879
section 2929.13 of the Revised Code applies in determining 1880
whether to impose a prison term on the offender. 1881

(b) Except as otherwise provided in division (C) (3) (c), 1882
(d), (e), (f), (g), or (h) of this section, if the offense was 1883
committed in the vicinity of a school or in the vicinity of a 1884
juvenile, trafficking in marihuana is a felony of the fourth 1885
degree, and division (B) of section 2929.13 of the Revised Code 1886
applies in determining whether to impose a prison term on the 1887
offender. 1888

(c) Except as otherwise provided in this division, if the 1889
amount of the drug involved equals or exceeds two hundred grams 1890
but is less than one thousand grams, trafficking in marihuana is 1891
a felony of the fourth degree, and division (B) of section 1892
2929.13 of the Revised Code applies in determining whether to 1893
impose a prison term on the offender. If the amount of the drug 1894
involved is within that range and if the offense was committed 1895
in the vicinity of a school or in the vicinity of a juvenile, 1896
trafficking in marihuana is a felony of the third degree, and 1897
division (C) of section 2929.13 of the Revised Code applies in 1898
determining whether to impose a prison term on the offender. 1899

(d) Except as otherwise provided in this division, if the 1900
amount of the drug involved equals or exceeds one thousand grams 1901
but is less than five thousand grams, trafficking in marihuana 1902
is a felony of the third degree, and division (C) of section 1903
2929.13 of the Revised Code applies in determining whether to 1904
impose a prison term on the offender. If the amount of the drug 1905
involved is within that range and if the offense was committed 1906
in the vicinity of a school or in the vicinity of a juvenile, 1907
trafficking in marihuana is a felony of the second degree, and 1908

there is a presumption that a prison term shall be imposed for 1909
the offense. 1910

(e) Except as otherwise provided in this division, if the 1911
amount of the drug involved equals or exceeds five thousand 1912
grams but is less than twenty thousand grams, trafficking in 1913
marihuana is a felony of the third degree, and there is a 1914
presumption that a prison term shall be imposed for the offense. 1915
If the amount of the drug involved is within that range and if 1916
the offense was committed in the vicinity of a school or in the 1917
vicinity of a juvenile, trafficking in marihuana is a felony of 1918
the second degree, and there is a presumption that a prison term 1919
shall be imposed for the offense. 1920

(f) Except as otherwise provided in this division, if the 1921
amount of the drug involved equals or exceeds twenty thousand 1922
grams but is less than forty thousand grams, trafficking in 1923
marihuana is a felony of the second degree, and the court shall 1924
impose as a mandatory prison term a second degree felony 1925
mandatory prison term of five, six, seven, or eight years. If 1926
the amount of the drug involved is within that range and if the 1927
offense was committed in the vicinity of a school or in the 1928
vicinity of a juvenile, trafficking in marihuana is a felony of 1929
the first degree, and the court shall impose as a mandatory 1930
prison term a maximum first degree felony mandatory prison term. 1931

(g) Except as otherwise provided in this division, if the 1932
amount of the drug involved equals or exceeds forty thousand 1933
grams, trafficking in marihuana is a felony of the second 1934
degree, and the court shall impose as a mandatory prison term a 1935
maximum second degree felony mandatory prison term. If the 1936
amount of the drug involved equals or exceeds forty thousand 1937
grams and if the offense was committed in the vicinity of a 1938

school or in the vicinity of a juvenile, trafficking in 1939
marihuana is a felony of the first degree, and the court shall 1940
impose as a mandatory prison term a maximum first degree felony 1941
mandatory prison term. 1942

(h) Except as otherwise provided in this division, if the 1943
offense involves a gift of twenty grams or less of marihuana, 1944
trafficking in marihuana is a minor misdemeanor upon a first 1945
offense and a misdemeanor of the third degree upon a subsequent 1946
offense. If the offense involves a gift of twenty grams or less 1947
of marihuana and if the offense was committed in the vicinity of 1948
a school or in the vicinity of a juvenile, trafficking in 1949
marihuana is a misdemeanor of the third degree. 1950

(4) If the drug involved in the violation is cocaine or a 1951
compound, mixture, preparation, or substance containing cocaine, 1952
whoever violates division (A) of this section is guilty of 1953
trafficking in cocaine. The penalty for the offense shall be 1954
determined as follows: 1955

(a) Except as otherwise provided in division (C) (4) (b), 1956
(c), (d), (e), (f), or (g) of this section, trafficking in 1957
cocaine is a felony of the ~~fourth~~ second degree, and division ~~(B)~~ 1958
(C) of section 2929.13 of the Revised Code applies in 1959
determining whether to impose a prison term on the offender. 1960

(b) Except as otherwise provided in division (C) (4) (c), 1961
(d), (e), (f), or (g) of this section, if the offense was 1962
committed in the vicinity of a school or in the vicinity of a 1963
juvenile, trafficking in cocaine is a felony of the ~~fourth~~ first 1964
degree, and ~~division (C) of section 2929.13 of the Revised Code~~ 1965
~~applies in determining whether to impose a~~ there is a 1966
presumption that a prison term on the offenders shall be imposed 1967
for the offense. 1968

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the ~~fourth~~first degree, and ~~division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a~~ there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the ~~third~~first degree, ~~and there is a presumption for a prison term for the offense the court shall impose as a mandatory prison term a first degree~~ felony mandatory prison term, and the court may impose an additional prison term of up to ten years.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the ~~third~~first degree, ~~and, except as otherwise provided in this division, there is a presumption for a prison term for the offense the court shall impose as a mandatory~~ prison term a first degree felony mandatory prison term, and the court may impose an additional prison term of up to ten years. If trafficking in cocaine is a felony of the ~~third~~first degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the~~ third a maximum first degree felony prison term, and the court may impose an additional prison term of up to ten years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the

vicinity of a juvenile, trafficking in cocaine is a felony of 2000
the ~~second~~first degree, ~~and~~ the court shall impose as a 2001
mandatory prison term a ~~second~~first degree felony mandatory 2002
prison term, and the court may impose an additional prison term 2003
of up to twenty years. 2004

(e) Except as otherwise provided in this division, if the 2005
amount of the drug involved equals or exceeds twenty grams but 2006
is less than twenty-seven grams of cocaine, trafficking in 2007
cocaine is a felony of the ~~second~~first degree, ~~and~~ the court 2008
shall impose as a mandatory prison term a ~~second~~first degree 2009
felony mandatory prison term, and the court may impose an 2010
additional prison term of up to twenty years. If the amount of 2011
the drug involved is within that range and if the offense was 2012
committed in the vicinity of a school or in the vicinity of a 2013
juvenile, trafficking in cocaine is a felony of the first 2014
degree, ~~and~~ the court shall impose as a mandatory prison term a 2015
first degree felony mandatory prison term, and the court may 2016
impose an additional prison term of up to thirty years. 2017

(f) If the amount of the drug involved equals or exceeds 2018
twenty-seven grams but is less than one hundred grams of cocaine 2019
and regardless of whether the offense was committed in the 2020
vicinity of a school or in the vicinity of a juvenile, 2021
trafficking in cocaine is a felony of the first degree, ~~and~~ the 2022
court shall impose as a mandatory prison term a first degree 2023
felony mandatory prison term, and the court may impose an 2024
additional prison term of up to thirty years. 2025

(g) If the amount of the drug involved equals or exceeds 2026
one hundred grams of cocaine and regardless of whether the 2027
offense was committed in the vicinity of a school or in the 2028
vicinity of a juvenile, trafficking in cocaine is a felony of 2029

the first degree, the offender is a major drug offender, ~~and~~ the 2030
court shall impose as a mandatory prison term a maximum first 2031
degree felony mandatory prison term, and the court may impose an 2032
additional prison term of up to thirty years. 2033

(5) If the drug involved in the violation is L.S.D. or a 2034
compound, mixture, preparation, or substance containing L.S.D., 2035
whoever violates division (A) of this section is guilty of 2036
trafficking in L.S.D. The penalty for the offense shall be 2037
determined as follows: 2038

(a) Except as otherwise provided in division (C) (5) (b), 2039
(c), (d), (e), (f), or (g) of this section, trafficking in 2040
L.S.D. is a felony of the ~~fifth~~ second degree, and division ~~(B)~~ 2041
(C) of section 2929.13 of the Revised Code applies in 2042
determining whether to impose a prison term on the offender. 2043

(b) Except as otherwise provided in division (C) (5) (c), 2044
(d), (e), (f), or (g) of this section, if the offense was 2045
committed in the vicinity of a school or in the vicinity of a 2046
juvenile, trafficking in L.S.D. is a felony of the ~~fourth~~ first 2047
degree, ~~and division (C) of section 2929.13 of the Revised Code~~ 2048
~~applies in determining whether to impose there is a presumption~~ 2049
that a prison term on the offender shall be imposed for the 2050
offense. 2051

(c) Except as otherwise provided in this division, if the 2052
amount of the drug involved equals or exceeds ten unit doses but 2053
is less than fifty unit doses of L.S.D. in a solid form or 2054
equals or exceeds one gram but is less than five grams of L.S.D. 2055
in a liquid concentrate, liquid extract, or liquid distillate 2056
form, trafficking in L.S.D. is a felony of the ~~fourth~~ first 2057
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 2058
~~applies in determining whether to impose there is a presumption~~ 2059

that a prison term shall be imposed for the offense. If the 2060
amount of the drug involved is within that range and if the 2061
offense was committed in the vicinity of a school or in the 2062
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 2063
third-first degree, and there is a presumption for a prison term 2064
for the offense, and the court may impose an additional prison 2065
term of up to ten years. 2066

(d) Except as otherwise provided in this division, if the 2067
amount of the drug involved equals or exceeds fifty unit doses 2068
but is less than two hundred fifty unit doses of L.S.D. in a 2069
solid form or equals or exceeds five grams but is less than 2070
twenty-five grams of L.S.D. in a liquid concentrate, liquid 2071
extract, or liquid distillate form, trafficking in L.S.D. is a 2072
felony of the ~~third-first~~ degree, and, except as otherwise 2073
provided in this division, ~~there is a presumption for a prison-~~ 2074
~~term for the offense~~ the court shall impose as a mandatory 2075
prison term a first degree felony mandatory prison term, and the 2076
court may impose an additional prison term of up to ten years. 2077
If trafficking in L.S.D. is a felony of the ~~third-first~~ degree 2078
under this division and if the offender two or more times 2079
previously has been convicted of or pleaded guilty to a felony 2080
drug abuse offense, the court shall impose as a mandatory prison 2081
~~term one of the prison terms prescribed for a felony of the~~ 2082
~~third degree~~ a maximum first degree felony mandatory prison 2083
term, and the court may impose an additional prison term of up 2084
to ten years. If the amount of the drug involved is within that 2085
range and if the offense was committed in the vicinity of a 2086
school or in the vicinity of a juvenile, trafficking in L.S.D. 2087
is a felony of the ~~second-first~~ degree, and the court shall 2088
impose as a mandatory prison term a ~~second-maximum first~~ degree 2089
felony mandatory prison term, and the court may impose an 2090

additional prison term of up to twenty years. 2091

(e) Except as otherwise provided in this division, if the 2092
amount of the drug involved equals or exceeds two hundred fifty 2093
unit doses but is less than one thousand unit doses of L.S.D. in 2094
a solid form or equals or exceeds twenty-five grams but is less 2095
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2096
extract, or liquid distillate form, trafficking in L.S.D. is a 2097
felony of the ~~second~~first degree, ~~and~~ the court shall impose as 2098
a mandatory prison term a ~~second~~first degree felony mandatory 2099
prison term, and the court may impose an additional prison term 2100
of up to twenty years. If the amount of the drug involved is 2101
within that range and if the offense was committed in the 2102
vicinity of a school or in the vicinity of a juvenile, 2103
trafficking in L.S.D. is a felony of the first degree, ~~and~~ the 2104
court shall impose as a mandatory prison term a first degree 2105
felony mandatory prison term, and the court may impose an 2106
additional prison term of up to thirty years. 2107

(f) If the amount of the drug involved equals or exceeds 2108
one thousand unit doses but is less than five thousand unit 2109
doses of L.S.D. in a solid form or equals or exceeds one hundred 2110
grams but is less than five hundred grams of L.S.D. in a liquid 2111
concentrate, liquid extract, or liquid distillate form and 2112
regardless of whether the offense was committed in the vicinity 2113
of a school or in the vicinity of a juvenile, trafficking in 2114
L.S.D. is a felony of the first degree, ~~and~~ the court shall 2115
impose as a mandatory prison term a first degree felony 2116
mandatory prison term, and the court may impose an additional 2117
prison term of up to thirty years. 2118

(g) If the amount of the drug involved equals or exceeds 2119
five thousand unit doses of L.S.D. in a solid form or equals or 2120

exceeds five hundred grams of L.S.D. in a liquid concentrate, 2121
liquid extract, or liquid distillate form and regardless of 2122
whether the offense was committed in the vicinity of a school or 2123
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2124
of the first degree, the offender is a major drug offender, ~~and~~ 2125
the court shall impose as a mandatory prison term a maximum 2126
first degree felony mandatory prison term, and the court may 2127
impose an additional prison term of up to thirty years. 2128

(6) If the drug involved in the violation is heroin or a 2129
compound, mixture, preparation, or substance containing heroin, 2130
whoever violates division (A) of this section is guilty of 2131
trafficking in heroin. The penalty for the offense shall be 2132
determined as follows: 2133

(a) Except as otherwise provided in division (C) (6) (b), 2134
(c), (d), (e), (f), or (g) of this section, trafficking in 2135
heroin is a felony of the ~~fifth~~ second degree, and division ~~(B)~~ 2136
(C) of section 2929.13 of the Revised Code applies in 2137
determining whether to impose a prison term on the offender. 2138

(b) Except as otherwise provided in division (C) (6) (c), 2139
(d), (e), (f), or (g) of this section, if the offense was 2140
committed in the vicinity of a school or in the vicinity of a 2141
juvenile, trafficking in heroin is a felony of the ~~fourth~~ first 2142
degree, and ~~division (C) of section 2929.13 of the Revised Code~~ 2143
~~applies in determining whether to impose there is a presumption~~ 2144
for a prison term on ~~for~~ the offender. 2145

(c) Except as otherwise provided in this division, if the 2146
amount of the drug involved equals or exceeds ten unit doses but 2147
is less than fifty unit doses or equals or exceeds one gram but 2148
is less than five grams, trafficking in heroin is a felony of 2149
the ~~fourth~~ first degree, and ~~division (B) of section 2929.13 of~~ 2150

~~the Revised Code applies in determining whether to impose there~~ 2151
is a presumption for a prison term for the offense. If the 2152
amount of the drug involved is within that range and if the 2153
offense was committed in the vicinity of a school or in the 2154
vicinity of a juvenile, trafficking in heroin is a felony of the 2155
~~third first degree, and there is a presumption for a the court~~ 2156
shall impose as a mandatory prison term for the offense a first 2157
degree felony mandatory prison term, and the court may impose an 2158
additional prison term of up to ten years. 2159

(d) Except as otherwise provided in this division, if the 2160
amount of the drug involved equals or exceeds fifty unit doses 2161
but is less than one hundred unit doses or equals or exceeds 2162
five grams but is less than ten grams, trafficking in heroin is 2163
a felony of the ~~third first degree, and there is a presumption~~ 2164
~~for a the court shall impose as a mandatory prison term for the~~ 2165
~~offense a first degree felony mandatory prison term, and the~~ 2166
court may impose an additional prison term of up to ten years. 2167
If the amount of the drug involved is within that range and if 2168
the offense was committed in the vicinity of a school or in the 2169
vicinity of a juvenile, trafficking in heroin is a felony of the 2170
~~second first degree, and there is a presumption for a prison~~ 2171
~~term for the offense the court shall impose as a mandatory~~ 2172
prison term a first degree felony mandatory prison term, and the 2173
court may impose an additional prison term of up to twenty 2174
years. 2175

(e) Except as otherwise provided in this division, if the 2176
amount of the drug involved equals or exceeds one hundred unit 2177
doses but is less than five hundred unit doses or equals or 2178
exceeds ten grams but is less than fifty grams, trafficking in 2179
heroin is a felony of the ~~second first degree, and the court~~ 2180
shall impose as a mandatory prison term a ~~second first degree~~ 2181

felony mandatory prison term, and the court may impose an 2182
additional prison term of up to twenty years. If the amount of 2183
the drug involved is within that range and if the offense was 2184
committed in the vicinity of a school or in the vicinity of a 2185
juvenile, trafficking in heroin is a felony of the first degree, 2186
~~and~~ the court shall impose as a mandatory prison term a maximum 2187
first degree felony mandatory prison term, and the court may 2188
impose an additional prison term of up to thirty years. 2189

(f) If the amount of the drug involved equals or exceeds 2190
five hundred unit doses but is less than one thousand unit doses 2191
or equals or exceeds fifty grams but is less than one hundred 2192
grams and regardless of whether the offense was committed in the 2193
vicinity of a school or in the vicinity of a juvenile, 2194
trafficking in heroin is a felony of the first degree, ~~and~~ the 2195
court shall impose as a mandatory prison term a first degree 2196
felony mandatory prison term, and the court may impose an 2197
additional prison term of up to thirty years. 2198

(g) If the amount of the drug involved equals or exceeds 2199
one thousand unit doses or equals or exceeds one hundred grams 2200
and regardless of whether the offense was committed in the 2201
vicinity of a school or in the vicinity of a juvenile, 2202
trafficking in heroin is a felony of the first degree, the 2203
offender is a major drug offender, ~~and~~ the court shall impose as 2204
a mandatory prison term a maximum first degree felony mandatory 2205
prison term, and the court may impose an additional prison term 2206
of up to thirty years. 2207

(7) If the drug involved in the violation is hashish or a 2208
compound, mixture, preparation, or substance containing hashish, 2209
whoever violates division (A) of this section is guilty of 2210
trafficking in hashish. The penalty for the offense shall be 2211

determined as follows: 2212

(a) Except as otherwise provided in division (C) (7) (b), 2213
(c), (d), (e), (f), or (g) of this section, trafficking in 2214
hashish is a felony of the fifth degree, and division (B) of 2215
section 2929.13 of the Revised Code applies in determining 2216
whether to impose a prison term on the offender. 2217

(b) Except as otherwise provided in division (C) (7) (c), 2218
(d), (e), (f), or (g) of this section, if the offense was 2219
committed in the vicinity of a school or in the vicinity of a 2220
juvenile, trafficking in hashish is a felony of the fourth 2221
degree, and division (B) of section 2929.13 of the Revised Code 2222
applies in determining whether to impose a prison term on the 2223
offender. 2224

(c) Except as otherwise provided in this division, if the 2225
amount of the drug involved equals or exceeds ten grams but is 2226
less than fifty grams of hashish in a solid form or equals or 2227
exceeds two grams but is less than ten grams of hashish in a 2228
liquid concentrate, liquid extract, or liquid distillate form, 2229
trafficking in hashish is a felony of the fourth degree, and 2230
division (B) of section 2929.13 of the Revised Code applies in 2231
determining whether to impose a prison term on the offender. If 2232
the amount of the drug involved is within that range and if the 2233
offense was committed in the vicinity of a school or in the 2234
vicinity of a juvenile, trafficking in hashish is a felony of 2235
the third degree, and division (C) of section 2929.13 of the 2236
Revised Code applies in determining whether to impose a prison 2237
term on the offender. 2238

(d) Except as otherwise provided in this division, if the 2239
amount of the drug involved equals or exceeds fifty grams but is 2240
less than two hundred fifty grams of hashish in a solid form or 2241

equals or exceeds ten grams but is less than fifty grams of 2242
hashish in a liquid concentrate, liquid extract, or liquid 2243
distillate form, trafficking in hashish is a felony of the third 2244
degree, and division (C) of section 2929.13 of the Revised Code 2245
applies in determining whether to impose a prison term on the 2246
offender. If the amount of the drug involved is within that 2247
range and if the offense was committed in the vicinity of a 2248
school or in the vicinity of a juvenile, trafficking in hashish 2249
is a felony of the second degree, and there is a presumption 2250
that a prison term shall be imposed for the offense. 2251

(e) Except as otherwise provided in this division, if the 2252
amount of the drug involved equals or exceeds two hundred fifty 2253
grams but is less than one thousand grams of hashish in a solid 2254
form or equals or exceeds fifty grams but is less than two 2255
hundred grams of hashish in a liquid concentrate, liquid 2256
extract, or liquid distillate form, trafficking in hashish is a 2257
felony of the third degree, and there is a presumption that a 2258
prison term shall be imposed for the offense. If the amount of 2259
the drug involved is within that range and if the offense was 2260
committed in the vicinity of a school or in the vicinity of a 2261
juvenile, trafficking in hashish is a felony of the second 2262
degree, and there is a presumption that a prison term shall be 2263
imposed for the offense. 2264

(f) Except as otherwise provided in this division, if the 2265
amount of the drug involved equals or exceeds one thousand grams 2266
but is less than two thousand grams of hashish in a solid form 2267
or equals or exceeds two hundred grams but is less than four 2268
hundred grams of hashish in a liquid concentrate, liquid 2269
extract, or liquid distillate form, trafficking in hashish is a 2270
felony of the second degree, and the court shall impose as a 2271
mandatory prison term a second degree felony mandatory prison 2272

term of five, six, seven, or eight years. If the amount of the 2273
drug involved is within that range and if the offense was 2274
committed in the vicinity of a school or in the vicinity of a 2275
juvenile, trafficking in hashish is a felony of the first 2276
degree, and the court shall impose as a mandatory prison term a 2277
maximum first degree felony mandatory prison term. 2278

(g) Except as otherwise provided in this division, if the 2279
amount of the drug involved equals or exceeds two thousand grams 2280
of hashish in a solid form or equals or exceeds four hundred 2281
grams of hashish in a liquid concentrate, liquid extract, or 2282
liquid distillate form, trafficking in hashish is a felony of 2283
the second degree, and the court shall impose as a mandatory 2284
prison term a maximum second degree felony mandatory prison 2285
term. If the amount of the drug involved equals or exceeds two 2286
thousand grams of hashish in a solid form or equals or exceeds 2287
four hundred grams of hashish in a liquid concentrate, liquid 2288
extract, or liquid distillate form and if the offense was 2289
committed in the vicinity of a school or in the vicinity of a 2290
juvenile, trafficking in hashish is a felony of the first 2291
degree, and the court shall impose as a mandatory prison term a 2292
maximum first degree felony mandatory prison term. 2293

(8) If the drug involved in the violation is a controlled 2294
substance analog or compound, mixture, preparation, or substance 2295
that contains a controlled substance analog, and is not a hard 2296
drug analog or compound, mixture, preparation, or substance that 2297
contains a hard drug analog, whoever violates division (A) of 2298
this section is guilty of trafficking in a controlled substance 2299
analog. The penalty for the offense shall be determined as 2300
follows: 2301

(a) Except as otherwise provided in division (C) (8) (b), 2302

(c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a

felony of the second degree, and there is a presumption for a 2333
prison term for the offense. 2334

(e) Except as otherwise provided in this division, if the 2335
amount of the drug involved equals or exceeds thirty grams but 2336
is less than forty grams, trafficking in a controlled substance 2337
analog is a felony of the second degree, and the court shall 2338
impose as a mandatory prison term a second degree felony 2339
mandatory prison term. If the amount of the drug involved is 2340
within that range and if the offense was committed in the 2341
vicinity of a school or in the vicinity of a juvenile, 2342
trafficking in a controlled substance analog is a felony of the 2343
first degree, and the court shall impose as a mandatory prison 2344
term a first degree felony mandatory prison term. 2345

(f) If the amount of the drug involved equals or exceeds 2346
forty grams but is less than fifty grams and regardless of 2347
whether the offense was committed in the vicinity of a school or 2348
in the vicinity of a juvenile, trafficking in a controlled 2349
substance analog is a felony of the first degree, and the court 2350
shall impose as a mandatory prison term a first degree felony 2351
mandatory prison term. 2352

(g) If the amount of the drug involved equals or exceeds 2353
fifty grams and regardless of whether the offense was committed 2354
in the vicinity of a school or in the vicinity of a juvenile, 2355
trafficking in a controlled substance analog is a felony of the 2356
first degree, the offender is a major drug offender, and the 2357
court shall impose as a mandatory prison term a maximum first 2358
degree felony mandatory prison term. 2359

~~(9) If the drug involved in the violation is a fentanyl-~~ 2360
~~related compound or a compound, mixture, preparation, or~~ 2361
~~substance containing a fentanyl related compound and division-~~ 2362

~~(C) (10) (a) of this section does not apply to the drug involved, whoever violates division (A) of this section is guilty of trafficking in a fentanyl-related compound. The penalty for the offense shall be determined as follows:~~ 2363
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~~(a) Except as otherwise provided in division (C) (9) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2367
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~~(b) Except as otherwise provided in division (C) (9) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2372
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 2379
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses~~ 2391
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~~but is less than one hundred unit doses or equals or exceeds— 2393
five grams but is less than ten grams, trafficking in a 2394
fentanyl-related compound is a felony of the third degree, and 2395
there is a presumption for a prison term for the offense. If the 2396
amount of the drug involved is within that range and if the 2397
offense was committed in the vicinity of a school or in the 2398
vicinity of a juvenile, trafficking in a fentanyl-related 2399
compound is a felony of the second degree, and there is a 2400
presumption for a prison term for the offense.— 2401~~

~~(e) Except as otherwise provided in this division, if the 2402
amount of the drug involved equals or exceeds one hundred unit 2403
doses but is less than two hundred unit doses or equals or 2404
exceeds ten grams but is less than twenty grams, trafficking in 2405
a fentanyl-related compound is a felony of the second degree, 2406
and the court shall impose as a mandatory prison term one of the 2407
prison terms prescribed for a felony of the second degree. If 2408
the amount of the drug involved is within that range and if the 2409
offense was committed in the vicinity of a school or in the 2410
vicinity of a juvenile, trafficking in a fentanyl-related 2411
compound is a felony of the first degree, and the court shall 2412
impose as a mandatory prison term one of the prison terms 2413
prescribed for a felony of the first degree.— 2414~~

~~(f) If the amount of the drug involved equals or exceeds— 2415
two hundred unit doses but is less than five hundred unit doses— 2416
or equals or exceeds twenty grams but is less than fifty grams— 2417
and regardless of whether the offense was committed in the 2418
vicinity of a school or in the vicinity of a juvenile,— 2419
trafficking in a fentanyl-related compound is a felony of the 2420
first degree, and the court shall impose as a mandatory prison— 2421
term one of the prison terms prescribed for a felony of the 2422
first degree.— 2423~~

~~(g) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 2424
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~~(h) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 2433
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~~(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl related compound and marihuana, one of the following applies:~~ 2441
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~~(a) Except as otherwise provided in division (C) (10) (b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C) (3) of this section. The offender is not guilty of trafficking in a fentanyl related compound and shall not be charged with, convicted of, or punished under division (C) (9) of this section for trafficking in a fentanyl related compound.~~ 2445
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~~(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug~~ 2452
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~~involved contains a fentanyl related compound, the offender is~~ 2454
~~guilty of trafficking in a fentanyl related compound and shall~~ 2455
~~be punished under division (C) (9) of this section. If the drug~~ 2456
involved in the violation is fentanyl or a compound, mixture, 2457
preparation, or substance that contains fentanyl, whoever 2458
violates division (A) of this section is guilty of trafficking 2459
in fentanyl. The penalty for the offense shall be determined as 2460
follows: 2461

(a) Except as otherwise provided in division (C) (9) (b), 2462
(c), (d), (e), or (f) of this section, trafficking in fentanyl 2463
is a felony of the second degree, and division (C) of section 2464
2929.13 of the Revised Code applies in determining whether to 2465
impose a prison term on the offender. 2466

(b) Except as otherwise provided in division (C) (9) (c), 2467
(d), (e), or (f) of this section, if the offense was committed 2468
in the vicinity of a school or in the vicinity of a juvenile, 2469
trafficking in fentanyl is a felony of the first degree and 2470
there is a presumption for a prison term for the offender. 2471

(c) Except as otherwise provided in division (C) (9) (d), 2472
(e), or (f) of this section, if the amount of the drug involved 2473
equals or exceeds one-half of one gram or five unit doses, but 2474
is less than one and one-half grams or twenty unit doses, 2475
trafficking in fentanyl is a felony of the first degree and 2476
there is a presumption for a prison term for the offender. If 2477
the amount of the drug involved is within that range and if the 2478
offense was committed in the vicinity of a school or in the 2479
vicinity of a juvenile, trafficking in fentanyl is a felony of 2480
the first degree, the court shall impose as a mandatory prison 2481
term a first degree felony mandatory prison term, and the court 2482
may impose an additional prison term of up to ten years. 2483

(d) Except as otherwise provided in division (C) (9) (e) or 2484
(f) of this section, if the amount of the drug involved equals 2485
or exceeds one and one-half grams or twenty unit doses, but is 2486
less than three grams or forty unit doses, trafficking in 2487
fenentanyl is a felony of the first degree, the court shall impose 2488
as a mandatory prison term a first degree felony mandatory 2489
prison term, and the court may impose an additional prison term 2490
of up to ten years. If the amount of the drug involved is within 2491
that range and if the offense was committed in the vicinity of a 2492
school or in the vicinity of a juvenile, trafficking in fenentanyl 2493
is a felony of the first degree, the court shall impose as a 2494
mandatory prison term a first degree felony mandatory prison 2495
term, and the court may impose an additional prison term of up 2496
to twenty years. 2497

(e) Except as otherwise provided in division (C) (9) (f) of 2498
this section, if the amount of the drug involved equals or 2499
exceeds three grams or forty unit doses, but is less than twenty 2500
grams or one hundred unit doses, trafficking in fenentanyl is a 2501
felony of the first degree, the court shall impose as a 2502
mandatory prison term a first degree felony mandatory prison 2503
term, and the court may impose an additional prison term of up 2504
to twenty years. If the amount of the drug involved is within 2505
that range and if the offense was committed in the vicinity of a 2506
school or in the vicinity of a juvenile, trafficking in fenentanyl 2507
is a felony of the first degree, the court shall impose as a 2508
mandatory prison term a maximum first degree felony mandatory 2509
prison term, and the court may impose an additional prison term 2510
of up to twenty years. 2511

(f) If the amount of the drug involved equals or exceeds 2512
twenty grams or one hundred unit doses and regardless of whether 2513
the offense was committed in the vicinity of a school or in the 2514

vicinity of a juvenile, trafficking in fentanyl is a felony of 2515
the first degree, the offender is a major drug offender, the 2516
court shall impose as a mandatory prison term a maximum first 2517
degree felony mandatory prison term, and the court may impose an 2518
additional prison term of up to thirty years. 2519

(10) If the drug involved in the violation is carfentanil 2520
or a compound, mixture, preparation, or substance that contains 2521
carfentanil, whoever violates division (A) of this section is 2522
guilty of trafficking in carfentanil. The penalty for the 2523
offense shall be determined as follows: 2524

(a) Except as otherwise provided in division (C) (10) (b), 2525
(c), (d), or (e) of this section, trafficking in carfentanil is 2526
a felony of the first degree, and the court shall impose as a 2527
mandatory prison term a first degree felony mandatory prison 2528
term. 2529

(b) Except as otherwise provided in division (C) (10) (c), 2530
(d), or (e) of this section, if the offense was committed in the 2531
vicinity of a school or in the vicinity of a juvenile, 2532
trafficking in carfentanil is a felony of the first degree, the 2533
court shall impose as a mandatory prison term a first degree 2534
felony mandatory prison term, and the court may impose an 2535
additional prison term of up to ten years. 2536

(c) Except as otherwise provided in division (C) (10) (d) or 2537
(e) of this section, if the amount of the drug involved equals 2538
or exceeds one gram or five unit doses, but is less than five 2539
grams or ten unit doses, trafficking in carfentanil is a felony 2540
of the first degree, the court shall impose as a mandatory 2541
prison term a first degree felony mandatory prison term, and the 2542
court may impose an additional prison term of up to ten years. 2543
If the amount of the drug involved is within that range and if 2544

the offense was committed in the vicinity of a school or in the 2545
vicinity of a juvenile, trafficking in carfentanil is a felony 2546
of the first degree, the court shall impose as a mandatory 2547
prison term a first degree felony mandatory prison term, and the 2548
court may impose an additional prison term of up to twenty 2549
years. 2550

(d) Except as otherwise provided in division (C) (10) (e) of 2551
this section, if the amount of the drug involved equals or 2552
exceeds five grams or ten unit doses, but is less than ten grams 2553
or fifty unit doses and regardless of whether the offense was 2554
committed in the vicinity of a school or in the vicinity of a 2555
juvenile, trafficking in carfentanil is a felony of the first 2556
degree, the court shall impose as a mandatory prison term a 2557
first degree felony mandatory prison term, and the court may 2558
impose an additional prison term of up to thirty years. 2559

(e) If the amount of the drug involved equals or exceeds 2560
ten grams or fifty unit doses and regardless of whether the 2561
offense was committed in the vicinity of a school or in the 2562
vicinity of a juvenile, trafficking in carfentanil is a felony 2563
of the first degree, the offender is a major drug offender, the 2564
court shall impose as a mandatory prison term a maximum first 2565
degree felony mandatory prison term, and the court may impose an 2566
additional prison term of up to forty years. 2567

(11) If the drug involved is a hard drug analog or a 2568
compound, mixture, substance, or preparation that contains a 2569
hard drug analog, whoever violates division (A) of this section 2570
is guilty of trafficking in a hard drug analog. The penalty for 2571
the offense shall be determined as follows: 2572

(a) Except as otherwise provided in division (C) (11) (b), 2573
(c), (d), (e), or (f) of this section, trafficking in a hard 2574

drug analog is a felony of the second degree, and division (C) 2575
of section 2929.13 of the Revised Code applies in determining 2576
whether to impose a prison term on the offender. 2577

(b) Except as otherwise provided in division (C) (11) (c), 2578
(d), (e), or (f) of this section, if the offense was committed 2579
in the vicinity of a school or in the vicinity of a juvenile, 2580
trafficking in a hard drug analog is a felony of the first 2581
degree, and there is a presumption for a prison term for the 2582
offender. 2583

(c) Except as otherwise provided in this division, if the 2584
amount of the drug involved equals or exceeds ten grams but is 2585
less than twenty grams, trafficking in a hard drug analog is a 2586
felony of the first degree and there is a presumption of a 2587
prison term for the offender. If the amount of the drug involved 2588
is within that range and if the offense was committed in the 2589
vicinity of a school or in the vicinity of a juvenile, 2590
trafficking in a hard drug analog is a felony of the first 2591
degree, the court shall impose as a mandatory prison term a 2592
first degree felony mandatory prison term, and the court may 2593
impose an additional prison term of up to ten years. 2594

(d) Except as otherwise provided in this division, if the 2595
amount of the drug involved equals or exceeds twenty grams but 2596
is less than thirty grams, trafficking in a hard drug analog is 2597
a felony of the first degree, the court shall impose as a 2598
mandatory prison term a first degree felony mandatory prison 2599
term, and the court may impose an additional prison term of up 2600
to ten years. If the amount of the drug involved is within that 2601
range and if the offense was committed in the vicinity of a 2602
school or in the vicinity of a juvenile, trafficking in a hard 2603
drug analog is a felony of the first degree, the court shall 2604

impose as a mandatory prison term a first degree felony 2605
mandatory prison term, and the court may impose an additional 2606
prison term of up to twenty years. 2607

(e) Except as otherwise provided in this division, if the 2608
amount of the drug involved equals or exceeds thirty grams but 2609
is less than forty grams, trafficking in a hard drug analog is a 2610
felony of the first degree, the court shall impose as a 2611
mandatory prison term a first degree felony mandatory prison 2612
term, and the court may impose an additional prison term of up 2613
to twenty years. If the amount of the drug involved is within 2614
that range and if the offense was committed in the vicinity of a 2615
school or in the vicinity of a juvenile, trafficking in a hard 2616
drug analog is a felony of the first degree, the court shall 2617
impose as a mandatory prison term a maximum first degree felony 2618
mandatory prison term, and the court may impose an additional 2619
prison term of up to twenty years. 2620

(f) If the amount of the drug involved equals or exceeds 2621
forty grams and regardless of whether the offense was committed 2622
in the vicinity of a school or in the vicinity of a juvenile, 2623
trafficking in a hard drug analog is a felony of the first 2624
degree, the offender is a major drug offender, the court shall 2625
impose as a mandatory prison term a maximum first degree felony 2626
mandatory prison term, and the court may impose an additional 2627
prison term of up to thirty years. 2628

(D) In addition to any prison term authorized or required 2629
by division (C) of this section and sections 2929.13 and 2929.14 2630
of the Revised Code, and in addition to any other sanction 2631
imposed for the offense under this section or sections 2929.11 2632
to 2929.18 of the Revised Code, the court that sentences an 2633
offender who is convicted of or pleads guilty to a violation of 2634

division (A) of this section may suspend the driver's or 2635
commercial driver's license or permit of the offender in 2636
accordance with division (G) of this section. However, if the 2637
offender pleaded guilty to or was convicted of a violation of 2638
section 4511.19 of the Revised Code or a substantially similar 2639
municipal ordinance or the law of another state or the United 2640
States arising out of the same set of circumstances as the 2641
violation, the court shall suspend the offender's driver's or 2642
commercial driver's license or permit in accordance with 2643
division (G) of this section. If applicable, the court also 2644
shall do the following: 2645

(1) If the violation of division (A) of this section is a 2646
felony of the first, second, or third degree, the court shall 2647
impose upon the offender the mandatory fine specified for the 2648
offense under division (B) (1) of section 2929.18 of the Revised 2649
Code unless, as specified in that division, the court determines 2650
that the offender is indigent. Except as otherwise provided in 2651
division (H) (1) of this section, a mandatory fine or any other 2652
fine imposed for a violation of this section is subject to 2653
division (F) of this section. If a person is charged with a 2654
violation of this section that is a felony of the first, second, 2655
or third degree, posts bail, and forfeits the bail, the clerk of 2656
the court shall pay the forfeited bail pursuant to divisions (D) 2657
(1) and (F) of this section, as if the forfeited bail was a fine 2658
imposed for a violation of this section. If any amount of the 2659
forfeited bail remains after that payment and if a fine is 2660
imposed under division (H) (1) of this section, the clerk of the 2661
court shall pay the remaining amount of the forfeited bail 2662
pursuant to divisions (H) (2) and (3) of this section, as if that 2663
remaining amount was a fine imposed under division (H) (1) of 2664
this section. 2665

(2) If the offender is a professionally licensed person, 2666
the court immediately shall comply with section 2925.38 of the 2667
Revised Code. 2668

(E) When a person is charged with the sale of or offer to 2669
sell a bulk amount or a multiple of a bulk amount of a 2670
controlled substance, the jury, or the court trying the accused, 2671
shall determine the amount of the controlled substance involved 2672
at the time of the offense and, if a guilty verdict is returned, 2673
shall return the findings as part of the verdict. In any such 2674
case, it is unnecessary to find and return the exact amount of 2675
the controlled substance involved, and it is sufficient if the 2676
finding and return is to the effect that the amount of the 2677
controlled substance involved is the requisite amount, or that 2678
the amount of the controlled substance involved is less than the 2679
requisite amount. 2680

(F) (1) Notwithstanding any contrary provision of section 2681
3719.21 of the Revised Code and except as provided in division 2682
(H) of this section, the clerk of the court shall pay any 2683
mandatory fine imposed pursuant to division (D) (1) of this 2684
section and any fine other than a mandatory fine that is imposed 2685
for a violation of this section pursuant to division (A) or (B) 2686
(5) of section 2929.18 of the Revised Code to the county, 2687
township, municipal corporation, park district, as created 2688
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2689
state law enforcement agencies in this state that primarily were 2690
responsible for or involved in making the arrest of, and in 2691
prosecuting, the offender. However, the clerk shall not pay a 2692
mandatory fine so imposed to a law enforcement agency unless the 2693
agency has adopted a written internal control policy under 2694
division (F) (2) of this section that addresses the use of the 2695
fine moneys that it receives. Each agency shall use the 2696

mandatory fines so paid to subsidize the agency's law 2697
enforcement efforts that pertain to drug offenses, in accordance 2698
with the written internal control policy adopted by the 2699
recipient agency under division (F) (2) of this section. 2700

(2) Prior to receiving any fine moneys under division (F) 2701
(1) of this section or division (B) of section 2925.42 of the 2702
Revised Code, a law enforcement agency shall adopt a written 2703
internal control policy that addresses the agency's use and 2704
disposition of all fine moneys so received and that provides for 2705
the keeping of detailed financial records of the receipts of 2706
those fine moneys, the general types of expenditures made out of 2707
those fine moneys, and the specific amount of each general type 2708
of expenditure. The policy shall not provide for or permit the 2709
identification of any specific expenditure that is made in an 2710
ongoing investigation. All financial records of the receipts of 2711
those fine moneys, the general types of expenditures made out of 2712
those fine moneys, and the specific amount of each general type 2713
of expenditure by an agency are public records open for 2714
inspection under section 149.43 of the Revised Code. 2715
Additionally, a written internal control policy adopted under 2716
this division is such a public record, and the agency that 2717
adopted it shall comply with it. 2718

(3) As used in division (F) of this section: 2719

(a) "Law enforcement agencies" includes, but is not 2720
limited to, the state board of pharmacy and the office of a 2721
prosecutor. 2722

(b) "Prosecutor" has the same meaning as in section 2723
2935.01 of the Revised Code. 2724

(G) (1) If the sentencing court suspends the offender's 2725

driver's or commercial driver's license or permit under division 2726
(D) of this section or any other provision of this chapter, the 2727
court shall suspend the license, by order, for not more than 2728
five years. If an offender's driver's or commercial driver's 2729
license or permit is suspended pursuant to this division, the 2730
offender, at any time after the expiration of two years from the 2731
day on which the offender's sentence was imposed or from the day 2732
on which the offender finally was released from a prison term 2733
under the sentence, whichever is later, may file a motion with 2734
the sentencing court requesting termination of the suspension; 2735
upon the filing of such a motion and the court's finding of good 2736
cause for the termination, the court may terminate the 2737
suspension. 2738

(2) Any offender who received a mandatory suspension of 2739
the offender's driver's or commercial driver's license or permit 2740
under this section prior to September 13, 2016, may file a 2741
motion with the sentencing court requesting the termination of 2742
the suspension. However, an offender who pleaded guilty to or 2743
was convicted of a violation of section 4511.19 of the Revised 2744
Code or a substantially similar municipal ordinance or law of 2745
another state or the United States that arose out of the same 2746
set of circumstances as the violation for which the offender's 2747
license or permit was suspended under this section shall not 2748
file such a motion. 2749

Upon the filing of a motion under division (G) (2) of this 2750
section, the sentencing court, in its discretion, may terminate 2751
the suspension. 2752

(H) (1) In addition to any prison term authorized or 2753
required by division (C) of this section and sections 2929.13 2754
and 2929.14 of the Revised Code, in addition to any other 2755

penalty or sanction imposed for the offense under this section 2756
or sections 2929.11 to 2929.18 of the Revised Code, and in 2757
addition to the forfeiture of property in connection with the 2758
offense as prescribed in Chapter 2981. of the Revised Code, the 2759
court that sentences an offender who is convicted of or pleads 2760
guilty to a violation of division (A) of this section may impose 2761
upon the offender an additional fine specified for the offense 2762
in division (B)(4) of section 2929.18 of the Revised Code. A 2763
fine imposed under division (H)(1) of this section is not 2764
subject to division (F) of this section and shall be used solely 2765
for the support of one or more eligible community addiction 2766
services providers in accordance with divisions (H)(2) and (3) 2767
of this section. 2768

(2) The court that imposes a fine under division (H)(1) of 2769
this section shall specify in the judgment that imposes the fine 2770
one or more eligible community addiction services providers for 2771
the support of which the fine money is to be used. No community 2772
addiction services provider shall receive or use money paid or 2773
collected in satisfaction of a fine imposed under division (H) 2774
(1) of this section unless the services provider is specified in 2775
the judgment that imposes the fine. No community addiction 2776
services provider shall be specified in the judgment unless the 2777
services provider is an eligible community addiction services 2778
provider and, except as otherwise provided in division (H)(2) of 2779
this section, unless the services provider is located in the 2780
county in which the court that imposes the fine is located or in 2781
a county that is immediately contiguous to the county in which 2782
that court is located. If no eligible community addiction 2783
services provider is located in any of those counties, the 2784
judgment may specify an eligible community addiction services 2785
provider that is located anywhere within this state. 2786

(3) Notwithstanding any contrary provision of section 2787
3719.21 of the Revised Code, the clerk of the court shall pay 2788
any fine imposed under division (H) (1) of this section to the 2789
eligible community addiction services provider specified 2790
pursuant to division (H) (2) of this section in the judgment. The 2791
eligible community addiction services provider that receives the 2792
fine moneys shall use the moneys only for the alcohol and drug 2793
addiction services identified in the application for 2794
certification of services under section 5119.36 of the Revised 2795
Code or in the application for a license under section 5119.37 2796
of the Revised Code filed with the department of mental health 2797
and addiction services by the community addiction services 2798
provider specified in the judgment. 2799

(4) Each community addiction services provider that 2800
receives in a calendar year any fine moneys under division (H) 2801
(3) of this section shall file an annual report covering that 2802
calendar year with the court of common pleas and the board of 2803
county commissioners of the county in which the services 2804
provider is located, with the court of common pleas and the 2805
board of county commissioners of each county from which the 2806
services provider received the moneys if that county is 2807
different from the county in which the services provider is 2808
located, and with the attorney general. The community addiction 2809
services provider shall file the report no later than the first 2810
day of March in the calendar year following the calendar year in 2811
which the services provider received the fine moneys. The report 2812
shall include statistics on the number of persons served by the 2813
community addiction services provider, identify the types of 2814
alcohol and drug addiction services provided to those persons, 2815
and include a specific accounting of the purposes for which the 2816
fine moneys received were used. No information contained in the 2817

report shall identify, or enable a person to determine the 2818
identity of, any person served by the community addiction 2819
services provider. Each report received by a court of common 2820
pleas, a board of county commissioners, or the attorney general 2821
is a public record open for inspection under section 149.43 of 2822
the Revised Code. 2823

(5) As used in divisions (H) (1) to (5) of this section: 2824

(a) "Community addiction services provider" and "alcohol 2825
and drug addiction services" have the same meanings as in 2826
section 5119.01 of the Revised Code. 2827

(b) "Eligible community addiction services provider" means 2828
a community addiction services provider, including a community 2829
addiction services provider that operates an opioid treatment 2830
program licensed under section 5119.37 of the Revised Code. 2831

(I) As used in this section, "drug" includes any substance 2832
that is represented to be a drug. 2833

(J) It is an affirmative defense to a charge of 2834
trafficking in a controlled substance analog under division (C) 2835
(8) of this section that the person charged with violating that 2836
offense sold or offered to sell, or prepared for shipment, 2837
shipped, transported, delivered, prepared for distribution, or 2838
distributed one of the following items that are excluded from 2839
the meaning of "controlled substance analog" under section 2840
3719.01 of the Revised Code: 2841

(1) A controlled substance; 2842

(2) Any substance for which there is an approved new drug 2843
application; 2844

(3) With respect to a particular person, any substance if 2845

an exemption is in effect for investigational use for that 2846
person pursuant to federal law to the extent that conduct with 2847
respect to that substance is pursuant to that exemption. 2848

(K) It is an affirmative defense to a charge under this 2849
section that the person charged with violating the section had 2850
purchased a small amount of drugs intending to share those drugs 2851
with another person and did not receive anything of value, 2852
beyond the purchase price, from that distribution. Nothing 2853
precludes a person who has proven an affirmative defense under 2854
this division from being charged with a possession offense in 2855
violation of section 2925.11, 2925.111, 2925.112, or 2925.113 of 2856
the Revised Code. 2857

(L) For purposes of this section, multiple sales over a 2858
period of time may be charged as a single offense based on the 2859
cumulative weight of the drug or drugs involved. 2860

(M) For purposes of division (K) of this section, a "small 2861
amount" of a drug is an amount that would be subject to 2862
prosecution as a misdemeanor or as a felony of the fourth or 2863
fifth degree under section 2925.11 or 2925.113 of the Revised 2864
Code and does not include any amount that would be subject to 2865
prosecution as a felony of the first, second, or third degree 2866
under section 2925.11, 2925.111, or 2925.112 of the Revised 2867
Code. 2868

Sec. 2925.11. (A) No person shall knowingly obtain, 2869
possess, or use a controlled substance or a controlled substance 2870
analog in any of the following amounts: 2871

(1) For a controlled substance included in schedule I or 2872
schedule II, other than marihuana, cocaine, L.S.D., heroin, 2873
hashish, fentanyl, carfentanil, a fentanyl-related compound, a 2874

<u>controlled substance analog, or a hard drug analog, less than</u>	2875
<u>five times the bulk amount;</u>	2876
<u>(2) For a controlled substance included in schedule III,</u>	2877
<u>IV, or V, less than fifty times the bulk amount;</u>	2878
<u>(3) For cocaine, less than twenty-seven grams;</u>	2879
<u>(4) For L.S.D., less than two hundred unit doses in solid</u>	2880
<u>form or less than twenty grams in liquid concentrate, liquid</u>	2881
<u>extract, or liquid distillate form;</u>	2882
<u>(5) For heroin, less than ten grams, or less than one</u>	2883
<u>hundred unit doses;</u>	2884
<u>(6) For hashish, less than two hundred fifty grams;</u>	2885
<u>(7) For a controlled substance analog, other than a</u>	2886
<u>fentanyl-related compound or a hard drug analog, less than</u>	2887
<u>twenty grams;</u>	2888
<u>(8) For fentanyl, a fentanyl-related compound other than</u>	2889
<u>carfentanil, or a hard drug analog, less than one and one-half</u>	2890
<u>grams or twenty unit doses.</u>	2891
(B) (1) This section does not apply to any of the	2892
following:	2893
(a) Manufacturers, licensed health professionals	2894
authorized to prescribe drugs, pharmacists, owners of	2895
pharmacies, and other persons whose conduct was in accordance	2896
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	2897
4741. of the Revised Code;	2898
(b) If the offense involves an anabolic steroid, any	2899
person who is conducting or participating in a research project	2900
involving the use of an anabolic steroid if the project has been	2901

approved by the United States food and drug administration; 2902

(c) Any person who sells, offers for sale, prescribes, 2903
dispenses, or administers for livestock or other nonhuman 2904
species an anabolic steroid that is expressly intended for 2905
administration through implants to livestock or other nonhuman 2906
species and approved for that purpose under the "Federal Food, 2907
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2908
as amended, and is sold, offered for sale, prescribed, 2909
dispensed, or administered for that purpose in accordance with 2910
that act; 2911

(d) Any person who obtained the controlled substance 2912
pursuant to a prescription issued by a licensed health 2913
professional authorized to prescribe drugs if the prescription 2914
was issued for a legitimate medical purpose and not altered, 2915
forged, or obtained through deception or commission of a theft 2916
offense. 2917

As used in division (B) (1) (d) of this section, "deception" 2918
and "theft offense" have the same meanings as in section 2913.01 2919
of the Revised Code. 2920

(2) (a) As used in division (B) (2) of this section: 2921

(i) "Community addiction services provider" has the same 2922
meaning as in section 5119.01 of the Revised Code. 2923

(ii) "Community control sanction" and "drug treatment 2924
program" have the same meanings as in section 2929.01 of the 2925
Revised Code. 2926

(iii) "Health care facility" has the same meaning as in 2927
section 2919.16 of the Revised Code. 2928

(iv) "Minor drug possession offense" means a violation of 2929

this section or section 2925.113 of the Revised Code that is a 2930
misdemeanor or a felony of the fifth degree. 2931

(v) "Post-release control sanction" has the same meaning 2932
as in section 2967.28 of the Revised Code. 2933

(vi) "Peace officer" has the same meaning as in section 2934
2935.01 of the Revised Code. 2935

(vii) "Public agency" has the same meaning as in section 2936
2930.01 of the Revised Code. 2937

(viii) "Qualified individual" means a person who is not on 2938
community control or post-release control and is a person acting 2939
in good faith who seeks or obtains medical assistance for 2940
another person who is experiencing a drug overdose, a person who 2941
experiences a drug overdose and who seeks medical assistance for 2942
that overdose, or a person who is the subject of another person 2943
seeking or obtaining medical assistance for that overdose as 2944
described in division (B) (2) (b) of this section. 2945

(ix) "Seek or obtain medical assistance" includes, but is 2946
not limited to making a 9-1-1 call, contacting in person or by 2947
telephone call an on-duty peace officer, or transporting or 2948
presenting a person to a health care facility. 2949

(b) Subject to division (B) (2) (f) of this section, a 2950
qualified individual shall not be arrested, charged, prosecuted, 2951
convicted, or penalized pursuant to this chapter for a minor 2952
drug possession offense if all of the following apply: 2953

(i) The evidence of the obtaining, possession, or use of 2954
the controlled substance or controlled substance analog that 2955
would be the basis of the offense was obtained as a result of 2956
the qualified individual seeking the medical assistance or 2957
experiencing an overdose and needing medical assistance. 2958

(ii) Subject to division (B) (2) (g) of this section, within
thirty days after seeking or obtaining the medical assistance,
the qualified individual seeks and obtains a screening and
receives a referral for treatment from a community addiction
services provider or a properly credentialed addiction treatment
professional.

(iii) Subject to division (B) (2) (g) of this section, the
qualified individual who obtains a screening and receives a
referral for treatment under division (B) (2) (b) (ii) of this
section, upon the request of any prosecuting attorney, submits
documentation to the prosecuting attorney that verifies that the
qualified individual satisfied the requirements of that
division. The documentation shall be limited to the date and
time of the screening obtained and referral received.

(c) If a person is found to be in violation of any
community control sanction and if the violation is a result of
either of the following, the court shall first consider ordering
the person's participation or continued participation in a drug
treatment program or mitigating the penalty specified in section
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is
applicable, after which the court has the discretion either to
order the person's participation or continued participation in a
drug treatment program or to impose the penalty with the
mitigating factor specified in any of those applicable sections:

(i) Seeking or obtaining medical assistance in good faith
for another person who is experiencing a drug overdose;

(ii) Experiencing a drug overdose and seeking medical
assistance for that overdose or being the subject of another
person seeking or obtaining medical assistance for that overdose
as described in division (B) (2) (b) of this section.

(d) If a person is found to be in violation of any post- 2989
release control sanction and if the violation is a result of 2990
either of the following, the court or the parole board shall 2991
first consider ordering the person's participation or continued 2992
participation in a drug treatment program or mitigating the 2993
penalty specified in section 2929.141 or 2967.28 of the Revised 2994
Code, whichever is applicable, after which the court or the 2995
parole board has the discretion either to order the person's 2996
participation or continued participation in a drug treatment 2997
program or to impose the penalty with the mitigating factor 2998
specified in either of those applicable sections: 2999

(i) Seeking or obtaining medical assistance in good faith 3000
for another person who is experiencing a drug overdose; 3001

(ii) Experiencing a drug overdose and seeking medical 3002
assistance for that emergency or being the subject of another 3003
person seeking or obtaining medical assistance for that overdose 3004
as described in division (B) (2) (b) of this section. 3005

(e) Nothing in division (B) (2) (b) of this section shall be 3006
construed to do any of the following: 3007

(i) Limit the admissibility of any evidence in connection 3008
with the investigation or prosecution of a crime with regards to 3009
a defendant who does not qualify for the protections of division 3010
(B) (2) (b) of this section or with regards to any crime other 3011
than a minor drug possession offense committed by a person who 3012
qualifies for protection pursuant to division (B) (2) (b) of this 3013
section for a minor drug possession offense; 3014

(ii) Limit any seizure of evidence or contraband otherwise 3015
permitted by law; 3016

(iii) Limit or abridge the authority of a peace officer to 3017

detain or take into custody a person in the course of an 3018
investigation or to effectuate an arrest for any offense except 3019
as provided in that division; 3020

(iv) Limit, modify, or remove any immunity from liability 3021
available pursuant to law in effect prior to September 13, 2016, 3022
to any public agency or to an employee of any public agency. 3023

(f) Division (B) (2) (b) of this section does not apply to 3024
any person who twice previously has been granted an immunity 3025
under division (B) (2) (b) of this section. No person shall be 3026
granted an immunity under division (B) (2) (b) of this section 3027
more than two times. 3028

(g) Nothing in this section shall compel any qualified 3029
individual to disclose protected health information in a way 3030
that conflicts with the requirements of the "Health Insurance 3031
Portability and Accountability Act of 1996," 104 Pub. L. No. 3032
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3033
regulations promulgated by the United States department of 3034
health and human services to implement the act or the 3035
requirements of 42 C.F.R. Part 2. 3036

(C) (1) Whoever violates division (A) (1) of this section is 3037
guilty of ~~one of the following:~~ 3038

~~(1) If the drug involved in the violation is a compound,~~ 3039
~~mixture, preparation, or substance included in schedule I or II,~~ 3040
~~with the exception of marihuana, cocaine, L.S.D., heroin, any~~ 3041
~~fentanyl related compound, hashish, and any controlled substance~~ 3042
~~analog, whoever violates division (A) of this section is guilty~~ 3043
~~of aggravated possession of schedule I or II drugs other than~~ 3044
~~marihuana, cocaine, L.S.D., heroin, hashish, fentanyl,~~ 3045
~~carfentanil, a fentanyl-related compound, a controlled substance~~ 3046

analog, or a hard drug analog. The penalty for the offense shall 3047
be determined as follows: 3048

~~(a) Except as otherwise provided in division (C) (1) (b), 3049
(c), (d), or (e) of this section, aggravated possession of drugs 3050
is a felony of the fifth degree, and division (B) of section 3051
2929.13 of the Revised Code applies in determining whether to 3052
impose a prison term on the offender. 3053~~

~~(b) If the amount of the drug involved equals or exceeds 3054
the bulk amount but is less than five times the bulk amount, 3055
aggravated possession of drugs is a felony of the third degree, 3056
and there is a presumption for a prison term for the offense. 3057~~

~~(c) If the amount of the drug involved equals or exceeds 3058
five times the bulk amount but is less than fifty times the bulk 3059
amount, aggravated possession of drugs is a felony of the second 3060
degree, and the court shall impose as a mandatory prison term a 3061
second degree felony mandatory prison term. 3062~~

~~(d) If the amount of the drug involved equals or exceeds 3063
fifty times the bulk amount but is less than one hundred times 3064
the bulk amount, aggravated possession of drugs is a felony of 3065
the first degree, and the court shall impose as a mandatory 3066
prison term a first degree felony mandatory prison term. 3067~~

~~(e) If the amount of the drug involved equals or exceeds 3068
one hundred times the bulk amount, aggravated possession of 3069
drugs is a felony of the first degree, the offender is a major 3070
drug offender, and the court shall impose as a mandatory prison 3071
term a maximum first degree felony mandatory prison term. If the 3072
amount of the drug involved equals or exceeds the bulk amount, 3073
but is less than five times the bulk amount, possession of 3074
schedule I or II drugs other than marihuana, cocaine, L.S.D., 3075~~

heroin, hashish, fentanyl, carfentanil, a fentanyl-related 3076
compound, a controlled substance analog, or a hard drug analog 3077
is a felony of the fourth degree. 3078

(b) If the amount of the drug involved equals or exceeds 3079
twenty-five one-thousandths of one gram, but is less than the 3080
bulk amount, possession of schedule I or II drugs other than 3081
marihuana, cocaine, L.S.D., heroin, hashish, fentanyl, 3082
carfentanil, a fentanyl-related compound, a controlled substance 3083
analog, or a hard drug analog is a felony of the fifth degree. 3084

~~(2) If the drug involved in the violation is a compound,~~ 3085
~~mixture, preparation, or substance included in schedule III, IV,~~ 3086
~~or V, whoever~~ Whoever ~~violates division (A) (2) of this section~~ 3087
is guilty of possession of drugs. The penalty for the offense 3088
shall be determined as follows: 3089

~~(a) Except as otherwise provided in division (C) (2) (b),~~ 3090
~~(c), or (d) of this section, possession of drugs is a~~ 3091
misdemeanor of the first degree or, if the offender previously 3092
has been convicted of a drug abuse offense, a felony of the 3093
fifth degree. 3094

~~(b) If the amount of the drug involved equals or exceeds~~ 3095
~~the bulk amount but is less than five times the bulk amount,~~ 3096
~~possession of drugs is a felony of the fourth degree, and~~ 3097
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3098
~~determining whether to impose a prison term on the offender.~~ 3099

~~(c) If the amount of the drug involved equals or exceeds~~ 3100
~~five times the bulk amount but is less than fifty times the bulk~~ 3101
~~amount, possession of drugs is a felony of the third degree, and~~ 3102
~~there is a presumption for a prison term for the offense.~~ 3103

~~(d) If the amount of the drug involved equals or exceeds~~ 3104

~~fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term.~~ 3105
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~~(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:~~ 3109
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~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.~~ 3114
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~~(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.~~ 3117
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~~(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3120
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~~(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3125
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~~(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for~~ 3130
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~~the offense.~~ 3134

~~(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and
the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term of five, six, seven, or
eight years.~~ 3135
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~~(g) If the amount of the drug involved equals or exceeds
forty thousand grams, possession of marihuana is a felony of the
second degree, and the court shall impose as a mandatory prison-
term a maximum second degree felony mandatory prison term.~~ 3141
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~~(4) If the drug involved in the violation is cocaine or a
compound, mixture, preparation, or substance containing cocaine,
whoever violates division (A) of this section is guilty of
possession of cocaine. The penalty for the offense shall be
determined as follows:~~ 3145
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~~(a) Except as otherwise provided in division (C) (4) (b),
(c), (d), (e), or (f) of this section, possession of cocaine is
a felony of the fifth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.~~ 3150
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~~(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of cocaine, possession of
cocaine is a felony of the fourth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~ 3155
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~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than twenty grams of cocaine, possession
of cocaine is a felony of the third degree, and, except as~~ 3160
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~~otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.~~ 3163
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~~(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3170
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~~(e) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3175
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~~(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3180
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~~(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:~~ 3185
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~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13~~ 3189
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~~of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 3192
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~~(b) If the amount of L.S.D. involved equals or exceeds ten
unit doses but is less than fifty unit doses of L.S.D. in a
solid form or equals or exceeds one gram but is less than five
grams of L.S.D. in a liquid concentrate, liquid extract, or
liquid distillate form, possession of L.S.D. is a felony of the
fourth degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.~~ 3194
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~~(c) If the amount of L.S.D. involved equals or exceeds
fifty unit doses, but is less than two hundred fifty unit doses
of L.S.D. in a solid form or equals or exceeds five grams but is
less than twenty five grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form, possession of L.S.D.
is a felony of the third degree, and there is a presumption for
a prison term for the offense.~~ 3202
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~~(d) If the amount of L.S.D. involved equals or exceeds two
hundred fifty unit doses but is less than one thousand unit
doses of L.S.D. in a solid form or equals or exceeds twenty five
grams but is less than one hundred grams of L.S.D. in a liquid
concentrate, liquid extract, or liquid distillate form,
possession of L.S.D. is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree
felony mandatory prison term.~~ 3209
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~~(e) If the amount of L.S.D. involved equals or exceeds one
thousand unit doses but is less than five thousand unit doses of
L.S.D. in a solid form or equals or exceeds one hundred grams
but is less than five hundred grams of L.S.D. in a liquid
concentrate, liquid extract, or liquid distillate form,~~ 3217
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~~possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3222
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~~(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3225
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~~(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:~~ 3232
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~~(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3237
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~~(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3242
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~~(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams,~~ 3248
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~~possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3251
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~~(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3253
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~~(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3259
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~~(f) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3265
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~~(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:~~ 3271
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~~(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.~~ 3276
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~~(b) If the amount of the drug involved equals or exceeds~~ 3279

~~five grams but is less than ten grams of hashish in a solid form- 3280
or equals or exceeds one gram but is less than two grams of 3281
hashish in a liquid concentrate, liquid extract, or liquid 3282
distillate form, possession of hashish is a misdemeanor of the 3283
fourth degree. 3284~~

~~(c) If the amount of the drug involved equals or exceeds 3285
ten grams but is less than fifty grams of hashish in a solid 3286
form or equals or exceeds two grams but is less than ten grams 3287
of hashish in a liquid concentrate, liquid extract, or liquid 3288
distillate form, possession of hashish is a felony of the fifth 3289
degree, and division (B) of section 2929.13 of the Revised Code 3290
applies in determining whether to impose a prison term on the 3291
offender. 3292~~

~~(d) If the amount of the drug involved equals or exceeds 3293
fifty grams but is less than two hundred fifty grams of hashish 3294
in a solid form or equals or exceeds ten grams but is less than 3295
fifty grams of hashish in a liquid concentrate, liquid extract, 3296
or liquid distillate form, possession of hashish is a felony of 3297
the third degree, and division (C) of section 2929.13 of the 3298
Revised Code applies in determining whether to impose a prison 3299
term on the offender. 3300~~

~~(e) If the amount of the drug involved equals or exceeds 3301
two hundred fifty grams but is less than one thousand grams of 3302
hashish in a solid form or equals or exceeds fifty grams but is 3303
less than two hundred grams of hashish in a liquid concentrate, 3304
liquid extract, or liquid distillate form, possession of hashish 3305
is a felony of the third degree, and there is a presumption that 3306
a prison term shall be imposed for the offense. 3307~~

~~(f) If the amount of the drug involved equals or exceeds 3308
one thousand grams but is less than two thousand grams of 3309~~

~~hashish in a solid form or equals or exceeds two hundred grams— 3310
but is less than four hundred grams of hashish in a liquid 3311
concentrate, liquid extract, or liquid distillate form,— 3312
possession of hashish is a felony of the second degree, and the 3313
court shall impose as a mandatory prison term a second degree 3314
felony mandatory prison term of five, six, seven, or eight 3315
years. 3316~~

~~(g) If the amount of the drug involved equals or exceeds 3317
two thousand grams of hashish in a solid form or equals or 3318
exceeds four hundred grams of hashish in a liquid concentrate,— 3319
liquid extract, or liquid distillate form, possession of hashish 3320
is a felony of the second degree, and the court shall impose as 3321
a mandatory prison term a maximum second degree felony mandatory 3322
prison term. 3323~~

~~(8) If the drug involved is a controlled substance analog 3324
or compound, mixture, preparation, or substance that contains a 3325
controlled substance analog, whoever violates division (A) of 3326
this section is guilty of possession of a controlled substance 3327
analog. The penalty for the offense shall be determined as 3328
follows: 3329~~

~~(a) Except as otherwise provided in division (C) (8) (b),— 3330
(c), (d), (e), or (f) of this section, possession of a 3331
controlled substance analog is a felony of the fifth degree, and 3332
division (B) of section 2929.13 of the Revised Code applies in 3333
determining whether to impose a prison term on the offender. 3334~~

~~(b) If the amount of the drug involved equals or exceeds 3335
ten grams but is less than twenty grams, possession of a 3336
controlled substance analog is a felony of the fourth degree,— 3337
and there is a presumption for a prison term for the offense. 3338~~

~~(c) If the amount of the drug involved equals or exceeds
twenty grams but is less than thirty grams, possession of a
controlled substance analog is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~ 3339
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~~(d) If the amount of the drug involved equals or exceeds
thirty grams but is less than forty grams, possession of a
controlled substance analog is a felony of the second degree,
and the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term.~~ 3343
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~~(e) If the amount of the drug involved equals or exceeds
forty grams but is less than fifty grams, possession of a
controlled substance analog is a felony of the first degree, and
the court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 3348
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~~(f) If the amount of the drug involved equals or exceeds
fifty grams, possession of a controlled substance analog is a
felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~ 3353
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~~(9) If the drug involved in the violation is a compound,
mixture, preparation, or substance that is a combination of a
fentanyl-related compound and marihuana, one of the following
applies:~~ 3358
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~~(a) Except as otherwise provided in division (C) (9) (b) of
this section, the offender is guilty of possession of marihuana
and shall be punished as provided in division (C) (3) of this
section. Except as otherwise provided in division (C) (9) (b) of
this section, the offender is not guilty of possession of a
fentanyl-related compound under division (C) (11) of this section.~~ 3362
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~~and shall not be charged with, convicted of, or punished under
division (C) (11) of this section for possession of a fentanyl-
related compound.~~ 3368
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~~(b) If the offender knows or has reason to know that the
compound, mixture, preparation, or substance that is the drug-
involved contains a fentanyl related compound, the offender is
guilty of possession of a fentanyl related compound and shall be
punished under division (C) (11) of this section.~~ 3371
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~~(10) If the drug involved in the violation is a compound,
mixture, preparation, or substance that is a combination of a
fentanyl related compound and any schedule III, schedule IV, or
schedule V controlled substance that is not a fentanyl related
compound, one of the following applies:~~ 3376
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~~(a) Except as otherwise provided in division (C) (10) (b) of
this section, the offender is guilty of possession of drugs and
shall be punished as provided in division (C) (2) of this
section. Except as otherwise provided in division (C) (10) (b) of
this section, the offender is not guilty of possession of a
fentanyl related compound under division (C) (11) of this section
and shall not be charged with, convicted of, or punished under
division (C) (11) of this section for possession of a fentanyl-
related compound.~~ 3381
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~~(b) If the offender knows or has reason to know that the
compound, mixture, preparation, or substance that is the drug-
involved contains a fentanyl related compound, the offender is
guilty of possession of a fentanyl related compound and shall be
punished under division (C) (11) of this section.~~ 3390
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~~(11) If the drug involved in the violation is a fentanyl-
related compound and neither division (C) (9) (a) nor division (C)~~ 3395
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~~(10) (a) of this section applies to the drug involved, or is a
compound, mixture, preparation, or substance that contains a
fentanyl-related compound or is a combination of a fentanyl-
related compound and any other controlled substance and neither
division (C) (9) (a) nor division (C) (10) (a) of this section
applies to the drug involved, whoever violates division (A) of
this section is guilty of possession of a fentanyl-related
compound. The penalty for the offense shall be determined as
follows:~~

~~(a) Except as otherwise provided in division (C) (11) (b),
(c), (d), (e), (f), or (g) of this section, possession of a
fentanyl-related compound is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~

~~(b) If the amount of the drug involved equals or exceeds
ten unit doses but is less than fifty unit doses or equals or
exceeds one gram but is less than five grams, possession of a
fentanyl-related compound is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~

~~(c) If the amount of the drug involved equals or exceeds
fifty unit doses but is less than one hundred unit doses or
equals or exceeds five grams but is less than ten grams,
possession of a fentanyl-related compound is a felony of the
third degree, and there is a presumption for a prison term for
the offense.~~

~~(d) If the amount of the drug involved equals or exceeds
one hundred unit doses but is less than two hundred unit doses
or equals or exceeds ten grams but is less than twenty grams,
possession of a fentanyl-related compound is a felony of the~~

~~second degree, and the court shall impose as a mandatory prison-~~ 3427
~~term one of the prison terms prescribed for a felony of the~~ 3428
~~second degree.~~ 3429

~~(e) If the amount of the drug involved equals or exceeds~~ 3430
~~two hundred unit doses but is less than five hundred unit doses-~~ 3431
~~or equals or exceeds twenty grams but is less than fifty grams,~~ 3432
~~possession of a fentanyl-related compound is a felony of the~~ 3433
~~first degree, and the court shall impose as a mandatory prison-~~ 3434
~~term one of the prison terms prescribed for a felony of the~~ 3435
~~first degree.~~ 3436

~~(f) If the amount of the drug involved equals or exceeds~~ 3437
~~five hundred unit doses but is less than one thousand unit doses-~~ 3438
~~or equals or exceeds fifty grams but is less than one hundred-~~ 3439
~~grams, possession of a fentanyl-related compound is a felony of~~ 3440
~~the first degree, and the court shall impose as a mandatory~~ 3441
~~prison term the maximum prison term prescribed for a felony of~~ 3442
~~the first degree.~~ 3443

~~(g) If the amount of the drug involved equals or exceeds~~ 3444
~~one thousand unit doses or equals or exceeds one hundred grams,~~ 3445
~~possession of a fentanyl-related compound is a felony of the~~ 3446
~~first degree, the offender is a major drug offender, and the~~ 3447
~~court shall impose as a mandatory prison term the maximum prison-~~ 3448
~~term prescribed for a felony of the first degree.~~ 3449

~~(D) Arrest or conviction for a minor misdemeanor violation-~~ 3450
~~of this section does not constitute a criminal record and need-~~ 3451
~~not be reported by the person so arrested or convicted in~~ 3452
~~response to any inquiries about the person's criminal record,~~ 3453
~~including any inquiries contained in any application for~~ 3454
~~employment, license, or other right or privilege, or made in~~ 3455
~~connection with the person's appearance as a witness.~~ 3456

~~(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If applicable, the court also shall do the following:~~

~~(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.~~

~~(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.~~

~~(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail pursuant to division (E) (1) (b) of this section as if it were a mandatory fine imposed under division (E) (1) (a) of this section.~~ 3488
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(2) (a) If the amount of the drug involved equals or exceeds five times the bulk amount, but is less than fifty times the bulk amount, possession of drugs is a felony of the fourth degree. 3494
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(b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of one gram, but is less than five times the bulk amount, possession of drugs is a felony of the fifth degree. 3498
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(3) Whoever violates division (A) (3) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows: 3502
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(a) If the amount of the drug involved equals or exceeds ten grams, but is less than twenty-seven grams, possession of cocaine is a felony of the fourth degree. 3505
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(b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of one gram, but is less than ten grams, possession of cocaine is a felony of the fifth degree. 3508
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(4) Whoever violates division (A) (4) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows: 3511
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(a) If the amount of the drug involved equals or exceeds fifty unit doses, but is less than two hundred unit doses in solid form, or equals or exceeds five grams, but is less than 3514
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twenty grams in liquid concentrate, liquid extract, or liquid 3517
distillate form, possession of L.S.D. is a felony of the fourth 3518
degree. 3519

(b) If the amount of the drug involved equals or exceeds 3520
one-fourth of one unit dose, but is less than fifty unit doses 3521
in solid form, or equals or exceeds twenty-five one-thousandths 3522
of one gram, but is less than five grams in liquid concentrate, 3523
liquid extract, or liquid distillate form, possession of L.S.D. 3524
is a felony of the fifth degree. 3525

(5) Whoever violates division (A) (5) of this section is 3526
guilty of possession of heroin. The penalty for the offense 3527
shall be determined as follows: 3528

(a) If the amount of the drug involved equals or exceeds 3529
one gram, but is less than ten grams, or equals or exceeds ten 3530
unit doses, but is less than one hundred unit doses, possession 3531
of heroin is a felony of the fourth degree. 3532

(b) If the amount of the drug involved equals or exceeds 3533
twenty-five one-thousandths of one gram, but is less than one 3534
gram, or equals or exceeds one-fourth of one unit dose, but is 3535
less than ten unit doses, possession of heroin is a felony of 3536
the fifth degree. 3537

(6) Whoever violates division (A) (6) of this section is 3538
guilty of possession of hashish. The penalty for the offense 3539
shall be determined as follows: 3540

(a) If the amount of the drug involved equals or exceeds 3541
twenty-five one-thousandths of one gram, but is less than ten 3542
grams, possession of hashish is a minor misdemeanor. 3543

(b) If the amount of the drug involved is at least ten 3544
grams, but is less than twenty grams, possession of hashish is a 3545

misdemeanor of the fourth degree. 3546

(c) If the amount of the drug involved is at least twenty grams, but is less than fifty grams, possession of hashish is a felony of the fifth degree. 3547
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(d) If the amount of the drug involved is at least fifty grams, but is less than two hundred fifty grams, possession of hashish is a felony of the fourth degree. 3550
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(7) Whoever violates division (A) (7) of this section is guilty of possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog. The penalty for the offense shall be determined as follows: 3553
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(a) If the amount of the drug involved equals or exceeds ten grams, but is less than twenty grams, possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog is a felony of the fourth degree. 3557
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(b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of one gram, but is less than ten grams, possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog is a felony of the fifth degree. 3561
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(8) Whoever violates division (A) (8) of this section is guilty of possession of fentanyl, a fentanyl-related compound, or a hard drug analog. The penalty for the offense shall be determined as follows: 3566
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(a) If the amount of the drug involved equals or exceeds one-half of one gram, but is less than one and one-half grams, or equals or exceeds five unit doses, but is less than twenty unit doses, possession of fentanyl, a fentanyl-related compound, or a hard drug analog is a felony of the fourth degree. 3570
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(b) If the amount of the drug involved is less than one-half of one gram or less than five unit doses, possession of fentanyl, a fentanyl-related compound, or a hard drug analog is a felony of the fifth degree. 3575
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(D) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code. 3579
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~~(F)~~ (E) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division ~~(C)~~ (A) (2), (3), (4), or (5), ~~or (6)~~ of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a ~~misdemeanor violation of division (C) (2) of this section or a~~ fifth degree felony violation of division ~~(C)~~ (A) (2), (3), (4), or (5), ~~or (6)~~ of this section ~~respectively~~. 3583
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~~(G)~~ (F) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time 3601
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of the offense. 3605

~~(H)~~ (G) It is an affirmative defense to a charge of 3606
possession of a controlled substance analog under division ~~(C)~~ 3607
~~(8)~~ (A) (7) of this section that the person charged with 3608
violating that offense obtained, possessed, or used one of the 3609
following items that are excluded from the meaning of 3610
"controlled substance analog" under section 3719.01 of the 3611
Revised Code: 3612

(1) A controlled substance; 3613

(2) Any substance for which there is an approved new drug 3614
application; 3615

(3) With respect to a particular person, any substance if 3616
an exemption is in effect for investigational use for that 3617
person pursuant to federal law to the extent that conduct with 3618
respect to that substance is pursuant to that exemption. 3619

~~(I)~~ (H) Any offender who received a mandatory suspension 3620
of the offender's driver's or commercial driver's license or 3621
permit under this section prior to September 13, 2016, may file 3622
a motion with the sentencing court requesting the termination of 3623
the suspension. However, an offender who pleaded guilty to or 3624
was convicted of a violation of section 4511.19 of the Revised 3625
Code or a substantially similar municipal ordinance or law of 3626
another state or the United States that arose out of the same 3627
set of circumstances as the violation for which the offender's 3628
license or permit was suspended under this section shall not 3629
file such a motion. 3630

Upon the filing of a motion under division ~~(I)~~ (H) of this 3631
section, the sentencing court, in its discretion, may terminate 3632
the suspension. 3633

Sec. 2925.111. (A) No person shall knowingly obtain or 3634
possess a controlled substance or a controlled substance analog 3635
in any of the following amounts: 3636

(1) For a controlled substance included in schedule I or 3637
schedule II, other than marihuana, cocaine, L.S.D., heroin, 3638
fentanyl, a fentanyl-related compound, carfentanil, hashish, a 3639
controlled substance analog, or a hard drug analog, five times 3640
or more, but less than fifty times the bulk amount; 3641

(2) For a controlled substance included in schedule III, 3642
IV, or V, fifty times the bulk amount or more; 3643

(3) For cocaine, twenty-seven grams or more, but less than 3644
fifty grams; 3645

(4) For L.S.D., two hundred unit doses or more, but less 3646
than five hundred unit doses in solid form or twenty grams or 3647
more, but less than fifty grams in liquid concentrate, liquid 3648
extract, or liquid distillate form; 3649

(5) For heroin, one hundred unit doses or more, but less 3650
than three hundred unit doses, or ten grams or more, but less 3651
than thirty grams; 3652

(6) For hashish, two hundred fifty grams or more, but less 3653
than two thousand grams; 3654

(7) For a controlled substance analog other than a 3655
fentanyl-related compound or a hard drug analog, twenty grams or 3656
more, but less than thirty grams; 3657

(8) For fentanyl, a fentanyl-related compound other than 3658
carfentanil, or a hard drug analog, one and one-half grams or 3659
more, but less than three grams, or twenty unit doses or more, 3660
but less than forty unit doses; 3661

(9) For carfentanil, less than one gram or five unit 3662
doses. 3663

(B) This section does not apply to any of the following: 3664

(1) Manufacturers, licensed health professionals 3665
authorized to prescribe drugs, pharmacists, owners of 3666
pharmacies, and other persons whose conduct is in accordance 3667
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3668
4741. of the Revised Code; 3669

(2) If the offense involves an anabolic steroid, any 3670
person who is conducting or participating in a research project 3671
involving the use of an anabolic steroid if the project has been 3672
approved by the United States food and drug administration; 3673

(3) Any person who sells, offers for sale, prescribes, 3674
dispenses, or administers for livestock or other nonhuman 3675
species an anabolic steroid that is expressly intended for 3676
administration through implants to livestock or other nonhuman 3677
species and approved for that purpose under the "Federal Food, 3678
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 3679
amended, and is sold, offered for sale, prescribed, dispensed, 3680
or administered for that purpose in accordance with that act. 3681

(4) Any person who obtained the controlled substance 3682
pursuant to a lawful prescription issued by a licensed health 3683
professional authorized to prescribe drugs. 3684

(C) Whoever violates this section is guilty of bulk 3685
possession of drugs, a felony of the third degree. 3686

(D) If a person found guilty of a violation of this 3687
section is a professionally licensed person, in addition to any 3688
other sanction imposed for a violation of this section, the 3689
court immediately shall comply with section 2925.38 of the 3690

Revised Code. 3691

Sec. 2925.112. (A) No person shall knowingly obtain or 3692
possess a controlled substance or controlled substance analog in 3693
any of the following amounts: 3694

(1) For a controlled substance included in schedule I or 3695
schedule II, other than marihuana, cocaine, L.S.D., heroin, 3696
fentanyl, a fentanyl-related compound, hashish, a controlled 3697
substance analog, or a hard drug analog, fifty times the bulk 3698
amount or more; 3699

(2) For cocaine, fifty grams or more; 3700

(3) For L.S.D., five hundred unit doses or more in solid 3701
form or fifty grams or in liquid concentrate, liquid extract, or 3702
liquid distillate form; 3703

(4) For heroin, three hundred unit doses or thirty grams 3704
or more; 3705

(5) For hashish, two thousand grams or more; 3706

(6) For a controlled substance analog other than a 3707
fentanyl-related compound or a hard drug analog, thirty grams or 3708
more; 3709

(7) For fentanyl, a fentanyl-related compound other than 3710
carfentanil, or a hard drug analog, three grams or forty unit 3711
doses or more; 3712

(8) For carfentanil, one gram or five unit doses or more. 3713

(B) This section does not apply to any of the following: 3714

(1) Manufacturers, licensed health professionals 3715
authorized to prescribe drugs, pharmacists, owners of 3716
pharmacies, and other persons whose conduct is in accordance 3717

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3718
4741. of the Revised Code; 3719

(2) If the offense involves an anabolic steroid, any 3720
person who is conducting or participating in a research project 3721
involving the use of an anabolic steroid if the project has been 3722
approved by the United States food and drug administration; 3723

(3) Any person who sells, offers for sale, prescribes, 3724
dispenses, or administers for livestock or other nonhuman 3725
species an anabolic steroid that is expressly intended for 3726
administration through implants to livestock or other nonhuman 3727
species and approved for that purpose under the "Federal Food, 3728
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 3729
amended, and is sold, offered for sale, prescribed, dispensed, 3730
or administered for that purpose in accordance with that act. 3731

(4) Any person who obtained the controlled substance 3732
pursuant to a lawful prescription issued by a licensed health 3733
professional authorized to prescribe drugs. 3734

(C) Whoever violates division (A)(1) of this section is 3735
guilty of aggravated possession of schedule I or schedule II 3736
drugs other than marihuana, cocaine, L.S.D., heroin, hashish, 3737
fentanyl, a fentanyl-related compound, a controlled substance 3738
analog, or a hard drug analog. The penalty for the offense shall 3739
be determined as follows: 3740

(1) If the amount of the drug involved equals or exceeds 3741
fifty times the bulk amount but is less than one hundred times 3742
the bulk amount, aggravated possession in drugs is a felony of 3743
the second degree and the court shall impose as a mandatory 3744
prison term one of the stated minimum prison terms prescribed 3745
for a felony of the second degree. 3746

(2) If the amount of the drug involved equals or exceeds 3747
one hundred times the bulk amount, aggravated possession of 3748
schedule I or II drugs other than marihuana, cocaine, L.S.D., 3749
heroin, hashish, fentanyl, a fentanyl-related compound, a 3750
controlled substance analog, or a hard drug analog is a felony 3751
of the first degree and the court shall impose as a mandatory 3752
prison term one of the stated minimum prison terms prescribed 3753
for a felony of the first degree. 3754

(D) Whoever violates division (A) (2) of this section is 3755
guilty of aggravated possession of cocaine. The penalty for the 3756
offense shall be determined as follows: 3757

(1) If the amount of the drug involved equals or exceeds 3758
fifty grams but is less than one hundred grams, aggravated 3759
possession of cocaine is a felony of the second degree and the 3760
court shall impose as a mandatory prison term one of the stated 3761
minimum prison terms prescribed for a felony of the second 3762
degree; 3763

(2) If the amount of the drug involved equals or exceeds 3764
one hundred grams but is less than two hundred fifty grams, 3765
aggravated possession of cocaine is a felony of the first degree 3766
and the court shall impose as a mandatory prison term one of the 3767
stated minimum prison terms prescribed for a felony of the first 3768
degree; 3769

(3) If the amount of the drug involved equals or exceeds 3770
two hundred fifty grams, aggravated possession of cocaine is a 3771
felony of the first degree, the offender is a major drug 3772
offender, and the court shall impose as the stated minimum 3773
prison term a mandatory prison term of ten or eleven years. 3774

(E) Whoever violates division (A) (3) of this section is 3775

guilty of aggravated possession of L.S.D. The penalty for the 3776
offense shall be determined as follows: 3777

(1) If the amount of the drug involved equals or exceeds 3778
five hundred unit doses but is less than five thousand unit 3779
doses in a solid form or equals or exceeds fifty grams but is 3780
less than five hundred grams in a liquid concentrate, liquid 3781
extract, or liquid distillate form, aggravated possession of 3782
L.S.D. is a felony of the second degree and the court shall 3783
impose as a mandatory prison term one of the stated minimum 3784
prison terms prescribed for a felony of the second degree; 3785

(2) If the amount of the drug involved equals or exceeds 3786
five thousand unit doses in a solid form or equals or exceeds 3787
five hundred grams in a liquid concentrate, liquid extract, or 3788
liquid distillate form, aggravated possession of L.S.D. is a 3789
felony of the first degree, the offender is a major drug 3790
offender, and the court shall impose as a mandatory prison term 3791
one of the stated minimum prison terms prescribed for a felony 3792
of the first degree. 3793

(F) Whoever violates division (A) (4) of this section is 3794
guilty of aggravated possession of heroin. The penalty for the 3795
offense shall be as follows: 3796

(1) If the amount of the drug involved equals or exceeds 3797
three hundred unit doses, but is less than five hundred unit 3798
doses, or equals or exceeds thirty grams but is less than fifty 3799
grams, aggravated possession of heroin is a felony of the second 3800
degree and the court shall impose as a mandatory prison term one 3801
of the stated minimum prison terms prescribed for a felony of 3802
the second degree; 3803

(2) If the amount of the drug involved equals or exceeds 3804

five hundred unit doses, but is less than one thousand unit 3805
doses, or equals or exceeds fifty grams but is less than one 3806
hundred grams, aggravated possession of heroin is a felony of 3807
the first degree and the court shall impose as a mandatory 3808
prison term one of the stated minimum prison terms prescribed 3809
for a felony of the first degree; 3810

(3) If the amount of the drug involved equals or exceeds 3811
one thousand unit doses or one hundred grams, aggravated 3812
possession of heroin is a felony of the first degree, the 3813
offender is a major drug offender, and the court shall impose as 3814
the stated minimum prison term a mandatory prison term of ten or 3815
eleven years. 3816

(G) Whoever violates division (A) (5) of this section is 3817
guilty of aggravated possession of hashish, a felony of the 3818
second degree, and the court shall impose as a mandatory prison 3819
term one of the stated minimum prison terms prescribed for a 3820
felony of the second degree. 3821

(H) Whoever violates division (A) (6) of this section is 3822
guilty of aggravated possession of a controlled substance 3823
analog. The penalty for the offense shall be determined as 3824
follows: 3825

(1) If the amount of the drug involved equals or exceeds 3826
thirty grams but is less than forty grams, aggravated possession 3827
of a controlled substance analog is a felony of the second 3828
degree and the court shall impose as a mandatory prison term one 3829
of the stated minimum prison terms prescribed for a felony of 3830
the second degree. 3831

(2) If the amount of the drug equals or exceeds forty 3832
grams but is less than fifty grams, aggravated possession of a 3833

controlled substance analog is a felony of the first degree and 3834
the court shall impose as a mandatory prison term one of the 3835
stated minimum prison terms prescribed for a felony of the first 3836
degree. 3837

(3) If the amount of the drug equals or exceeds fifty 3838
grams, aggravated possession of a controlled substance analog is 3839
a felony of the first degree, the offender is a major drug 3840
offender, and the court shall impose as the stated minimum 3841
prison term a mandatory prison term of ten or eleven years. 3842

(I) Whoever violates division (A) (7) of this section is 3843
guilty of aggravated possession of fentanyl, a fentanyl-related 3844
compound other than carfentanil, or a hard drug analog. The 3845
penalty for the offense shall be determined as follows: 3846

(1) If the amount of the drug equals or exceeds three 3847
grams, but is less than twenty grams, or equals or exceeds forty 3848
unit doses, but is less than one hundred unit doses, aggravated 3849
possession of fentanyl, a fentanyl-related compound other than 3850
carfentanil, or a hard drug analog is a felony of the second 3851
degree and the court shall impose as a mandatory prison term one 3852
of the stated minimum prison terms prescribed for a felony of 3853
the second degree. 3854

(2) If the amount of the drug equals or exceeds twenty 3855
grams, but is less than eighty grams, or equals or exceeds one 3856
hundred unit doses, but is less than five hundred unit doses, 3857
aggravated possession of fentanyl, a fentanyl-related compound 3858
other than carfentanil, or a hard drug analog is a felony of the 3859
first degree and the court shall impose as a mandatory prison 3860
term one of the stated minimum prison terms prescribed for a 3861
felony of the first degree. 3862

(3) If the amount of the drug equals or exceeds eighty 3863
grams or five hundred unit doses, aggravated possession of 3864
fentanyl, a fentanyl-related compound other than carfentanil, or 3865
a hard drug analog is a felony of the first degree, the offender 3866
is a major drug offender, and the court shall impose as the 3867
stated minimum prison term a mandatory prison term of ten or 3868
eleven years. 3869

(J) Whoever violates division (A) (8) of this section is 3870
guilty of aggravated possession of carfentanil. The penalty for 3871
the offense shall be determined as follows: 3872

(1) If the amount of the drug equals or exceeds one gram, 3873
but is less than five grams, or equals or exceeds five unit 3874
doses, but is less than ten unit doses, aggravated possession of 3875
carfentanil is a felony of the second degree and the court shall 3876
impose as a mandatory prison term one of the stated minimum 3877
prison terms prescribed for a felony of the second degree. 3878

(2) If the amount of the drug equals or exceeds five 3879
grams, but is less than ten grams, or equals or exceeds ten unit 3880
doses, but is less than fifty unit doses, aggravated possession 3881
of carfentanil is a felony of the first degree and the court 3882
shall impose as a mandatory prison term one of the stated 3883
minimum prison terms prescribed for a felony of the first 3884
degree. 3885

(3) If the amount of the drug equals or exceeds ten grams 3886
or fifty unit doses, aggravated possession of carfentanil is a 3887
felony of the first degree, the offender is a major drug 3888
offender, and the court shall impose as the stated minimum 3889
prison term a mandatory prison term of ten or eleven years. 3890

(K) If a person found guilty of a violation of this 3891

section is a professionally licensed person, in addition to any 3892
other sanction imposed for a violation of this section, the 3893
court immediately shall comply with section 2925.38 of the 3894
Revised Code. 3895

Sec. 2925.113. (A) No person shall knowingly obtain, 3896
possess, or use marihuana. 3897

(B) Whoever violates division (A) of this section is 3898
guilty of possession of marihuana. The penalty for the offense 3899
shall be determined as follows: 3900

(1) If the amount of marihuana involved equals or exceeds 3901
twenty-five one-thousandths of one gram, but is less than two 3902
hundred grams, possession of marihuana is a minor misdemeanor; 3903

(2) If the amount of marihuana involved equals or exceeds 3904
two hundred grams, possession of marihuana is a first degree 3905
misdemeanor. 3906

(C) A court shall not sentence an offender who violates 3907
this section to a jail term, but may impose any nonresidential 3908
sanction or combination of nonresidential sanctions authorized 3909
under section 2929.27 of the Revised Code. 3910

Sec. 2929.01. As used in this chapter: 3911

(A) (1) "Alternative residential facility" means, subject 3912
to division (A) (2) of this section, any facility other than an 3913
offender's home or residence in which an offender is assigned to 3914
live and that satisfies all of the following criteria: 3915

(a) It provides programs through which the offender may 3916
seek or maintain employment or may receive education, training, 3917
treatment, or habilitation. 3918

(b) It has received the appropriate license or certificate 3919

for any specialized education, training, treatment, 3920
habilitation, or other service that it provides from the 3921
government agency that is responsible for licensing or 3922
certifying that type of education, training, treatment, 3923
habilitation, or service. 3924

(2) "Alternative residential facility" does not include a 3925
community-based correctional facility, jail, halfway house, or 3926
prison. 3927

(B) "Basic probation supervision" means a requirement that 3928
the offender maintain contact with a person appointed to 3929
supervise the offender in accordance with sanctions imposed by 3930
the court or imposed by the parole board pursuant to section 3931
2967.28 of the Revised Code. "Basic probation supervision" 3932
includes basic parole supervision and basic post-release control 3933
supervision. 3934

(C) "Cocaine," "fentanyl-related compound," "hashish," 3935
"L.S.D.," "hard drug analog," and "unit dose" have the same 3936
meanings as in section 2925.01 of the Revised Code. 3937

(D) "Community-based correctional facility" means a 3938
community-based correctional facility and program or district 3939
community-based correctional facility and program developed 3940
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 3941

(E) "Community control sanction" means a sanction that is 3942
not a prison term and that is described in section 2929.15, 3943
2929.16, 2929.17, ~~or~~ 2929.18, 2967.58, or 2967.59 of the Revised 3944
Code or a sanction that is not a jail term and that is described 3945
in section 2929.26, 2929.27, ~~or~~ 2929.28, 2967.58, or 2967.59 of 3946
the Revised Code. "Community control sanction" includes 3947
probation if the sentence involved was imposed for a felony that 3948

was committed prior to July 1, 1996, or if the sentence involved 3949
was imposed for a misdemeanor that was committed prior to 3950
January 1, 2004. 3951

(F) "Controlled substance," "marihuana," "schedule I," and 3952
"schedule II" have the same meanings as in section 3719.01 of 3953
the Revised Code. 3954

(G) "Curfew" means a requirement that an offender during a 3955
specified period of time be at a designated place. 3956

(H) "Day reporting" means a sanction pursuant to which an 3957
offender is required each day to report to and leave a center or 3958
other approved reporting location at specified times in order to 3959
participate in work, education or training, treatment, and other 3960
approved programs at the center or outside the center. 3961

(I) "Deadly weapon" has the same meaning as in section 3962
2923.11 of the Revised Code. 3963

(J) "Drug and alcohol use monitoring" means a program 3964
under which an offender agrees to submit to random chemical 3965
analysis of the offender's blood, breath, or urine to determine 3966
whether the offender has ingested any alcohol or other drugs. 3967

(K) "Drug treatment program" means any program under which 3968
a person undergoes assessment and treatment designed to reduce 3969
or completely eliminate the person's physical or emotional 3970
reliance upon alcohol, another drug, or alcohol and another drug 3971
and under which the person may be required to receive assessment 3972
and treatment on an outpatient basis or may be required to 3973
reside at a facility other than the person's home or residence 3974
while undergoing assessment and treatment. 3975

(L) "Economic loss" means any economic detriment suffered 3976
by a victim as a direct and proximate result of the commission 3977

of an offense and includes any loss of income due to lost time 3978
at work because of any injury caused to the victim, and any 3979
property loss, medical cost, or funeral expense incurred as a 3980
result of the commission of the offense. "Economic loss" does 3981
not include non-economic loss or any punitive or exemplary 3982
damages. 3983

(M) "Education or training" includes study at, or in 3984
conjunction with a program offered by, a university, college, or 3985
technical college or vocational study and also includes the 3986
completion of primary school, secondary school, and literacy 3987
curricula or their equivalent. 3988

(N) "Firearm" has the same meaning as in section 2923.11 3989
of the Revised Code. 3990

(O) "Halfway house" means a facility licensed by the 3991
division of parole and community services of the department of 3992
rehabilitation and correction pursuant to section 2967.14 of the 3993
Revised Code as a suitable facility for the care and treatment 3994
of adult offenders. 3995

(P) "House arrest" means a period of confinement of an 3996
offender that is in the offender's home or in other premises 3997
specified by the sentencing court or by the parole board 3998
pursuant to section 2967.28 of the Revised Code and during which 3999
all of the following apply: 4000

(1) The offender is required to remain in the offender's 4001
home or other specified premises for the specified period of 4002
confinement, except for periods of time during which the 4003
offender is at the offender's place of employment or at other 4004
premises as authorized by the sentencing court or by the parole 4005
board. 4006

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,

division (E) or (G) of section 2929.24 of the Revised Code, 4036
division (B) of section 4510.14 of the Revised Code, or division 4037
(G) of section 4511.19 of the Revised Code or pursuant to any 4038
other provision of the Revised Code that requires a term in a 4039
jail for a misdemeanor conviction. 4040

(U) "Delinquent child" has the same meaning as in section 4041
2152.02 of the Revised Code. 4042

(V) "License violation report" means a report that is made 4043
by a sentencing court, or by the parole board pursuant to 4044
section 2967.28 of the Revised Code, to the regulatory or 4045
licensing board or agency that issued an offender a professional 4046
license or a license or permit to do business in this state and 4047
that specifies that the offender has been convicted of or 4048
pleaded guilty to an offense that may violate the conditions 4049
under which the offender's professional license or license or 4050
permit to do business in this state was granted or an offense 4051
for which the offender's professional license or license or 4052
permit to do business in this state may be revoked or suspended. 4053

(W) "Major drug offender" means ~~an either of the~~ 4054
following: 4055

(1) An offender who is convicted of or pleads guilty to 4056
the possession of, sale of, or offer to sell any drug, compound, 4057
mixture, preparation, or substance that consists of or contains 4058
~~at least one thousand grams of hashish; at least one hundred~~ 4059
~~grams of cocaine; at least one thousand unit doses or one~~ 4060
~~hundred grams of heroin; at least five thousand unit doses of~~ 4061
~~L.S.D. or five hundred grams of L.S.D. in a liquid concentrate,~~ 4062
~~liquid extract, or liquid distillate form; at least fifty grams~~ 4063
~~of a controlled substance analog; at least one thousand unit~~ 4064
~~doses or one hundred grams of a fentanyl-related compound; or at~~ 4065

~~least~~ one hundred times the amount of any ~~other~~ schedule I or II 4066
controlled substance other than marihuana, hashish, cocaine, 4067
heroin, L.S.D., fentanyl, carfentanil, or a controlled substance 4068
analog that is necessary to commit a felony of the third degree 4069
pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 of the 4070
Revised Code ~~that is based on the possession of, sale of, or~~ 4071
~~offer to sell the controlled substance.~~ 4072

(2) An offender who is convicted of or pleads guilty to a 4073
violation of section 2925.03, 2925.04, 2925.05, or 2925.11 of 4074
the Revised Code and is designated a major drug offender under 4075
any of those sections. 4076

(X) "Mandatory prison term" means any of the following: 4077

(1) Subject to division (X)(2) of this section, the term 4078
in prison that must be imposed for the offenses or circumstances 4079
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 4080
section 2929.13 and division (B) of section 2929.14 of the 4081
Revised Code. Except as provided in sections 2925.02, 2925.03, 4082
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 4083
maximum or another specific term is required under section 4084
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 4085
described in this division may be any prison term authorized for 4086
the level of offense except that if the offense is a felony of 4087
the first or second degree committed on or after the effective 4088
date of this amendment, a mandatory prison term described in 4089
this division may be one of the terms prescribed in division (A) 4090
(1)(a) or (2)(a) of section 2929.14 of the Revised Code, 4091
whichever is applicable, that is authorized as the minimum term 4092
for the offense. 4093

(2) The term of sixty or one hundred twenty days in prison 4094
that a sentencing court is required to impose for a third or 4095

fourth degree felony OVI offense pursuant to division (G) (2) of 4096
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 4097
of the Revised Code or the term of one, two, three, four, or 4098
five years in prison that a sentencing court is required to 4099
impose pursuant to division (G) (2) of section 2929.13 of the 4100
Revised Code. 4101

(3) The term in prison imposed pursuant to division (A) of 4102
section 2971.03 of the Revised Code for the offenses and in the 4103
circumstances described in division (F) (11) of section 2929.13 4104
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4105
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4106
section 2971.03 of the Revised Code and that term as modified or 4107
terminated pursuant to section 2971.05 of the Revised Code. 4108

(Y) "Monitored time" means a period of time during which 4109
an offender continues to be under the control of the sentencing 4110
court or parole board, subject to no conditions other than 4111
leading a law-abiding life. 4112

(Z) "Offender" means a person who, in this state, is 4113
convicted of or pleads guilty to a felony or a misdemeanor. 4114

(AA) "Prison" means a residential facility used for the 4115
confinement of convicted felony offenders that is under the 4116
control of the department of rehabilitation and correction and 4117
includes a violation sanction center operated under authority of 4118
section 2967.141 of the Revised Code. 4119

(BB) (1) "Prison term" includes either of the following 4120
sanctions for an offender: 4121

(a) A stated prison term; 4122

(b) A term in a prison shortened by, or with the approval 4123
of, the sentencing court pursuant to section 2929.143, 2929.20, 4124

2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4125

(2) With respect to a non-life felony indefinite prison 4126
term, references in any provision of law to a reduction of, or 4127
deduction from, the prison term mean a reduction in, or 4128
deduction from, the minimum term imposed as part of the 4129
indefinite term. 4130

(CC) "Repeat violent offender" means a person about whom 4131
both of the following apply: 4132

(1) The person is being sentenced for committing or for 4133
complicity in committing any of the following: 4134

(a) Aggravated murder, murder, any felony of the first or 4135
second degree that is an offense of violence, or an attempt to 4136
commit any of these offenses if the attempt is a felony of the 4137
first or second degree; 4138

(b) An offense under an existing or former law of this 4139
state, another state, or the United States that is or was 4140
substantially equivalent to an offense described in division 4141
(CC) (1) (a) of this section. 4142

(2) The person previously was convicted of or pleaded 4143
guilty to an offense described in division (CC) (1) (a) or (b) of 4144
this section. 4145

(DD) "Sanction" means any penalty imposed upon an offender 4146
who is convicted of or pleads guilty to an offense, as 4147
punishment for the offense. "Sanction" includes any sanction 4148
imposed pursuant to any provision of sections 2929.14 to 2929.18 4149
or 2929.24 to 2929.28 of the Revised Code. 4150

(EE) "Sentence" means the sanction or combination of 4151
sanctions imposed by the sentencing court on an offender who is 4152

convicted of or pleads guilty to an offense. 4153

(FF) (1) "Stated prison term" means the prison term, 4154
mandatory prison term, or combination of all prison terms and 4155
mandatory prison terms imposed by the sentencing court pursuant 4156
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4157
under section 2919.25 of the Revised Code. "Stated prison term" 4158
includes any credit received by the offender for time spent in 4159
jail awaiting trial, sentencing, or transfer to prison for the 4160
offense and any time spent under house arrest or house arrest 4161
with electronic monitoring imposed after earning credits 4162
pursuant to section 2967.193 of the Revised Code. If an offender 4163
is serving a prison term as a risk reduction sentence under 4164
sections 2929.143 and 5120.036 of the Revised Code, "stated 4165
prison term" includes any period of time by which the prison 4166
term imposed upon the offender is shortened by the offender's 4167
successful completion of all assessment and treatment or 4168
programming pursuant to those sections. 4169

(2) As used in the definition of "stated prison term" set 4170
forth in division (FF) (1) of this section, a prison term is a 4171
definite prison term imposed under section 2929.14 of the 4172
Revised Code or any other provision of law, is the minimum and 4173
maximum prison terms under a non-life felony indefinite prison 4174
term, or is a term of life imprisonment except to the extent 4175
that the use of that definition in a section of the Revised Code 4176
clearly is not intended to include a term of life imprisonment. 4177
With respect to an offender sentenced to a non-life felony 4178
indefinite prison term, references in section 2967.191 or 4179
2967.193 of the Revised Code or any other provision of law to a 4180
reduction of, or deduction from, the offender's stated prison 4181
term or to release of the offender before the expiration of the 4182
offender's stated prison term mean a reduction in, or deduction 4183

from, the minimum term imposed as part of the indefinite term or 4184
a release of the offender before the expiration of that minimum 4185
term, references in section 2929.19 or 2967.28 of the Revised 4186
Code to a stated prison term with respect to a prison term 4187
imposed for a violation of a post-release control sanction mean 4188
the minimum term so imposed, and references in any provision of 4189
law to an offender's service of the offender's stated prison 4190
term or the expiration of the offender's stated prison term mean 4191
service or expiration of the minimum term so imposed plus any 4192
additional period of incarceration under the sentence that is 4193
required under section 2967.271 of the Revised Code. 4194

(GG) "Victim-offender mediation" means a reconciliation or 4195
mediation program that involves an offender and the victim of 4196
the offense committed by the offender and that includes a 4197
meeting in which the offender and the victim may discuss the 4198
offense, discuss restitution, and consider other sanctions for 4199
the offense. 4200

(HH) "Fourth degree felony OVI offense" means a violation 4201
of division (A) of section 4511.19 of the Revised Code that, 4202
under division (G) of that section, is a felony of the fourth 4203
degree. 4204

(II) "Mandatory term of local incarceration" means the 4205
term of sixty or one hundred twenty days in a jail, a community- 4206
based correctional facility, a halfway house, or an alternative 4207
residential facility that a sentencing court may impose upon a 4208
person who is convicted of or pleads guilty to a fourth degree 4209
felony OVI offense pursuant to division (G) (1) of section 4210
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 4211
section 4511.19 of the Revised Code. 4212

(JJ) "Designated homicide, assault, or kidnapping" 4213

offense," "violent sex offense," "sexual motivation
specification," "sexually violent offense," "sexually violent
predator," and "sexually violent predator specification" have
the same meanings as in section 2971.01 of the Revised Code.

(KK) "Sexually oriented offense," "child-victim oriented
offense," and "tier III sex offender/child-victim offender" have
the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child"
if the offender commits the offense within thirty feet of or
within the same residential unit as a child who is under
eighteen years of age, regardless of whether the offender knows
the age of the child or whether the offender knows the offense
is being committed within thirty feet of or within the same
residential unit as the child and regardless of whether the
child actually views the commission of the offense.

(MM) "Family or household member" has the same meaning as
in section 2919.25 of the Revised Code.

(NN) "Motor vehicle" and "manufactured home" have the same
meanings as in section 4501.01 of the Revised Code.

(OO) "Detention" and "detention facility" have the same
meanings as in section 2921.01 of the Revised Code.

(PP) "Third degree felony OVI offense" means a violation
of division (A) of section 4511.19 of the Revised Code that,
under division (G) of that section, is a felony of the third
degree.

(QQ) "Random drug testing" has the same meaning as in
section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in

section 2967.28 of the Revised Code. 4242

(SS) "Body armor" has the same meaning as in section 4243
2941.1411 of the Revised Code. 4244

(TT) "Electronic monitoring" means monitoring through the 4245
use of an electronic monitoring device. 4246

(UU) "Electronic monitoring device" means any of the 4247
following: 4248

(1) Any device that can be operated by electrical or 4249
battery power and that conforms with all of the following: 4250

(a) The device has a transmitter that can be attached to a 4251
person, that will transmit a specified signal to a receiver of 4252
the type described in division (UU) (1) (b) of this section if the 4253
transmitter is removed from the person, turned off, or altered 4254
in any manner without prior court approval in relation to 4255
electronic monitoring or without prior approval of the 4256
department of rehabilitation and correction in relation to the 4257
use of an electronic monitoring device for an inmate on 4258
transitional control or otherwise is tampered with, that can 4259
transmit continuously and periodically a signal to that receiver 4260
when the person is within a specified distance from the 4261
receiver, and that can transmit an appropriate signal to that 4262
receiver if the person to whom it is attached travels a 4263
specified distance from that receiver. 4264

(b) The device has a receiver that can receive 4265
continuously the signals transmitted by a transmitter of the 4266
type described in division (UU) (1) (a) of this section, can 4267
transmit continuously those signals by a wireless or landline 4268
telephone connection to a central monitoring computer of the 4269
type described in division (UU) (1) (c) of this section, and can 4270

transmit continuously an appropriate signal to that central 4271
monitoring computer if the device has been turned off or altered 4272
without prior court approval or otherwise tampered with. The 4273
device is designed specifically for use in electronic 4274
monitoring, is not a converted wireless phone or another 4275
tracking device that is clearly not designed for electronic 4276
monitoring, and provides a means of text-based or voice 4277
communication with the person. 4278

(c) The device has a central monitoring computer that can 4279
receive continuously the signals transmitted by a wireless or 4280
landline telephone connection by a receiver of the type 4281
described in division (UU) (1) (b) of this section and can monitor 4282
continuously the person to whom an electronic monitoring device 4283
of the type described in division (UU) (1) (a) of this section is 4284
attached. 4285

(2) Any device that is not a device of the type described 4286
in division (UU) (1) of this section and that conforms with all 4287
of the following: 4288

(a) The device includes a transmitter and receiver that 4289
can monitor and determine the location of a subject person at 4290
any time, or at a designated point in time, through the use of a 4291
central monitoring computer or through other electronic means. 4292

(b) The device includes a transmitter and receiver that 4293
can determine at any time, or at a designated point in time, 4294
through the use of a central monitoring computer or other 4295
electronic means the fact that the transmitter is turned off or 4296
altered in any manner without prior approval of the court in 4297
relation to the electronic monitoring or without prior approval 4298
of the department of rehabilitation and correction in relation 4299
to the use of an electronic monitoring device for an inmate on 4300

transitional control or otherwise is tampered with. 4301

(3) Any type of technology that can adequately track or 4302
determine the location of a subject person at any time and that 4303
is approved by the director of rehabilitation and correction, 4304
including, but not limited to, any satellite technology, voice 4305
tracking system, or retinal scanning system that is so approved. 4306

(VV) "Non-economic loss" means nonpecuniary harm suffered 4307
by a victim of an offense as a result of or related to the 4308
commission of the offense, including, but not limited to, pain 4309
and suffering; loss of society, consortium, companionship, care, 4310
assistance, attention, protection, advice, guidance, counsel, 4311
instruction, training, or education; mental anguish; and any 4312
other intangible loss. 4313

(WW) "Prosecutor" has the same meaning as in section 4314
2935.01 of the Revised Code. 4315

(XX) "Continuous alcohol monitoring" means the ability to 4316
automatically test and periodically transmit alcohol consumption 4317
levels and tamper attempts at least every hour, regardless of 4318
the location of the person who is being monitored. 4319

(YY) A person is "adjudicated a sexually violent predator" 4320
if the person is convicted of or pleads guilty to a violent sex 4321
offense and also is convicted of or pleads guilty to a sexually 4322
violent predator specification that was included in the 4323
indictment, count in the indictment, or information charging 4324
that violent sex offense or if the person is convicted of or 4325
pleads guilty to a designated homicide, assault, or kidnapping 4326
offense and also is convicted of or pleads guilty to both a 4327
sexual motivation specification and a sexually violent predator 4328
specification that were included in the indictment, count in the 4329

indictment, or information charging that designated homicide, 4330
assault, or kidnapping offense. 4331

(ZZ) An offense is "committed in proximity to a school" if 4332
the offender commits the offense in a school safety zone or 4333
within five hundred feet of any school building or the 4334
boundaries of any school premises, regardless of whether the 4335
offender knows the offense is being committed in a school safety 4336
zone or within five hundred feet of any school building or the 4337
boundaries of any school premises. 4338

(AAA) "Human trafficking" means a scheme or plan to which 4339
all of the following apply: 4340

(1) Its object is one or more of the following: 4341

(a) To subject a victim or victims to involuntary 4342
servitude, as defined in section 2905.31 of the Revised Code or 4343
to compel a victim or victims to engage in sexual activity for 4344
hire, to engage in a performance that is obscene, sexually 4345
oriented, or nudity oriented, or to be a model or participant in 4346
the production of material that is obscene, sexually oriented, 4347
or nudity oriented; 4348

(b) To facilitate, encourage, or recruit a victim who is 4349
less than sixteen years of age or is a person with a 4350
developmental disability, or victims who are less than sixteen 4351
years of age or are persons with developmental disabilities, for 4352
any purpose listed in divisions (A) (2) (a) to (c) of section 4353
2905.32 of the Revised Code; 4354

(c) To facilitate, encourage, or recruit a victim who is 4355
sixteen or seventeen years of age, or victims who are sixteen or 4356
seventeen years of age, for any purpose listed in divisions (A) 4357
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 4358

circumstances described in division (A) (5), (6), (7), (8), (9), 4359
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4360
apply with respect to the person engaging in the conduct and the 4361
victim or victims. 4362

(2) It involves at least two felony offenses, whether or 4363
not there has been a prior conviction for any of the felony 4364
offenses, to which all of the following apply: 4365

(a) Each of the felony offenses is a violation of section 4366
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4367
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4368
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4369
is a violation of a law of any state other than this state that 4370
is substantially similar to any of the sections or divisions of 4371
the Revised Code identified in this division. 4372

(b) At least one of the felony offenses was committed in 4373
this state. 4374

(c) The felony offenses are related to the same scheme or 4375
plan and are not isolated instances. 4376

(BBB) "Material," "nudity," "obscene," "performance," and 4377
"sexual activity" have the same meanings as in section 2907.01 4378
of the Revised Code. 4379

(CCC) "Material that is obscene, sexually oriented, or 4380
nudity oriented" means any material that is obscene, that shows 4381
a person participating or engaging in sexual activity, 4382
masturbation, or bestiality, or that shows a person in a state 4383
of nudity. 4384

(DDD) "Performance that is obscene, sexually oriented, or 4385
nudity oriented" means any performance that is obscene, that 4386
shows a person participating or engaging in sexual activity, 4387

masturbation, or bestiality, or that shows a person in a state 4388
of nudity. 4389

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4390
as an ignitable liquid, used to initiate a fire or increase the 4391
rate of growth or spread of a fire. 4392

(FFF) "Permanent disabling harm" means serious physical 4393
harm that results in permanent injury to the intellectual, 4394
physical, or sensory functions and that permanently and 4395
substantially impairs a person's ability to meet one or more of 4396
the ordinary demands of life, including the functions of caring 4397
for one's self, performing manual tasks, walking, seeing, 4398
hearing, speaking, breathing, learning, and working. 4399

(GGG) "Non-life felony indefinite prison term" means a 4400
prison term imposed under division (A) (1) (a) or (2) (a) of 4401
section 2929.14 and section 2929.144 of the Revised Code for a 4402
felony of the first or second degree committed on or after the 4403
effective date of this amendment. 4404

Sec. 2929.13. (A) Except as provided in division (E), (F), 4405
or (G) of this section and unless a specific sanction is 4406
required to be imposed or is precluded from being imposed 4407
pursuant to law, a court that imposes a sentence upon an 4408
offender for a felony may impose any sanction or combination of 4409
sanctions on the offender that are provided in sections 2929.14 4410
to 2929.18 of the Revised Code. 4411

If the offender is eligible to be sentenced to community 4412
control sanctions, the court shall consider the appropriateness 4413
of imposing a financial sanction pursuant to section 2929.18 of 4414
the Revised Code or a sanction of community service pursuant to 4415
section 2929.17 of the Revised Code as the sole sanction for the 4416

offense. Except as otherwise provided in this division, if the 4417
court is required to impose a mandatory prison term for the 4418
offense for which sentence is being imposed, the court also 4419
shall impose any financial sanction pursuant to section 2929.18 4420
of the Revised Code that is required for the offense and may 4421
impose any other financial sanction pursuant to that section but 4422
may not impose any additional sanction or combination of 4423
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4424

If the offender is being sentenced for a fourth degree 4425
felony OVI offense or for a third degree felony OVI offense, in 4426
addition to the mandatory term of local incarceration or the 4427
mandatory prison term required for the offense by division (G) 4428
(1) or (2) of this section, the court shall impose upon the 4429
offender a mandatory fine in accordance with division (B) (3) of 4430
section 2929.18 of the Revised Code and may impose whichever of 4431
the following is applicable: 4432

(1) For a fourth degree felony OVI offense for which 4433
sentence is imposed under division (G) (1) of this section, an 4434
additional community control sanction or combination of 4435
community control sanctions under section 2929.16 or 2929.17 of 4436
the Revised Code. If the court imposes upon the offender a 4437
community control sanction and the offender violates any 4438
condition of the community control sanction, the court may take 4439
any action prescribed in division (B) of section 2929.15 of the 4440
Revised Code relative to the offender, including imposing a 4441
prison term on the offender pursuant to that division. 4442

(2) For a third or fourth degree felony OVI offense for 4443
which sentence is imposed under division (G) (2) of this section, 4444
an additional prison term as described in division (B) (4) of 4445
section 2929.14 of the Revised Code or a community control 4446

sanction as described in division (G)(2) of this section. 4447

(B)(1)(a) Except as provided in division (B)(1)(b) of this 4448
section, if an offender is convicted of or pleads guilty to a 4449
felony of the fourth or fifth degree that is not an offense of 4450
violence or that is a qualifying assault offense, the court 4451
shall sentence the offender to a community control sanction or 4452
combination of community control sanctions if all of the 4453
following apply: 4454

(i) The offender previously has not been convicted of or 4455
pleaded guilty to a felony offense. 4456

(ii) The most serious charge against the offender at the 4457
time of sentencing is a felony of the fourth or fifth degree. 4458

(iii) The offender previously has not been convicted of or 4459
pleaded guilty to a misdemeanor offense of violence that the 4460
offender committed within two years prior to the offense for 4461
which sentence is being imposed. 4462

(b) The court has discretion to impose a prison term upon 4463
an offender who is convicted of or pleads guilty to a felony of 4464
the fourth or fifth degree that is not an offense of violence or 4465
that is a qualifying assault offense if any of the following 4466
apply: 4467

(i) The offender committed the offense while having a 4468
firearm on or about the offender's person or under the 4469
offender's control. 4470

(ii) If the offense is a qualifying assault offense, the 4471
offender caused serious physical harm to another person while 4472
committing the offense, and, if the offense is not a qualifying 4473
assault offense, the offender caused physical harm to another 4474
person while committing the offense. 4475

(iii) The offender violated a term of the conditions of bond as set by the court.	4476 4477
(iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.	4478 4479 4480
(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	4481 4482 4483
(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	4484 4485 4486 4487
(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.	4488 4489 4490 4491 4492 4493
(viii) The offender committed the offense for hire or as part of an organized criminal activity.	4494 4495
(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	4496 4497
(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	4498 4499 4500
(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under	4501 4502 4503

division (B) (1) (a) of this section if the offender violates the 4504
conditions of the community control sanction, violates a law, or 4505
leaves the state without the permission of the court or the 4506
offender's probation officer. 4507

(2) If division (B) (1) of this section does not apply, 4508
except as provided in division (E), (F), or (G) of this section, 4509
in determining whether to impose a prison term as a sanction for 4510
a felony of the fourth or fifth degree, the sentencing court 4511
shall comply with the purposes and principles of sentencing 4512
under section 2929.11 of the Revised Code and with section 4513
2929.12 of the Revised Code. 4514

(C) Except as provided in division (D), (E), (F), or (G) 4515
of this section, in determining whether to impose a prison term 4516
as a sanction for a felony of the third degree or a felony drug 4517
offense that is a violation of a provision of Chapter 2925. of 4518
the Revised Code and that is specified as being subject to this 4519
division for purposes of sentencing, the sentencing court shall 4520
comply with the purposes and principles of sentencing under 4521
section 2929.11 of the Revised Code and with section 2929.12 of 4522
the Revised Code. 4523

(D) (1) Except as provided in division (E) or (F) of this 4524
section, for a felony of the first or second degree, for a 4525
felony drug offense that is a violation of any provision of 4526
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4527
presumption in favor of a prison term is specified as being 4528
applicable, and for a violation of division (A) (4) or (B) of 4529
section 2907.05 of the Revised Code for which a presumption in 4530
favor of a prison term is specified as being applicable, it is 4531
presumed that a prison term is necessary in order to comply with 4532
the purposes and principles of sentencing under section 2929.11 4533

of the Revised Code. Division (D) (2) of this section does not 4534
apply to a presumption established under this division for a 4535
violation of division (A) (4) of section 2907.05 of the Revised 4536
Code. 4537

(2) Notwithstanding the presumption established under 4538
division (D) (1) of this section for the offenses listed in that 4539
division other than a violation of division (A) (4) or (B) of 4540
section 2907.05 of the Revised Code, the sentencing court may 4541
impose a community control sanction or a combination of 4542
community control sanctions instead of a prison term on an 4543
offender for a felony of the first or second degree or for a 4544
felony drug offense that is a violation of any provision of 4545
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4546
presumption in favor of a prison term is specified as being 4547
applicable if it makes both of the following findings: 4548

(a) A community control sanction or a combination of 4549
community control sanctions would adequately punish the offender 4550
and protect the public from future crime, because the applicable 4551
factors under section 2929.12 of the Revised Code indicating a 4552
lesser likelihood of recidivism outweigh the applicable factors 4553
under that section indicating a greater likelihood of 4554
recidivism. 4555

(b) A community control sanction or a combination of 4556
community control sanctions would not demean the seriousness of 4557
the offense, because one or more factors under section 2929.12 4558
of the Revised Code that indicate that the offender's conduct 4559
was less serious than conduct normally constituting the offense 4560
are applicable, and they outweigh the applicable factors under 4561
that section that indicate that the offender's conduct was more 4562
serious than conduct normally constituting the offense. 4563

(E) (1) Except as provided in division (F) of this section, 4564
for any drug offense that is a violation of any provision of 4565
Chapter 2925. of the Revised Code and that is a felony of the 4566
third, fourth, or fifth degree, the applicability of a 4567
presumption under division (D) of this section in favor of a 4568
prison term or of division (B) or (C) of this section in 4569
determining whether to impose a prison term for the offense 4570
shall be determined as specified in section 2925.02, 2925.03, 4571
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 4572
2925.36, or 2925.37 of the Revised Code, whichever is applicable 4573
regarding the violation. 4574

(2) If an offender who was convicted of or pleaded guilty 4575
to a felony violates the conditions of a community control 4576
sanction imposed for the offense solely by reason of producing 4577
positive results on a drug test or by acting pursuant to 4578
division (B) (2) (b) of section 2925.11 of the Revised Code with 4579
respect to a minor drug possession offense, the court, as 4580
punishment for the violation of the sanction, shall not order 4581
that the offender be imprisoned unless the court determines on 4582
the record either of the following: 4583

(a) The offender had been ordered as a sanction for the 4584
felony to participate in a drug treatment program, in a drug 4585
education program, or in narcotics anonymous or a similar 4586
program, and the offender continued to use illegal drugs after a 4587
reasonable period of participation in the program. 4588

(b) The imprisonment of the offender for the violation is 4589
consistent with the purposes and principles of sentencing set 4590
forth in section 2929.11 of the Revised Code. 4591

(3) A court that sentences an offender for a drug abuse 4592
offense that is a felony of the third, fourth, or fifth degree 4593

may require that the offender be assessed by a properly 4594
credentialed professional within a specified period of time. The 4595
court shall require the professional to file a written 4596
assessment of the offender with the court. If the offender is 4597
eligible for a community control sanction and after considering 4598
the written assessment, the court may impose a community control 4599
sanction that includes addiction services and recovery supports 4600
included in a community-based continuum of care established 4601
under section 340.032 of the Revised Code. If the court imposes 4602
addiction services and recovery supports as a community control 4603
sanction, the court shall direct the level and type of addiction 4604
services and recovery supports after considering the assessment 4605
and recommendation of community addiction services providers. 4606

(F) Notwithstanding divisions (A) to (E) of this section, 4607
the court shall impose a prison term or terms under sections 4608
2929.02 to 2929.06, section 2929.14, section 2929.142, or 4609
section 2971.03 of the Revised Code and except as specifically 4610
provided in section 2929.20, divisions (C) to (I) of section 4611
2967.19, or section 2967.191 of the Revised Code or when parole 4612
is authorized for the offense under section 2967.13 of the 4613
Revised Code shall not reduce the term or terms pursuant to 4614
section 2929.20, section 2967.19, section 2967.193, or any other 4615
provision of Chapter 2967. or Chapter 5120. of the Revised Code 4616
for any of the following offenses: 4617

(1) Aggravated murder when death is not imposed or murder; 4618

(2) Any rape, regardless of whether force was involved and 4619
regardless of the age of the victim, or an attempt to commit 4620
rape if, had the offender completed the rape that was attempted, 4621
the offender would have been guilty of a violation of division 4622
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4623

sentenced under section 2971.03 of the Revised Code; 4624

(3) Gross sexual imposition or sexual battery, if the 4625
victim is less than thirteen years of age and if any of the 4626
following applies: 4627

(a) Regarding gross sexual imposition, the offender 4628
previously was convicted of or pleaded guilty to rape, the 4629
former offense of felonious sexual penetration, gross sexual 4630
imposition, or sexual battery, and the victim of the previous 4631
offense was less than thirteen years of age; 4632

(b) Regarding gross sexual imposition, the offense was 4633
committed on or after August 3, 2006, and evidence other than 4634
the testimony of the victim was admitted in the case 4635
corroborating the violation. 4636

(c) Regarding sexual battery, either of the following 4637
applies: 4638

(i) The offense was committed prior to August 3, 2006, the 4639
offender previously was convicted of or pleaded guilty to rape, 4640
the former offense of felonious sexual penetration, or sexual 4641
battery, and the victim of the previous offense was less than 4642
thirteen years of age. 4643

(ii) The offense was committed on or after August 3, 2006. 4644

(4) A felony violation of section 2903.04, 2903.06, 4645
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4646
or 2923.132 of the Revised Code if the section requires the 4647
imposition of a prison term; 4648

(5) A first, second, or third degree felony drug offense 4649
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4650
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 4651

or 4729.99 of the Revised Code, whichever is applicable 4652
regarding the violation, requires the imposition of a mandatory 4653
prison term; 4654

(6) Any offense that is a first or second degree felony 4655
and that is not set forth in division (F)(1), (2), (3), or (4) 4656
of this section, if the offender previously was convicted of or 4657
pleaded guilty to aggravated murder, murder, any first or second 4658
degree felony, or an offense under an existing or former law of 4659
this state, another state, or the United States that is or was 4660
substantially equivalent to one of those offenses; 4661

(7) Any offense that is a third degree felony and either 4662
is a violation of section 2903.04 of the Revised Code or an 4663
attempt to commit a felony of the second degree that is an 4664
offense of violence and involved an attempt to cause serious 4665
physical harm to a person or that resulted in serious physical 4666
harm to a person if the offender previously was convicted of or 4667
pleaded guilty to any of the following offenses: 4668

(a) Aggravated murder, murder, involuntary manslaughter, 4669
rape, felonious sexual penetration as it existed under section 4670
2907.12 of the Revised Code prior to September 3, 1996, a felony 4671
of the first or second degree that resulted in the death of a 4672
person or in physical harm to a person, or complicity in or an 4673
attempt to commit any of those offenses; 4674

(b) An offense under an existing or former law of this 4675
state, another state, or the United States that is or was 4676
substantially equivalent to an offense listed in division (F)(7) 4677
(a) of this section that resulted in the death of a person or in 4678
physical harm to a person. 4679

(8) Any offense, other than a violation of section 2923.12 4680

of the Revised Code, that is a felony, if the offender had a 4681
firearm on or about the offender's person or under the 4682
offender's control while committing the felony, with respect to 4683
a portion of the sentence imposed pursuant to division (B) (1) (a) 4684
of section 2929.14 of the Revised Code for having the firearm; 4685

(9) Any offense of violence that is a felony, if the 4686
offender wore or carried body armor while committing the felony 4687
offense of violence, with respect to the portion of the sentence 4688
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4689
Revised Code for wearing or carrying the body armor; 4690

(10) Corrupt activity in violation of section 2923.32 of 4691
the Revised Code when the most serious offense in the pattern of 4692
corrupt activity that is the basis of the offense is a felony of 4693
the first degree; 4694

(11) Any violent sex offense or designated homicide, 4695
assault, or kidnapping offense if, in relation to that offense, 4696
the offender is adjudicated a sexually violent predator; 4697

(12) A violation of division (A) (1) or (2) of section 4698
2921.36 of the Revised Code, or a violation of division (C) of 4699
that section involving an item listed in division (A) (1) or (2) 4700
of that section, if the offender is an officer or employee of 4701
the department of rehabilitation and correction; 4702

(13) A violation of division (A) (1) or (2) of section 4703
2903.06 of the Revised Code if the victim of the offense is a 4704
peace officer, as defined in section 2935.01 of the Revised 4705
Code, or an investigator of the bureau of criminal 4706
identification and investigation, as defined in section 2903.11 4707
of the Revised Code, with respect to the portion of the sentence 4708
imposed pursuant to division (B) (5) of section 2929.14 of the 4709

Revised Code; 4710

(14) A violation of division (A) (1) or (2) of section 4711
2903.06 of the Revised Code if the offender has been convicted 4712
of or pleaded guilty to three or more violations of division (A) 4713
or (B) of section 4511.19 of the Revised Code or an equivalent 4714
offense, as defined in section 2941.1415 of the Revised Code, or 4715
three or more violations of any combination of those divisions 4716
and offenses, with respect to the portion of the sentence 4717
imposed pursuant to division (B) (6) of section 2929.14 of the 4718
Revised Code; 4719

(15) Kidnapping, in the circumstances specified in section 4720
2971.03 of the Revised Code and when no other provision of 4721
division (F) of this section applies; 4722

(16) Kidnapping, abduction, compelling prostitution, 4723
promoting prostitution, engaging in a pattern of corrupt 4724
activity, a violation of division (A) (1) or (2) of section 4725
2907.323 of the Revised Code that involves a minor, or 4726
endangering children in violation of division (B) (1), (2), (3), 4727
(4), or (5) of section 2919.22 of the Revised Code, if the 4728
offender is convicted of or pleads guilty to a specification as 4729
described in section 2941.1422 of the Revised Code that was 4730
included in the indictment, count in the indictment, or 4731
information charging the offense; 4732

(17) A felony violation of division (A) or (B) of section 4733
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4734
that section, and division (D) (6) of that section, require the 4735
imposition of a prison term; 4736

(18) A felony violation of section 2903.11, 2903.12, or 4737
2903.13 of the Revised Code, if the victim of the offense was a 4738

woman that the offender knew was pregnant at the time of the 4739
violation, with respect to a portion of the sentence imposed 4740
pursuant to division (B) (8) of section 2929.14 of the Revised 4741
Code; 4742

(19) (a) Any violent felony offense if the offender is a 4743
violent career criminal and had a firearm on or about the 4744
offender's person or under the offender's control during the 4745
commission of the violent felony offense and displayed or 4746
brandished the firearm, indicated that the offender possessed a 4747
firearm, or used the firearm to facilitate the offense, with 4748
respect to the portion of the sentence imposed under division 4749
(K) of section 2929.14 of the Revised Code. 4750

(b) As used in division (F) (19) (a) of this section, 4751
"violent career criminal" and "violent felony offense" have the 4752
same meanings as in section 2923.132 of the Revised Code. 4753

(20) Any violation of division (A) (1) of section 2903.11 4754
of the Revised Code if the offender used an accelerant in 4755
committing the violation and the serious physical harm to 4756
another or another's unborn caused by the violation resulted in 4757
a permanent, serious disfigurement or permanent, substantial 4758
incapacity or any violation of division (A) (2) of that section 4759
if the offender used an accelerant in committing the violation, 4760
the violation caused physical harm to another or another's 4761
unborn, and the physical harm resulted in a permanent, serious 4762
disfigurement or permanent, substantial incapacity, with respect 4763
to a portion of the sentence imposed pursuant to division (B) (9) 4764
of section 2929.14 of the Revised Code. The provisions of this 4765
division and of division (D) (2) of section 2903.11, divisions 4766
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4767
the Revised Code shall be known as "Judy's Law." 4768

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B) (10) of section 2929.14 of the Revised Code.

(22) A felony violation of section ~~2925.03, 2925.05, or 2925.11~~ of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B) (11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to

section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the

offense. In no case shall an offender who once has been 4830
sentenced to a mandatory term of local incarceration pursuant to 4831
division (G) (1) of this section for a fourth degree felony OVI 4832
offense be sentenced to another mandatory term of local 4833
incarceration under that division for any violation of division 4834
(A) of section 4511.19 of the Revised Code. In addition to the 4835
mandatory prison term described in division (G) (2) of this 4836
section, the court may sentence the offender to a community 4837
control sanction under section 2929.16 or 2929.17 of the Revised 4838
Code, but the offender shall serve the prison term prior to 4839
serving the community control sanction. The department of 4840
rehabilitation and correction may place an offender sentenced to 4841
a mandatory prison term under this division in an intensive 4842
program prison established pursuant to section 5120.033 of the 4843
Revised Code if the department gave the sentencing judge prior 4844
notice of its intent to place the offender in an intensive 4845
program prison established under that section and if the judge 4846
did not notify the department that the judge disapproved the 4847
placement. Upon the establishment of the initial intensive 4848
program prison pursuant to section 5120.033 of the Revised Code 4849
that is privately operated and managed by a contractor pursuant 4850
to a contract entered into under section 9.06 of the Revised 4851
Code, both of the following apply: 4852

(a) The department of rehabilitation and correction shall 4853
make a reasonable effort to ensure that a sufficient number of 4854
offenders sentenced to a mandatory prison term under this 4855
division are placed in the privately operated and managed prison 4856
so that the privately operated and managed prison has full 4857
occupancy. 4858

(b) Unless the privately operated and managed prison has 4859
full occupancy, the department of rehabilitation and correction 4860

shall not place any offender sentenced to a mandatory prison 4861
term under this division in any intensive program prison 4862
established pursuant to section 5120.033 of the Revised Code 4863
other than the privately operated and managed prison. 4864

(H) If an offender is being sentenced for a sexually 4865
oriented offense or child-victim oriented offense that is a 4866
felony committed on or after January 1, 1997, the judge shall 4867
require the offender to submit to a DNA specimen collection 4868
procedure pursuant to section 2901.07 of the Revised Code. 4869

(I) If an offender is being sentenced for a sexually 4870
oriented offense or a child-victim oriented offense committed on 4871
or after January 1, 1997, the judge shall include in the 4872
sentence a summary of the offender's duties imposed under 4873
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4874
Code and the duration of the duties. The judge shall inform the 4875
offender, at the time of sentencing, of those duties and of 4876
their duration. If required under division (A) (2) of section 4877
2950.03 of the Revised Code, the judge shall perform the duties 4878
specified in that section, or, if required under division (A) (6) 4879
of section 2950.03 of the Revised Code, the judge shall perform 4880
the duties specified in that division. 4881

(J) (1) Except as provided in division (J) (2) of this 4882
section, when considering sentencing factors under this section 4883
in relation to an offender who is convicted of or pleads guilty 4884
to an attempt to commit an offense in violation of section 4885
2923.02 of the Revised Code, the sentencing court shall consider 4886
the factors applicable to the felony category of the violation 4887
of section 2923.02 of the Revised Code instead of the factors 4888
applicable to the felony category of the offense attempted. 4889

(2) When considering sentencing factors under this section 4890

in relation to an offender who is convicted of or pleads guilty 4891
to an attempt to commit a drug abuse offense for which the 4892
penalty is determined by the amount or number of unit doses of 4893
the controlled substance involved in the drug abuse offense, the 4894
sentencing court shall consider the factors applicable to the 4895
felony category that the drug abuse offense attempted would be 4896
if that drug abuse offense had been committed and had involved 4897
an amount or number of unit doses of the controlled substance 4898
that is within the next lower range of controlled substance 4899
amounts than was involved in the attempt. 4900

(K) As used in this section: 4901

(1) "Community addiction services provider" has the same 4902
meaning as in section 5119.01 of the Revised Code. 4903

(2) "Drug abuse offense" has the same meaning as in 4904
section 2925.01 of the Revised Code. 4905

(3) "Minor drug possession offense" has the same meaning 4906
as in section 2925.11 of the Revised Code. 4907

(4) "Qualifying assault offense" means a violation of 4908
section 2903.13 of the Revised Code for which the penalty 4909
provision in division (C) (8) (b) or (C) (9) (b) of that section 4910
applies. 4911

(L) At the time of sentencing an offender for any sexually 4912
oriented offense, if the offender is a tier III sex 4913
offender/child-victim offender relative to that offense and the 4914
offender does not serve a prison term or jail term, the court 4915
may require that the offender be monitored by means of a global 4916
positioning device. If the court requires such monitoring, the 4917
cost of monitoring shall be borne by the offender. If the 4918
offender is indigent, the cost of compliance shall be paid by 4919

the crime victims reparations fund. 4920

Sec. 2929.14. (A) Except as provided in division (B) (1), 4921
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4922
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4923
in division (D) (6) of section 2919.25 of the Revised Code and 4924
except in relation to an offense for which a sentence of death 4925
or life imprisonment is to be imposed, if the court imposing a 4926
sentence upon an offender for a felony elects or is required to 4927
impose a prison term on the offender pursuant to this chapter, 4928
the court shall impose a prison term that shall be one of the 4929
following: 4930

(1) (a) For a felony of the first degree committed on or 4931
after the effective date of this amendment, the prison term 4932
shall be an indefinite prison term with a stated minimum term 4933
selected by the court of three, four, five, six, seven, eight, 4934
nine, ten, or eleven years and a maximum term that is determined 4935
pursuant to section 2929.144 of the Revised Code, except that if 4936
the section that criminalizes the conduct constituting the 4937
felony specifies a different minimum term or penalty for the 4938
offense, the specific language of that section shall control in 4939
determining the minimum term or otherwise sentencing the 4940
offender but the minimum term or sentence imposed under that 4941
specific language shall be considered for purposes of the 4942
Revised Code as if it had been imposed under this division. 4943

(b) For a felony of the first degree committed prior to 4944
the effective date of this amendment, the prison term shall be a 4945
definite prison term of three, four, five, six, seven, eight, 4946
nine, ten, or eleven years. 4947

(2) (a) For a felony of the second degree committed on or 4948
after the effective date of this amendment, the prison term 4949

shall be an indefinite prison term with a stated minimum term 4950
selected by the court of two, three, four, five, six, seven, or 4951
eight years and a maximum term that is determined pursuant to 4952
section 2929.144 of the Revised Code, except that if the section 4953
that criminalizes the conduct constituting the felony specifies 4954
a different minimum term or penalty for the offense, the 4955
specific language of that section shall control in determining 4956
the minimum term or otherwise sentencing the offender but the 4957
minimum term or sentence imposed under that specific language 4958
shall be considered for purposes of the Revised Code as if it 4959
had been imposed under this division. 4960

(b) For a felony of the second degree committed prior to 4961
the effective date of this amendment, the prison term shall be a 4962
definite term of two, three, four, five, six, seven, or eight 4963
years. 4964

(3) (a) For a felony of the third degree that is a 4965
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4966
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4967
Code or that is a violation of section 2911.02 or 2911.12 of the 4968
Revised Code if the offender previously has been convicted of or 4969
pleaded guilty in two or more separate proceedings to two or 4970
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4971
of the Revised Code, the prison term shall be a definite term of 4972
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 4973
forty-eight, fifty-four, or sixty months. 4974

(b) For a felony of the third degree that is not an 4975
offense for which division (A) (3) (a) of this section applies, 4976
the prison term shall be a definite term of nine, twelve, 4977
eighteen, twenty-four, thirty, or thirty-six months. 4978

(4) For a felony of the fourth degree, the prison term 4979

shall be a definite term of six, seven, eight, nine, ten, 4980
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4981
or eighteen months. 4982

(5) For a felony of the fifth degree, the prison term 4983
shall be a definite term of six, seven, eight, nine, ten, 4984
eleven, or twelve months. 4985

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4986
section, if an offender who is convicted of or pleads guilty to 4987
a felony also is convicted of or pleads guilty to a 4988
specification of the type described in section 2941.141, 4989
2941.144, or 2941.145 of the Revised Code, the court shall 4990
impose on the offender one of the following prison terms: 4991

(i) A prison term of six years if the specification is of 4992
the type described in division (A) of section 2941.144 of the 4993
Revised Code that charges the offender with having a firearm 4994
that is an automatic firearm or that was equipped with a firearm 4995
muffler or suppressor on or about the offender's person or under 4996
the offender's control while committing the offense; 4997

(ii) A prison term of three years if the specification is 4998
of the type described in division (A) of section 2941.145 of the 4999
Revised Code that charges the offender with having a firearm on 5000
or about the offender's person or under the offender's control 5001
while committing the offense and displaying the firearm, 5002
brandishing the firearm, indicating that the offender possessed 5003
the firearm, or using it to facilitate the offense; 5004

(iii) A prison term of one year if the specification is of 5005
the type described in division (A) of section 2941.141 of the 5006
Revised Code that charges the offender with having a firearm on 5007
or about the offender's person or under the offender's control 5008

while committing the offense; 5009

(iv) A prison term of nine years if the specification is 5010
of the type described in division (D) of section 2941.144 of the 5011
Revised Code that charges the offender with having a firearm 5012
that is an automatic firearm or that was equipped with a firearm 5013
muffler or suppressor on or about the offender's person or under 5014
the offender's control while committing the offense and 5015
specifies that the offender previously has been convicted of or 5016
pleaded guilty to a specification of the type described in 5017
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5018
the Revised Code; 5019

(v) A prison term of fifty-four months if the 5020
specification is of the type described in division (D) of 5021
section 2941.145 of the Revised Code that charges the offender 5022
with having a firearm on or about the offender's person or under 5023
the offender's control while committing the offense and 5024
displaying the firearm, brandishing the firearm, indicating that 5025
the offender possessed the firearm, or using the firearm to 5026
facilitate the offense and that the offender previously has been 5027
convicted of or pleaded guilty to a specification of the type 5028
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 5029
2941.1412 of the Revised Code; 5030

(vi) A prison term of eighteen months if the specification 5031
is of the type described in division (D) of section 2941.141 of 5032
the Revised Code that charges the offender with having a firearm 5033
on or about the offender's person or under the offender's 5034
control while committing the offense and that the offender 5035
previously has been convicted of or pleaded guilty to a 5036
specification of the type described in section 2941.141, 5037
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 5038

(b) If a court imposes a prison term on an offender under 5039
division (B)(1)(a) of this section, the prison term shall not be 5040
reduced pursuant to section 2967.19, section 2929.20, section 5041
2967.193, or any other provision of Chapter 2967. or Chapter 5042
5120. of the Revised Code. Except as provided in division (B)(1) 5043
(g) of this section, a court shall not impose more than one 5044
prison term on an offender under division (B)(1)(a) of this 5045
section for felonies committed as part of the same act or 5046
transaction. 5047

(c) (i) Except as provided in division (B)(1)(e) of this 5048
section, if an offender who is convicted of or pleads guilty to 5049
a violation of section 2923.161 of the Revised Code or to a 5050
felony that includes, as an essential element, purposely or 5051
knowingly causing or attempting to cause the death of or 5052
physical harm to another, also is convicted of or pleads guilty 5053
to a specification of the type described in division (A) of 5054
section 2941.146 of the Revised Code that charges the offender 5055
with committing the offense by discharging a firearm from a 5056
motor vehicle other than a manufactured home, the court, after 5057
imposing a prison term on the offender for the violation of 5058
section 2923.161 of the Revised Code or for the other felony 5059
offense under division (A), (B)(2), or (B)(3) of this section, 5060
shall impose an additional prison term of five years upon the 5061
offender that shall not be reduced pursuant to section 2929.20, 5062
section 2967.19, section 2967.193, or any other provision of 5063
Chapter 2967. or Chapter 5120. of the Revised Code. 5064

(ii) Except as provided in division (B)(1)(e) of this 5065
section, if an offender who is convicted of or pleads guilty to 5066
a violation of section 2923.161 of the Revised Code or to a 5067
felony that includes, as an essential element, purposely or 5068
knowingly causing or attempting to cause the death of or 5069

physical harm to another, also is convicted of or pleads guilty 5070
to a specification of the type described in division (C) of 5071
section 2941.146 of the Revised Code that charges the offender 5072
with committing the offense by discharging a firearm from a 5073
motor vehicle other than a manufactured home and that the 5074
offender previously has been convicted of or pleaded guilty to a 5075
specification of the type described in section 2941.141, 5076
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 5077
the court, after imposing a prison term on the offender for the 5078
violation of section 2923.161 of the Revised Code or for the 5079
other felony offense under division (A), (B) (2), or (3) of this 5080
section, shall impose an additional prison term of ninety months 5081
upon the offender that shall not be reduced pursuant to section 5082
2929.20, 2967.19, 2967.193, or any other provision of Chapter 5083
2967. or Chapter 5120. of the Revised Code. 5084

(iii) A court shall not impose more than one additional 5085
prison term on an offender under division (B) (1) (c) of this 5086
section for felonies committed as part of the same act or 5087
transaction. If a court imposes an additional prison term on an 5088
offender under division (B) (1) (c) of this section relative to an 5089
offense, the court also shall impose a prison term under 5090
division (B) (1) (a) of this section relative to the same offense, 5091
provided the criteria specified in that division for imposing an 5092
additional prison term are satisfied relative to the offender 5093
and the offense. 5094

(d) If an offender who is convicted of or pleads guilty to 5095
an offense of violence that is a felony also is convicted of or 5096
pleads guilty to a specification of the type described in 5097
section 2941.1411 of the Revised Code that charges the offender 5098
with wearing or carrying body armor while committing the felony 5099
offense of violence, the court shall impose on the offender an 5100

additional prison term of two years. The prison term so imposed, 5101
subject to divisions (C) to (I) of section 2967.19 of the 5102
Revised Code, shall not be reduced pursuant to section 2929.20, 5103
section 2967.19, section 2967.193, or any other provision of 5104
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5105
shall not impose more than one prison term on an offender under 5106
division (B)(1)(d) of this section for felonies committed as 5107
part of the same act or transaction. If a court imposes an 5108
additional prison term under division (B)(1)(a) or (c) of this 5109
section, the court is not precluded from imposing an additional 5110
prison term under division (B)(1)(d) of this section. 5111

(e) The court shall not impose any of the prison terms 5112
described in division (B)(1)(a) of this section or any of the 5113
additional prison terms described in division (B)(1)(c) of this 5114
section upon an offender for a violation of section 2923.12 or 5115
2923.123 of the Revised Code. The court shall not impose any of 5116
the prison terms described in division (B)(1)(a) or (b) of this 5117
section upon an offender for a violation of section 2923.122 5118
that involves a deadly weapon that is a firearm other than a 5119
dangerous ordnance, section 2923.16, or section 2923.121 of the 5120
Revised Code. The court shall not impose any of the prison terms 5121
described in division (B)(1)(a) of this section or any of the 5122
additional prison terms described in division (B)(1)(c) of this 5123
section upon an offender for a violation of section 2923.13 of 5124
the Revised Code unless all of the following apply: 5125

(i) The offender previously has been convicted of 5126
aggravated murder, murder, or any felony of the first or second 5127
degree. 5128

(ii) Less than five years have passed since the offender 5129
was released from prison or post-release control, whichever is 5130

later, for the prior offense. 5131

(f) (i) If an offender is convicted of or pleads guilty to 5132
a felony that includes, as an essential element, causing or 5133
attempting to cause the death of or physical harm to another and 5134
also is convicted of or pleads guilty to a specification of the 5135
type described in division (A) of section 2941.1412 of the 5136
Revised Code that charges the offender with committing the 5137
offense by discharging a firearm at a peace officer as defined 5138
in section 2935.01 of the Revised Code or a corrections officer, 5139
as defined in section 2941.1412 of the Revised Code, the court, 5140
after imposing a prison term on the offender for the felony 5141
offense under division (A), (B) (2), or (B) (3) of this section, 5142
shall impose an additional prison term of seven years upon the 5143
offender that shall not be reduced pursuant to section 2929.20, 5144
section 2967.19, section 2967.193, or any other provision of 5145
Chapter 2967. or Chapter 5120. of the Revised Code. 5146

(ii) If an offender is convicted of or pleads guilty to a 5147
felony that includes, as an essential element, causing or 5148
attempting to cause the death of or physical harm to another and 5149
also is convicted of or pleads guilty to a specification of the 5150
type described in division (B) of section 2941.1412 of the 5151
Revised Code that charges the offender with committing the 5152
offense by discharging a firearm at a peace officer, as defined 5153
in section 2935.01 of the Revised Code, or a corrections 5154
officer, as defined in section 2941.1412 of the Revised Code, 5155
and that the offender previously has been convicted of or 5156
pleaded guilty to a specification of the type described in 5157
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5158
the Revised Code, the court, after imposing a prison term on the 5159
offender for the felony offense under division (A), (B) (2), or 5160
(3) of this section, shall impose an additional prison term of 5161

one hundred twenty-six months upon the offender that shall not
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or
any other provision of Chapter 2967. or 5120. of the Revised
Code.

(iii) If an offender is convicted of or pleads guilty to
two or more felonies that include, as an essential element,
causing or attempting to cause the death or physical harm to
another and also is convicted of or pleads guilty to a
specification of the type described under division (B) (1) (f) of
this section in connection with two or more of the felonies of
which the offender is convicted or to which the offender pleads
guilty, the sentencing court shall impose on the offender the
prison term specified under division (B) (1) (f) of this section
for each of two of the specifications of which the offender is
convicted or to which the offender pleads guilty and, in its
discretion, also may impose on the offender the prison term
specified under that division for any or all of the remaining
specifications. If a court imposes an additional prison term on
an offender under division (B) (1) (f) of this section relative to
an offense, the court shall not impose a prison term under
division (B) (1) (a) or (c) of this section relative to the same
offense.

(g) If an offender is convicted of or pleads guilty to two
or more felonies, if one or more of those felonies are
aggravated murder, murder, attempted aggravated murder,
attempted murder, aggravated robbery, felonious assault, or
rape, and if the offender is convicted of or pleads guilty to a
specification of the type described under division (B) (1) (a) of
this section in connection with two or more of the felonies, the
sentencing court shall impose on the offender the prison term
specified under division (B) (1) (a) of this section for each of

the two most serious specifications of which the offender is 5193
convicted or to which the offender pleads guilty and, in its 5194
discretion, also may impose on the offender the prison term 5195
specified under that division for any or all of the remaining 5196
specifications. 5197

(2) (a) If division (B) (2) (b) of this section does not 5198
apply, the court may impose on an offender, in addition to the 5199
longest prison term authorized or required for the offense or, 5200
for offenses for which division (A) (1) (a) or (2) (a) of this 5201
section applies, in addition to the longest minimum prison term 5202
authorized or required for the offense, an additional definite 5203
prison term of one, two, three, four, five, six, seven, eight, 5204
nine, or ten years if all of the following criteria are met: 5205

(i) The offender is convicted of or pleads guilty to a 5206
specification of the type described in section 2941.149 of the 5207
Revised Code that the offender is a repeat violent offender. 5208

(ii) The offense of which the offender currently is 5209
convicted or to which the offender currently pleads guilty is 5210
aggravated murder and the court does not impose a sentence of 5211
death or life imprisonment without parole, murder, terrorism and 5212
the court does not impose a sentence of life imprisonment 5213
without parole, any felony of the first degree that is an 5214
offense of violence and the court does not impose a sentence of 5215
life imprisonment without parole, or any felony of the second 5216
degree that is an offense of violence and the trier of fact 5217
finds that the offense involved an attempt to cause or a threat 5218
to cause serious physical harm to a person or resulted in 5219
serious physical harm to a person. 5220

(iii) The court imposes the longest prison term for the 5221
offense or the longest minimum prison term for the offense, 5222

whichever is applicable, that is not life imprisonment without 5223
parole. 5224

(iv) The court finds that the prison terms imposed 5225
pursuant to division (B) (2) (a) (iii) of this section and, if 5226
applicable, division (B) (1) or (3) of this section are 5227
inadequate to punish the offender and protect the public from 5228
future crime, because the applicable factors under section 5229
2929.12 of the Revised Code indicating a greater likelihood of 5230
recidivism outweigh the applicable factors under that section 5231
indicating a lesser likelihood of recidivism. 5232

(v) The court finds that the prison terms imposed pursuant 5233
to division (B) (2) (a) (iii) of this section and, if applicable, 5234
division (B) (1) or (3) of this section are demeaning to the 5235
seriousness of the offense, because one or more of the factors 5236
under section 2929.12 of the Revised Code indicating that the 5237
offender's conduct is more serious than conduct normally 5238
constituting the offense are present, and they outweigh the 5239
applicable factors under that section indicating that the 5240
offender's conduct is less serious than conduct normally 5241
constituting the offense. 5242

(b) The court shall impose on an offender the longest 5243
prison term authorized or required for the offense or, for 5244
offenses for which division (A) (1) (a) or (2) (a) of this section 5245
applies, the longest minimum prison term authorized or required 5246
for the offense, and shall impose on the offender an additional 5247
definite prison term of one, two, three, four, five, six, seven, 5248
eight, nine, or ten years if all of the following criteria are 5249
met: 5250

(i) The offender is convicted of or pleads guilty to a 5251
specification of the type described in section 2941.149 of the 5252

Revised Code that the offender is a repeat violent offender. 5253

(ii) The offender within the preceding twenty years has 5254
been convicted of or pleaded guilty to three or more offenses 5255
described in division (CC)(1) of section 2929.01 of the Revised 5256
Code, including all offenses described in that division of which 5257
the offender is convicted or to which the offender pleads guilty 5258
in the current prosecution and all offenses described in that 5259
division of which the offender previously has been convicted or 5260
to which the offender previously pleaded guilty, whether 5261
prosecuted together or separately. 5262

(iii) The offense or offenses of which the offender 5263
currently is convicted or to which the offender currently pleads 5264
guilty is aggravated murder and the court does not impose a 5265
sentence of death or life imprisonment without parole, murder, 5266
terrorism and the court does not impose a sentence of life 5267
imprisonment without parole, any felony of the first degree that 5268
is an offense of violence and the court does not impose a 5269
sentence of life imprisonment without parole, or any felony of 5270
the second degree that is an offense of violence and the trier 5271
of fact finds that the offense involved an attempt to cause or a 5272
threat to cause serious physical harm to a person or resulted in 5273
serious physical harm to a person. 5274

(c) For purposes of division (B)(2)(b) of this section, 5275
two or more offenses committed at the same time or as part of 5276
the same act or event shall be considered one offense, and that 5277
one offense shall be the offense with the greatest penalty. 5278

(d) A sentence imposed under division (B)(2)(a) or (b) of 5279
this section shall not be reduced pursuant to section 2929.20, 5280
section 2967.19, or section 2967.193, or any other provision of 5281
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5282

shall serve an additional prison term imposed under division (B) 5283
(2) (a) or (b) of this section consecutively to and prior to the 5284
prison term imposed for the underlying offense. 5285

(e) When imposing a sentence pursuant to division (B) (2) 5286
(a) or (b) of this section, the court shall state its findings 5287
explaining the imposed sentence. 5288

(3) Except when an offender commits a violation of section 5289
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5290
for the violation is life imprisonment or commits a violation of 5291
section 2903.02 of the Revised Code, if the offender commits a 5292
violation of section 2925.03 or 2925.11 of the Revised Code and 5293
that section classifies the offender as a major drug offender, 5294
if the offender commits a violation of section 2925.05 of the 5295
Revised Code and division (E) (1) of that section classifies the 5296
offender as a major drug offender, if the offender commits a 5297
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 5298
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5299
division (C) or (D) of section 3719.172, division (E) of section 5300
4729.51, or division (J) of section 4729.54 of the Revised Code 5301
that includes the sale, offer to sell, or possession of a 5302
schedule I or II controlled substance, with the exception of 5303
marihuana, and the court imposing sentence upon the offender 5304
finds that the offender is guilty of a specification of the type 5305
described in division (A) of section 2941.1410 of the Revised 5306
Code charging that the offender is a major drug offender, if the 5307
court imposing sentence upon an offender for a felony finds that 5308
the offender is guilty of corrupt activity with the most serious 5309
offense in the pattern of corrupt activity being a felony of the 5310
first degree, or if the offender is guilty of an attempted 5311
violation of section 2907.02 of the Revised Code and, had the 5312
offender completed the violation of section 2907.02 of the 5313

Revised Code that was attempted, the offender would have been 5314
subject to a sentence of life imprisonment or life imprisonment 5315
without parole for the violation of section 2907.02 of the 5316
Revised Code, the court shall impose upon the offender for the 5317
felony violation a mandatory prison term determined as described 5318
in this division that, subject to divisions (C) to (I) of 5319
section 2967.19 of the Revised Code, cannot be reduced pursuant 5320
to section 2929.20, section 2967.19, or any other provision of 5321
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 5322
term shall be the maximum definite prison term prescribed in 5323
division (A) (1) (b) of this section for a felony of the first 5324
degree, except that for offenses for which division (A) (1) (a) of 5325
this section applies, the mandatory prison term shall be the 5326
longest minimum prison term prescribed in that division for the 5327
offense. 5328

(4) If the offender is being sentenced for a third or 5329
fourth degree felony OVI offense under division (G) (2) of 5330
section 2929.13 of the Revised Code, the sentencing court shall 5331
impose upon the offender a mandatory prison term in accordance 5332
with that division. In addition to the mandatory prison term, if 5333
the offender is being sentenced for a fourth degree felony OVI 5334
offense, the court, notwithstanding division (A) (4) of this 5335
section, may sentence the offender to a definite prison term of 5336
not less than six months and not more than thirty months, and if 5337
the offender is being sentenced for a third degree felony OVI 5338
offense, the sentencing court may sentence the offender to an 5339
additional prison term of any duration specified in division (A) 5340
(3) of this section. In either case, the additional prison term 5341
imposed shall be reduced by the sixty or one hundred twenty days 5342
imposed upon the offender as the mandatory prison term. The 5343
total of the additional prison term imposed under division (B) 5344

(4) of this section plus the sixty or one hundred twenty days 5345
imposed as the mandatory prison term shall equal a definite term 5346
in the range of six months to thirty months for a fourth degree 5347
felony OVI offense and shall equal one of the authorized prison 5348
terms specified in division (A) (3) of this section for a third 5349
degree felony OVI offense. If the court imposes an additional 5350
prison term under division (B) (4) of this section, the offender 5351
shall serve the additional prison term after the offender has 5352
served the mandatory prison term required for the offense. In 5353
addition to the mandatory prison term or mandatory and 5354
additional prison term imposed as described in division (B) (4) 5355
of this section, the court also may sentence the offender to a 5356
community control sanction under section 2929.16 or 2929.17 of 5357
the Revised Code, but the offender shall serve all of the prison 5358
terms so imposed prior to serving the community control 5359
sanction. 5360

If the offender is being sentenced for a fourth degree 5361
felony OVI offense under division (G) (1) of section 2929.13 of 5362
the Revised Code and the court imposes a mandatory term of local 5363
incarceration, the court may impose a prison term as described 5364
in division (A) (1) of that section. 5365

(5) If an offender is convicted of or pleads guilty to a 5366
violation of division (A) (1) or (2) of section 2903.06 of the 5367
Revised Code and also is convicted of or pleads guilty to a 5368
specification of the type described in section 2941.1414 of the 5369
Revised Code that charges that the victim of the offense is a 5370
peace officer, as defined in section 2935.01 of the Revised 5371
Code, or an investigator of the bureau of criminal 5372
identification and investigation, as defined in section 2903.11 5373
of the Revised Code, the court shall impose on the offender a 5374
prison term of five years. If a court imposes a prison term on 5375

an offender under division (B) (5) of this section, the prison 5376
term, subject to divisions (C) to (I) of section 2967.19 of the 5377
Revised Code, shall not be reduced pursuant to section 2929.20, 5378
section 2967.19, section 2967.193, or any other provision of 5379
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5380
shall not impose more than one prison term on an offender under 5381
division (B) (5) of this section for felonies committed as part 5382
of the same act. 5383

(6) If an offender is convicted of or pleads guilty to a 5384
violation of division (A) (1) or (2) of section 2903.06 of the 5385
Revised Code and also is convicted of or pleads guilty to a 5386
specification of the type described in section 2941.1415 of the 5387
Revised Code that charges that the offender previously has been 5388
convicted of or pleaded guilty to three or more violations of 5389
division (A) or (B) of section 4511.19 of the Revised Code or an 5390
equivalent offense, as defined in section 2941.1415 of the 5391
Revised Code, or three or more violations of any combination of 5392
those divisions and offenses, the court shall impose on the 5393
offender a prison term of three years. If a court imposes a 5394
prison term on an offender under division (B) (6) of this 5395
section, the prison term, subject to divisions (C) to (I) of 5396
section 2967.19 of the Revised Code, shall not be reduced 5397
pursuant to section 2929.20, section 2967.19, section 2967.193, 5398
or any other provision of Chapter 2967. or Chapter 5120. of the 5399
Revised Code. A court shall not impose more than one prison term 5400
on an offender under division (B) (6) of this section for 5401
felonies committed as part of the same act. 5402

(7) (a) If an offender is convicted of or pleads guilty to 5403
a felony violation of section 2905.01, 2905.02, 2907.21, 5404
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 5405
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 5406

section 2919.22 of the Revised Code and also is convicted of or 5407
pleads guilty to a specification of the type described in 5408
section 2941.1422 of the Revised Code that charges that the 5409
offender knowingly committed the offense in furtherance of human 5410
trafficking, the court shall impose on the offender a mandatory 5411
prison term that is one of the following: 5412

(i) If the offense is a felony of the first degree, a 5413
definite prison term of not less than five years and not greater 5414
than eleven years, except that if the offense is a felony of the 5415
first degree committed on or after the effective date of this 5416
amendment, the court shall impose as the minimum prison term a 5417
mandatory term of not less than five years and not greater than 5418
eleven years; 5419

(ii) If the offense is a felony of the second or third 5420
degree, a definite prison term of not less than three years and 5421
not greater than the maximum prison term allowed for the offense 5422
by division (A) (2) (b) or (3) of this section, except that if the 5423
offense is a felony of the second degree committed on or after 5424
the effective date of this amendment, the court shall impose as 5425
the minimum prison term a mandatory term of not less than three 5426
years and not greater than eight years; 5427

(iii) If the offense is a felony of the fourth or fifth 5428
degree, a definite prison term that is the maximum prison term 5429
allowed for the offense by division (A) of section 2929.14 of 5430
the Revised Code. 5431

(b) Subject to divisions (C) to (I) of section 2967.19 of 5432
the Revised Code, the prison term imposed under division (B) (7) 5433
(a) of this section shall not be reduced pursuant to section 5434
2929.20, section 2967.19, section 2967.193, or any other 5435
provision of Chapter 2967. of the Revised Code. A court shall 5436

not impose more than one prison term on an offender under 5437
division (B) (7) (a) of this section for felonies committed as 5438
part of the same act, scheme, or plan. 5439

(8) If an offender is convicted of or pleads guilty to a 5440
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5441
Revised Code and also is convicted of or pleads guilty to a 5442
specification of the type described in section 2941.1423 of the 5443
Revised Code that charges that the victim of the violation was a 5444
woman whom the offender knew was pregnant at the time of the 5445
violation, notwithstanding the range prescribed in division (A) 5446
of this section as the definite prison term or minimum prison 5447
term for felonies of the same degree as the violation, the court 5448
shall impose on the offender a mandatory prison term that is 5449
either a definite prison term of six months or one of the prison 5450
terms prescribed in division (A) of this section for felonies of 5451
the same degree as the violation, except that if the violation 5452
is a felony of the first or second degree committed on or after 5453
the effective date of this amendment, the court shall impose as 5454
the minimum prison term under division (A) (1) (a) or (2) (a) of 5455
this section a mandatory term that is one of the terms 5456
prescribed in that division, whichever is applicable, for the 5457
offense. 5458

(9) (a) If an offender is convicted of or pleads guilty to 5459
a violation of division (A) (1) or (2) of section 2903.11 of the 5460
Revised Code and also is convicted of or pleads guilty to a 5461
specification of the type described in section 2941.1425 of the 5462
Revised Code, the court shall impose on the offender a mandatory 5463
prison term of six years if either of the following applies: 5464

(i) The violation is a violation of division (A) (1) of 5465
section 2903.11 of the Revised Code and the specification 5466

charges that the offender used an accelerant in committing the 5467
violation and the serious physical harm to another or to 5468
another's unborn caused by the violation resulted in a 5469
permanent, serious disfigurement or permanent, substantial 5470
incapacity; 5471

(ii) The violation is a violation of division (A)(2) of 5472
section 2903.11 of the Revised Code and the specification 5473
charges that the offender used an accelerant in committing the 5474
violation, that the violation caused physical harm to another or 5475
to another's unborn, and that the physical harm resulted in a 5476
permanent, serious disfigurement or permanent, substantial 5477
incapacity. 5478

(b) If a court imposes a prison term on an offender under 5479
division (B)(9)(a) of this section, the prison term shall not be 5480
reduced pursuant to section 2929.20, section 2967.19, section 5481
2967.193, or any other provision of Chapter 2967. or Chapter 5482
5120. of the Revised Code. A court shall not impose more than 5483
one prison term on an offender under division (B)(9) of this 5484
section for felonies committed as part of the same act. 5485

(c) The provisions of divisions (B)(9) and (C)(6) of this 5486
section and of division (D)(2) of section 2903.11, division (F) 5487
(20) of section 2929.13, and section 2941.1425 of the Revised 5488
Code shall be known as "Judy's Law." 5489

(10) If an offender is convicted of or pleads guilty to a 5490
violation of division (A) of section 2903.11 of the Revised Code 5491
and also is convicted of or pleads guilty to a specification of 5492
the type described in section 2941.1426 of the Revised Code that 5493
charges that the victim of the offense suffered permanent 5494
disabling harm as a result of the offense and that the victim 5495
was under ten years of age at the time of the offense, 5496

regardless of whether the offender knew the age of the victim, 5497
the court shall impose upon the offender an additional definite 5498
prison term of six years. A prison term imposed on an offender 5499
under division (B) (10) of this section shall not be reduced 5500
pursuant to section 2929.20, section 2967.193, or any other 5501
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5502
If a court imposes an additional prison term on an offender 5503
under this division relative to a violation of division (A) of 5504
section 2903.11 of the Revised Code, the court shall not impose 5505
any other additional prison term on the offender relative to the 5506
same offense. 5507

(11) If an offender is convicted of or pleads guilty to a 5508
felony violation of section ~~2925.03 or 2925.05~~ of the Revised 5509
Code ~~or a felony violation of section 2925.11 of the Revised~~ 5510
Code ~~for which division (C) (11) of that section applies in~~ 5511
~~determining the sentence for the violation~~, if the drug involved 5512
in the violation is a fentanyl-related compound or a compound, 5513
mixture, preparation, or substance containing a fentanyl-related 5514
compound, and if the offender also is convicted of or pleads 5515
guilty to a specification of the type described in division (B) 5516
of section 2941.1410 of the Revised Code that charges that the 5517
offender is a major drug offender, in addition to any other 5518
penalty imposed for the violation, the court shall impose on the 5519
offender a mandatory prison term of three, four, five, six, 5520
seven, or eight years. If a court imposes a prison term on an 5521
offender under division (B) (11) of this section, the prison 5522
term, subject to divisions (C) to (I) of section 2967.19 of the 5523
Revised Code, shall not be reduced pursuant to section 2929.20, 5524
2967.19, or 2967.193, or any other provision of Chapter 2967. or 5525
5120. of the Revised Code. A court shall not impose more than 5526
one prison term on an offender under division (B) (11) of this 5527

section for felonies committed as part of the same act. 5528

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5529
if a mandatory prison term is imposed upon an offender pursuant 5530
to division (B) (1) (a) of this section for having a firearm on or 5531
about the offender's person or under the offender's control 5532
while committing a felony, if a mandatory prison term is imposed 5533
upon an offender pursuant to division (B) (1) (c) of this section 5534
for committing a felony specified in that division by 5535
discharging a firearm from a motor vehicle, or if both types of 5536
mandatory prison terms are imposed, the offender shall serve any 5537
mandatory prison term imposed under either division 5538
consecutively to any other mandatory prison term imposed under 5539
either division or under division (B) (1) (d) of this section, 5540
consecutively to and prior to any prison term imposed for the 5541
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5542
this section or any other section of the Revised Code, and 5543
consecutively to any other prison term or mandatory prison term 5544
previously or subsequently imposed upon the offender. 5545

(b) If a mandatory prison term is imposed upon an offender 5546
pursuant to division (B) (1) (d) of this section for wearing or 5547
carrying body armor while committing an offense of violence that 5548
is a felony, the offender shall serve the mandatory term so 5549
imposed consecutively to any other mandatory prison term imposed 5550
under that division or under division (B) (1) (a) or (c) of this 5551
section, consecutively to and prior to any prison term imposed 5552
for the underlying felony under division (A), (B) (2), or (B) (3) 5553
of this section or any other section of the Revised Code, and 5554
consecutively to any other prison term or mandatory prison term 5555
previously or subsequently imposed upon the offender. 5556

(c) If a mandatory prison term is imposed upon an offender 5557

pursuant to division (B)(1)(f) of this section, the offender 5558
shall serve the mandatory prison term so imposed consecutively 5559
to and prior to any prison term imposed for the underlying 5560
felony under division (A), (B)(2), or (B)(3) of this section or 5561
any other section of the Revised Code, and consecutively to any 5562
other prison term or mandatory prison term previously or 5563
subsequently imposed upon the offender. 5564

(d) If a mandatory prison term is imposed upon an offender 5565
pursuant to division (B)(7) or (8) of this section, the offender 5566
shall serve the mandatory prison term so imposed consecutively 5567
to any other mandatory prison term imposed under that division 5568
or under any other provision of law and consecutively to any 5569
other prison term or mandatory prison term previously or 5570
subsequently imposed upon the offender. 5571

(e) If a mandatory prison term is imposed upon an offender 5572
pursuant to division (B)(11) of this section, the offender shall 5573
serve the mandatory prison term consecutively to any other 5574
mandatory prison term imposed under that division, consecutively 5575
to and prior to any prison term imposed for the underlying 5576
felony, and consecutively to any other prison term or mandatory 5577
prison term previously or subsequently imposed upon the 5578
offender. 5579

(2) If an offender who is an inmate in a jail, prison, or 5580
other residential detention facility violates section 2917.02, 5581
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5582
(2) of section 2921.34 of the Revised Code, if an offender who 5583
is under detention at a detention facility commits a felony 5584
violation of section 2923.131 of the Revised Code, or if an 5585
offender who is an inmate in a jail, prison, or other 5586
residential detention facility or is under detention at a 5587

detention facility commits another felony while the offender is 5588
an escapee in violation of division (A) (1) or (2) of section 5589
2921.34 of the Revised Code, any prison term imposed upon the 5590
offender for one of those violations shall be served by the 5591
offender consecutively to the prison term or term of 5592
imprisonment the offender was serving when the offender 5593
committed that offense and to any other prison term previously 5594
or subsequently imposed upon the offender. 5595

(3) If a prison term is imposed for a violation of 5596
division (B) of section 2911.01 of the Revised Code, a violation 5597
of division (A) of section 2913.02 of the Revised Code in which 5598
the stolen property is a firearm or dangerous ordnance, or a 5599
felony violation of division (B) of section 2921.331 of the 5600
Revised Code, the offender shall serve that prison term 5601
consecutively to any other prison term or mandatory prison term 5602
previously or subsequently imposed upon the offender. 5603

(4) If multiple prison terms are imposed on an offender 5604
for convictions of multiple offenses, the court may require the 5605
offender to serve the prison terms consecutively if the court 5606
finds that the consecutive service is necessary to protect the 5607
public from future crime or to punish the offender and that 5608
consecutive sentences are not disproportionate to the 5609
seriousness of the offender's conduct and to the danger the 5610
offender poses to the public, and if the court also finds any of 5611
the following: 5612

(a) The offender committed one or more of the multiple 5613
offenses while the offender was awaiting trial or sentencing, 5614
was under a sanction imposed pursuant to section 2929.16, 5615
2929.17, or 2929.18 of the Revised Code, or was under post- 5616
release control for a prior offense. 5617

(b) At least two of the multiple offenses were committed 5618
as part of one or more courses of conduct, and the harm caused 5619
by two or more of the multiple offenses so committed was so 5620
great or unusual that no single prison term for any of the 5621
offenses committed as part of any of the courses of conduct 5622
adequately reflects the seriousness of the offender's conduct. 5623

(c) The offender's history of criminal conduct 5624
demonstrates that consecutive sentences are necessary to protect 5625
the public from future crime by the offender. 5626

(5) If a mandatory prison term is imposed upon an offender 5627
pursuant to division (B) (5) or (6) of this section, the offender 5628
shall serve the mandatory prison term consecutively to and prior 5629
to any prison term imposed for the underlying violation of 5630
division (A) (1) or (2) of section 2903.06 of the Revised Code 5631
pursuant to division (A) of this section or section 2929.142 of 5632
the Revised Code. If a mandatory prison term is imposed upon an 5633
offender pursuant to division (B) (5) of this section, and if a 5634
mandatory prison term also is imposed upon the offender pursuant 5635
to division (B) (6) of this section in relation to the same 5636
violation, the offender shall serve the mandatory prison term 5637
imposed pursuant to division (B) (5) of this section 5638
consecutively to and prior to the mandatory prison term imposed 5639
pursuant to division (B) (6) of this section and consecutively to 5640
and prior to any prison term imposed for the underlying 5641
violation of division (A) (1) or (2) of section 2903.06 of the 5642
Revised Code pursuant to division (A) of this section or section 5643
2929.142 of the Revised Code. 5644

(6) If a mandatory prison term is imposed on an offender 5645
pursuant to division (B) (9) of this section, the offender shall 5646
serve the mandatory prison term consecutively to and prior to 5647

any prison term imposed for the underlying violation of division 5648
(A) (1) or (2) of section 2903.11 of the Revised Code and 5649
consecutively to and prior to any other prison term or mandatory 5650
prison term previously or subsequently imposed on the offender. 5651

(7) If a mandatory prison term is imposed on an offender 5652
pursuant to division (B) (10) of this section, the offender shall 5653
serve that mandatory prison term consecutively to and prior to 5654
any prison term imposed for the underlying felonious assault. 5655
Except as otherwise provided in division (C) of this section, 5656
any other prison term or mandatory prison term previously or 5657
subsequently imposed upon the offender may be served 5658
concurrently with, or consecutively to, the prison term imposed 5659
pursuant to division (B) (10) of this section. 5660

(8) Any prison term imposed for a violation of section 5661
2903.04 of the Revised Code that is based on a violation of 5662
section 2925.03 or 2925.11 of the Revised Code or on a violation 5663
of section 2925.05 of the Revised Code that is not funding of 5664
marihuana trafficking shall run consecutively to any prison term 5665
imposed for the violation of section 2925.03 or 2925.11 of the 5666
Revised Code or for the violation of section 2925.05 of the 5667
Revised Code that is not funding of marihuana trafficking. 5668

(9) When consecutive prison terms are imposed pursuant to 5669
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5670
division (H) (1) or (2) of this section, subject to division (C) 5671
(8) of this section, the term to be served is the aggregate of 5672
all of the terms so imposed. 5673

(10) When a court sentences an offender to a non-life 5674
felony indefinite prison term, any definite prison term or 5675
mandatory definite prison term previously or subsequently 5676
imposed on the offender in addition to that indefinite sentence 5677

that is required to be served consecutively to that indefinite sentence shall be served prior to the indefinite sentence. 5678
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(11) If a court is sentencing an offender for a felony of the first or second degree, if division (A) (1) (a) or (2) (a) of this section applies with respect to the sentencing for the offense, and if the court is required under the Revised Code section that sets forth the offense or any other Revised Code provision to impose a mandatory prison term for the offense, the court shall impose the required mandatory prison term as the minimum term imposed under division (A) (1) (a) or (2) (a) of this section, whichever is applicable. 5680
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(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 5689
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(2) If a court imposes a prison term for a felony of the 5708
third, fourth, or fifth degree that is not subject to division 5709
(D) (1) of this section, it shall include in the sentence a 5710
requirement that the offender be subject to a period of post- 5711
release control after the offender's release from imprisonment, 5712
in accordance with that division, if the parole board determines 5713
that a period of post-release control is necessary. Section 5714
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5715
a court imposed a sentence including a prison term of a type 5716
described in this division and failed to include in the sentence 5717
pursuant to this division a statement regarding post-release 5718
control. 5719

(E) The court shall impose sentence upon the offender in 5720
accordance with section 2971.03 of the Revised Code, and Chapter 5721
2971. of the Revised Code applies regarding the prison term or 5722
term of life imprisonment without parole imposed upon the 5723
offender and the service of that term of imprisonment if any of 5724
the following apply: 5725

(1) A person is convicted of or pleads guilty to a violent 5726
sex offense or a designated homicide, assault, or kidnapping 5727
offense, and, in relation to that offense, the offender is 5728
adjudicated a sexually violent predator. 5729

(2) A person is convicted of or pleads guilty to a 5730
violation of division (A) (1) (b) of section 2907.02 of the 5731
Revised Code committed on or after January 2, 2007, and either 5732
the court does not impose a sentence of life without parole when 5733
authorized pursuant to division (B) of section 2907.02 of the 5734
Revised Code, or division (B) of section 2907.02 of the Revised 5735
Code provides that the court shall not sentence the offender 5736
pursuant to section 2971.03 of the Revised Code. 5737

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 5798
a specification of the type described in section 2941.1421 of 5799
the Revised Code regarding one or more of those violations, an 5800
additional prison term of one, two, three, four, five, six, 5801
seven, eight, nine, ten, eleven, or twelve months. 5802

(b) In lieu of imposing an additional prison term under 5803
division (H)(2)(a) of this section, the court may directly 5804
impose on the offender a sanction that requires the offender to 5805
wear a real-time processing, continual tracking electronic 5806
monitoring device during the period of time specified by the 5807
court. The period of time specified by the court shall equal the 5808
duration of an additional prison term that the court could have 5809
imposed upon the offender under division (H)(2)(a) of this 5810
section. A sanction imposed under this division shall commence 5811
on the date specified by the court, provided that the sanction 5812
shall not commence until after the offender has served the 5813
prison term imposed for the felony violation of section 2907.22, 5814
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5815
residential sanction imposed for the violation under section 5816
2929.16 of the Revised Code. A sanction imposed under this 5817
division shall be considered to be a community control sanction 5818
for purposes of section 2929.15 of the Revised Code, and all 5819
provisions of the Revised Code that pertain to community control 5820
sanctions shall apply to a sanction imposed under this division, 5821
except to the extent that they would by their nature be clearly 5822
inapplicable. The offender shall pay all costs associated with a 5823
sanction imposed under this division, including the cost of the 5824
use of the monitoring device. 5825

(I) At the time of sentencing, the court may recommend the 5826
offender for placement in a program of shock incarceration under 5827
section 5120.031 of the Revised Code or for placement in an 5828

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there
is an available program of shock incarceration or an intensive
program prison for which the offender is suited. If there is an
available program of shock incarceration or an intensive program
prison for which the offender is suited, the department shall
notify the court of the proposed placement of the offender as
specified in section 5120.031 or 5120.032 of the Revised Code
and shall include with the notice a brief description of the
placement. The court shall have ten days from receipt of the
notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to
aggravated vehicular homicide in violation of division (A) (1) of
section 2903.06 of the Revised Code and division (B) (2) (c) of
that section applies, the person shall be sentenced pursuant to
section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory
prison term of two, three, four, five, six, seven, eight, nine,
ten, or eleven years on an offender who is convicted of or
pleads guilty to a violent felony offense if the offender also
is convicted of or pleads guilty to a specification of the type
described in section 2941.1424 of the Revised Code that charges
that the offender is a violent career criminal and had a firearm
on or about the offender's person or under the offender's
control while committing the presently charged violent felony
offense and displayed or brandished the firearm, indicated that
the offender possessed a firearm, or used the firearm to
facilitate the offense. The offender shall serve the prison term
imposed under this division consecutively to and prior to the
prison term imposed for the underlying offense. The prison term
shall not be reduced pursuant to section 2929.20 or 2967.19 or
any other provision of Chapter 2967. or 5120. of the Revised

Code. A court may not impose more than one sentence under 5890
division (B) (2) (a) of this section and this division for acts 5891
committed as part of the same act or transaction. 5892

(2) As used in division (K) (1) of this section, "violent 5893
career criminal" and "violent felony offense" have the same 5894
meanings as in section 2923.132 of the Revised Code. 5895

Sec. 2935.34. (A) As used in this section: 5896

(1) "State detoxification provider" means a community 5897
addiction services provider that meets all of the following 5898
requirements: 5899

(a) The provider has been certified by the department of 5900
rehabilitation and correction as having a secure facility for 5901
the housing and detention of individuals prior to trial and has 5902
been designated by the department as a state detoxification 5903
provider. 5904

(b) The drug addiction services offered by the provider 5905
have been certified by the department of mental health and 5906
addiction services. 5907

(c) The provider is a medicaid provider, as defined in 5908
section 5164.01 of the Revised Code. 5909

(2) "Severe substance use disorder" means a condition in 5910
which a person is found to have experienced within a twelve- 5911
month period six or more symptoms of a substance use disorder, 5912
as determined in accordance with the criteria established in the 5913
fifth edition of the diagnostic and statistical manual of mental 5914
disorders published by the American psychiatric association. 5915

(B) (1) Except as provided in division (B) (2) of this 5916
section, if a person charged with an offense that is not an 5917

offense of violence is taken before a judge of a court of record 5918
and if it appears to the judge that the person has a severe 5919
substance use disorder involving heroin, fentanyl, carfentanil, 5920
cocaine, L.S.D., or methamphetamine, or is suffering withdrawal 5921
from heroin, fentanyl, carfentanil, cocaine, L.S.D., or 5922
methamphetamine, the judge may order the person to be confined 5923
by a state detoxification provider facility located in the area 5924
in which the court has jurisdiction for purposes of 5925
detoxification and treatment. The person shall remain confined 5926
at the facility while awaiting trial until the person has 5927
completed detoxification. 5928

(2) An individual confined under division (B)(1) of this 5929
section shall not be released on bail unless the court requires, 5930
as a condition of bail, that the individual be immediately 5931
admitted in a secure inpatient facility for the treatment of 5932
drug addiction and from which the offender cannot be discharged 5933
against medical advice. 5934

(C) The department of rehabilitation and correction, in 5935
consultation with the buckeye sheriffs association, shall 5936
determine the number of detoxification facilities necessary to 5937
meet the anticipated demand for those facilities under this 5938
section. 5939

(D) The department of rehabilitation and correction, in 5940
consultation with the department of mental health and addiction 5941
services, shall ensure that enough detoxification providers 5942
exist in the state to meet the anticipated need by calculating 5943
the amount of money that will be received by Medicaid for the 5944
detoxification of individuals sent to a detoxification provider 5945
and determining the amount of additional money that will be 5946
needed to construct or acquire facilities to house 5947

detoxification providers. If additional money is needed to 5948
construct or acquire facilities to house detoxification 5949
providers to meet anticipated needs, the director of 5950
rehabilitation and correction shall apply to the controlling 5951
board under section 127.19 of the Revised Code for the release 5952
of funds for that purpose. 5953

Sec. 2941.1410. (A) Except as provided in sections 2925.03 5954
and 2925.11 and division (E) (1) of section 2925.05 of the 5955
Revised Code, the determination by a court that an offender is a 5956
major drug offender is precluded unless the indictment, count in 5957
the indictment, or information charging the offender specifies 5958
that the offender is a major drug offender. The specification 5959
shall be stated at the end of the body of the indictment, count, 5960
or information, and shall be stated in substantially the 5961
following form: 5962

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5963
Grand Jurors (or insert the person's or prosecuting attorney's 5964
name when appropriate) further find and specify that (set forth 5965
that the offender is a major drug offender)." 5966

(B) Imposition of a three, four, five, six, seven, or 5967
eight-year mandatory prison term upon an offender under division 5968
(B) (9) of section 2929.14 of the Revised Code, pursuant to 5969
determination by a court that an offender is a major drug 5970
offender, is precluded unless the indictment, count in the 5971
indictment, or information charging the offender with the 5972
violation of section ~~2925.03, 2925.05, or 2925.11~~ of the Revised 5973
Code specifies that the offender is a major drug offender and 5974
that the drug involved in the violation is a fentanyl-related 5975
compound or a compound, mixture, preparation, or substance 5976
containing a fentanyl-related compound. The specification shall 5977

be stated at the end of the body of the indictment, count, or 5978
information, and shall be stated in substantially the following 5979
form: 5980

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5981
Grand Jurors (or insert the person's or prosecuting attorney's 5982
name when appropriate) further find and specify that (set forth 5983
that the offender is a major drug offender and the drug involved 5984
in the violation is a fentanyl-related compound or a compound, 5985
mixture, preparation, or substance containing a fentanyl-related 5986
compound)." 5987

(C) The court shall determine the issue of whether an 5988
offender is a major drug offender. 5989

(D) As used in this section, "major drug offender" has the 5990
same meaning as in section 2929.01 of the Revised Code. 5991

Sec. 2951.02. (A) (1) During the period of a misdemeanor 5992
offender's community control sanction ~~or,~~ during the period of a 5993
felony offender's nonresidential sanction, during the period of 5994
an offender's conditional release from an addiction treatment 5995
facility under section 2967.55, during the period of an 5996
offender's probation after release from an addiction treatment 5997
facility under section 2967.56, or during the period of an 5998
offender's community control through a restitution work program 5999
under section 2967.58 or 2967.59 of the Revised Code, authorized 6000
probation officers who are engaged within the scope of their 6001
supervisory duties or responsibilities may search, with or 6002
without a warrant, the person of the offender, the place of 6003
residence of the offender, and a motor vehicle, another item of 6004
tangible or intangible personal property, or other real property 6005
in which the offender has a right, title, or interest or for 6006
which the offender has the express or implied permission of a 6007

person with a right, title, or interest to use, occupy, or 6008
possess if the probation officers have reasonable grounds to 6009
believe that the offender is not abiding by the law or otherwise 6010
is not complying with the conditions of the misdemeanor 6011
offender's community control sanction or the conditions of the 6012
felony offender's nonresidential sanction. If a felony offender 6013
who is sentenced to a nonresidential sanction is under the 6014
general control and supervision of the adult parole authority, 6015
as described in division (A) (2) (a) of section 2929.15 of the 6016
Revised Code, adult parole authority field officers with 6017
supervisory responsibilities over the felony offender shall have 6018
the same search authority relative to the felony offender during 6019
the period of the sanction that is described under this division 6020
for probation officers. 6021

(2) The court that places the misdemeanor offender under a 6022
community control sanction pursuant to section 2929.25 of the 6023
Revised Code ~~or,~~ that sentences the felony offender to a 6024
nonresidential sanction pursuant to section 2929.17 of the 6025
Revised Code, that sentences an offender to an addiction 6026
treatment facility under section 2967.52 of the Revised Code, 6027
that transfers a prisoner to an addiction treatment facility 6028
under section 2967.53 of the Revised Code, that sentences an 6029
offender to community control through a restitution work center 6030
under section 2967.58 of the Revised Code, or that modifies an 6031
offender's sentence to community control through a restitution 6032
work program under section 2967.59 of the Revised Code, shall 6033
provide the offender with a written notice that informs the 6034
offender that authorized probation officers or adult parole 6035
authority field officers with supervisory responsibilities over 6036
the offender who are engaged within the scope of their 6037
supervisory duties or responsibilities may conduct those types 6038

of searches during the period of community control sanction~~or,~~ 6039
during the period of the nonresidential sanction, during the 6040
period of the offender's conditional release from an addiction 6041
treatment facility under section 2967.55, or during the period 6042
of an offender's probation after release from an addiction 6043
treatment facility under section 2967.56 of the Revised Code if 6044
they have reasonable grounds to believe that the offender is not 6045
abiding by the law or otherwise is not complying with the 6046
conditions of the offender's community control sanction~~or,~~ 6047
nonresidential sanction, conditional release, or probation. 6048

(B) If an offender is convicted of or pleads guilty to a 6049
misdemeanor, the court may require the offender, as a condition 6050
of the offender's sentence of a community control sanction, to 6051
perform supervised community service work in accordance with 6052
this division. If an offender is convicted of or pleads guilty 6053
to a felony, the court, pursuant to sections 2929.15 and 2929.17 6054
of the Revised Code, may impose a sanction that requires the 6055
offender to perform supervised community service work in 6056
accordance with this division. The supervised community service 6057
work shall be under the authority of health districts, park 6058
districts, counties, municipal corporations, townships, other 6059
political subdivisions of the state, or agencies of the state or 6060
any of its political subdivisions, or under the authority of 6061
charitable organizations that render services to the community 6062
or its citizens, in accordance with this division. The court may 6063
require an offender who is ordered to perform the work to pay to 6064
it a reasonable fee to cover the costs of the offender's 6065
participation in the work, including, but not limited to, the 6066
costs of procuring a policy or policies of liability insurance 6067
to cover the period during which the offender will perform the 6068
work. 6069

A court may permit any offender convicted of a felony or a misdemeanor to satisfy the payment of a fine imposed for the offense pursuant to section 2929.18 or 2929.28 of the Revised Code by performing supervised community service work as described in this division if the offender requests an opportunity to satisfy the payment by this means and if the court determines that the offender is financially unable to pay the fine.

After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution to the appropriate general fund as provided in division (B) of section 2929.27 of the Revised Code.

The supervised community service work that may be imposed under this division shall be subject to the following limitations:

(1) The court shall fix the period of the work and, if necessary, shall distribute it over weekends or over other appropriate times that will allow the offender to continue at the offender's occupation or to care for the offender's family. The period of the work as fixed by the court shall not exceed in the aggregate the number of hours of community service imposed by the court pursuant to section 2929.17 or 2929.27 of the Revised Code.

(2) An agency, political subdivision, or charitable organization must agree to accept the offender for the work before the court requires the offender to perform the work for the entity. A court shall not require an offender to perform supervised community service work for an agency, political subdivision, or charitable organization at a location that is an unreasonable distance from the offender's residence or domicile,

unless the offender is provided with transportation to the 6100
location where the work is to be performed. 6101

(3) A court may enter into an agreement with a county 6102
department of job and family services for the management, 6103
placement, and supervision of offenders eligible for community 6104
service work in work activities, developmental activities, and 6105
alternative work activities under sections 5107.40 to 5107.69 of 6106
the Revised Code. If a court and a county department of job and 6107
family services have entered into an agreement of that nature, 6108
the clerk of that court is authorized to pay directly to the 6109
county department all or a portion of the fees collected by the 6110
court pursuant to this division in accordance with the terms of 6111
its agreement. 6112

(4) Community service work that a court requires under 6113
this division shall be supervised by an official of the agency, 6114
political subdivision, or charitable organization for which the 6115
work is performed or by a person designated by the agency, 6116
political subdivision, or charitable organization. The official 6117
or designated person shall be qualified for the supervision by 6118
education, training, or experience, and periodically shall 6119
report, in writing, to the court and to the offender's probation 6120
officer concerning the conduct of the offender in performing the 6121
work. 6122

(5) The total of any period of supervised community 6123
service work imposed on an offender under division (B) of this 6124
section plus the period of all other sanctions imposed pursuant 6125
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 6126
Revised Code for a felony, or pursuant to sections 2929.25, 6127
2929.26, 2929.27, and 2929.28 of the Revised Code for a 6128
misdemeanor, shall not exceed five years. 6129

(C) (1) If an offender is convicted of a violation of 6130
section 4511.19 of the Revised Code or a substantially similar 6131
municipal ordinance, the court may require, as a condition of a 6132
community control sanction, that the offender operate only a 6133
motor vehicle equipped with an ignition interlock device that is 6134
certified pursuant to section 4510.43 of the Revised Code. 6135

(2) If a court requires an offender, as a condition of a 6136
community control sanction pursuant to division (C) (1) of this 6137
section, to operate only a motor vehicle equipped with an 6138
ignition interlock device that is certified pursuant to section 6139
4510.43 of the Revised Code, the offender immediately shall 6140
surrender the offender's driver's or commercial driver's license 6141
or permit to the court. Upon the receipt of the offender's 6142
license or permit, the court shall issue an order authorizing 6143
the offender to operate a motor vehicle equipped with a 6144
certified ignition interlock device and deliver the offender's 6145
license or permit to the registrar of motor vehicles. The court 6146
also shall give the offender a copy of its order for purposes of 6147
obtaining a restricted license. 6148

(3) An offender shall present to the registrar or to a 6149
deputy registrar the copy of the order issued under division (C) 6150
of this section and a certificate affirming the installation of 6151
an ignition interlock device that is in a form established by 6152
the director of public safety and that is signed by the person 6153
who installed the device. Upon presentation of the order and 6154
certificate, the registrar or deputy registrar shall issue a 6155
restricted license to the offender, unless the offender's 6156
driver's license or commercial driver's license or permit is 6157
suspended under any other provision of law and limited driving 6158
privileges have not been granted with regard to that suspension. 6159
The restricted license shall be identical to the surrendered 6160

license, except that it shall have printed on its face a 6161
statement that the offender is prohibited from operating a motor 6162
vehicle that is not equipped with an ignition interlock device 6163
that is certified pursuant to section 4510.43 of the Revised 6164
Code. The registrar shall deliver the offender's surrendered 6165
license or permit to the court upon receipt of a court order 6166
requiring it to do so, or reissue the offender's license or 6167
permit under section 4510.52 of the Revised Code if the 6168
registrar destroyed the offender's license or permit under that 6169
section. The offender shall surrender the restricted license to 6170
the court upon receipt of the offender's surrendered license or 6171
permit. 6172

(4) If an offender violates a requirement of the court 6173
imposed under division (C)(1) of this section, the court may 6174
impose a class seven suspension of the offender's driver's or 6175
commercial driver's license or permit or nonresident operating 6176
privilege from the range specified in division (A)(7) of section 6177
4510.02 of the Revised Code. On a second or subsequent 6178
violation, the court may impose a class four suspension of the 6179
offender's driver's or commercial driver's license or permit or 6180
nonresident operating privilege from the range specified in 6181
division (A)(4) of section 4510.02 of the Revised Code. 6182

Sec. 2951.023. (A) During the period of a hard drug 6183
trafficking offender's nonresidential sanction, the following 6184
individuals may search, with or without a warrant, the person of 6185
the offender, the place of residence of the offender, and a 6186
motor vehicle, another item of tangible or intangible personal 6187
property, or other real property in which the offender has a 6188
right, title, or interest or for which the offender has the 6189
express or implied permission of a person with a right, title, 6190
or interest to use, occupy, or possess, if the individual has 6191

reasonable grounds to believe that the offender is not abiding 6192
by the law or otherwise is not complying with the conditions of 6193
the nonresidential sanction: 6194

(1) An authorized probation officer who is engaged within 6195
the scope of the officer's supervisory duties or 6196
responsibilities; 6197

(2) An adult parole authority field officer who has 6198
supervisory responsibilities over the offender; 6199

(3) A law enforcement officer who is engaged within the 6200
scope of the officer's law enforcement duties or 6201
responsibilities. 6202

(B) The court that sentences a felony hard drug 6203
trafficking offender to a nonresidential sanction pursuant to 6204
section 2929.17 of the Revised Code shall provide the offender 6205
with a written notice that informs the offender that authorized 6206
probation officers, adult parole authority field officers with 6207
supervisory responsibilities over the offender who are engaged 6208
within the scope of their supervisory duties or 6209
responsibilities, and law enforcement officers engaged within 6210
the scope of their duties or responsibilities may conduct the 6211
types of searches described in division (A) of this section 6212
during the period of the nonresidential sanction if they have 6213
reasonable grounds to believe that the offender is not abiding 6214
by the law or otherwise is not complying with the conditions of 6215
the offender's nonresidential sanction. 6216

(C) As used in this section: 6217

(1) "Hard drug trafficking offender" means a person who 6218
has been convicted of or pleaded guilty to committing a 6219
violation of section 2925.03 of the Revised Code that is a 6220

felony and that involves heroin, fentanyl, carfentanil, cocaine, 6221
L.S.D., methamphetamine, or a hard drug analog. 6222

(2) "Cocaine," "L.S.D.," "methamphetamine," and "hard drug 6223
analog" have the same meanings as in section 2925.01 of the 6224
Revised Code. 6225

Sec. 2951.08. (A) During a period of community control, 6226
conditional release from an addiction treatment facility, 6227
probation subsequent to release from an addiction treatment 6228
facility, or community control through a restitution work 6229
program, any field officer or probation officer may arrest the 6230
person under a community control, conditional release, or 6231
probation sanction without a warrant and bring the person before 6232
the judge or magistrate before whom the cause was pending. 6233
During a period of community control, conditional release from 6234
an addiction treatment facility, probation subsequent to release 6235
from an addiction treatment facility, or community control 6236
through a restitution work program, any peace officer may arrest 6237
the person under a community control sanction without a warrant 6238
upon the written order of the chief probation officer of the 6239
probation agency if the person under a community control 6240
sanction, conditional release, or probation is under the 6241
supervision of that probation agency or on the order of an 6242
officer of the adult parole authority created pursuant to 6243
section 5149.02 of the Revised Code if the person under a 6244
community control sanction, conditional release, or probation is 6245
under the supervision of the authority. During a period of 6246
community control, any peace officer may arrest the person under 6247
a community control sanction on the warrant of the judge or 6248
magistrate before whom the cause was pending. 6249

During a period of community control, conditional release 6250

from an addiction treatment facility, or probation subsequent to 6251
release from an addiction treatment facility, any peace officer 6252
may arrest the person under a community control, conditional 6253
release, or probation sanction without a warrant if the peace 6254
officer has reasonable ground to believe that the person has 6255
violated or is violating any of the following that is a 6256
condition of the person's community control sanction: 6257

(1) A condition that prohibits ownership, possession, or 6258
use of a firearm, deadly weapon, ammunition, or dangerous 6259
ordnance; 6260

(2) A condition that prohibits the person from being 6261
within a specified structure or geographic area; 6262

(3) A condition that confines the person to a residence, 6263
facility, or other structure; 6264

(4) A condition that prohibits the person from contacting 6265
or communicating with any specified individual; 6266

(5) A condition that prohibits the person from associating 6267
with a specified individual; 6268

(6) A condition as provided in division (A) (1) (a) of 6269
section 2929.25 of the Revised Code or in division (A) (1) of 6270
section 2929.15 or (A) (8) of section 2929.27 of the Revised Code 6271
that requires that the person not ingest or be injected with a 6272
drug of abuse and submit to random drug testing and requires 6273
that the results of the drug test indicate that the person did 6274
not ingest or was not injected with a drug of abuse. 6275

(B) Within three business days after making an arrest 6276
under this section, the arresting field officer, probation 6277
officer, or peace officer or the department or agency of the 6278
arresting officer shall notify the chief probation officer or 6279

the chief probation officer's designee that the person has been 6280
arrested. Within thirty days of being notified that a field 6281
officer, probation officer, or peace officer has made an arrest 6282
under this section, the chief probation officer or designee, or 6283
another probation officer designated by the chief probation 6284
officer, promptly shall bring the person who was arrested before 6285
the judge or magistrate before whom the cause was pending. 6286

(C) Nothing in this section limits the powers of arrest 6287
granted to certain law enforcement officers and citizens under 6288
sections 2935.03 and 2935.04 of the Revised Code. 6289

(D) A probation officer shall receive the actual and 6290
necessary expenses incurred in the performance of the officer's 6291
duties. 6292

(E) As used in this section, "random drug testing" has the 6293
same meaning as in section 5120.63 of the Revised Code. 6294

Sec. 2967.131. (A) In addition to any other terms and 6295
conditions of a conditional pardon or parole, of transitional 6296
control, or of another form of authorized release from 6297
confinement in a state correctional institution that is granted 6298
to an individual and that involves the placement of the 6299
individual under the supervision of the adult parole authority, 6300
and in addition to any other sanctions of post-release control 6301
of a felon imposed under section 2967.28 of the Revised Code, 6302
the authority or, in the case of a conditional pardon, the 6303
governor shall include in the terms and conditions of the 6304
conditional pardon, parole, transitional control, or other form 6305
of authorized release or shall include as conditions of the 6306
post-release control the conditions that the individual or felon 6307
not leave the state without permission of the court or the 6308
individual's or felon's parole or probation officer and that the 6309

individual or felon abide by the law during the period of the 6310
individual's or felon's conditional pardon, parole, transitional 6311
control, other form of authorized release, or post-release 6312
control. 6313

(B) (1) The department of rehabilitation and correction, as 6314
a condition of parole or post-release control, may require that 6315
the individual or felon shall not ingest or be injected with a 6316
drug of abuse and shall submit to random drug testing as 6317
provided in divisions (B) (2), (3), and (4) of this section and 6318
that the results of the drug test indicate that the individual 6319
or felon did not ingest or was not injected with a drug of 6320
abuse. 6321

(2) If the adult parole authority has general control and 6322
supervision of an individual or felon who is required to submit 6323
to random drug testing as a condition of parole or post-release 6324
control under division (B) (1) of this section, the authority may 6325
cause the individual or felon to submit to random drug testing 6326
performed by a laboratory or entity that has entered into a 6327
contract with any of the governmental entities or officers 6328
authorized to enter into a contract with that laboratory or 6329
entity under section 341.26, 753.33, or 5120.63 of the Revised 6330
Code. 6331

(3) If no laboratory or entity described in division (B) 6332
(2) of this section has entered into a contract as specified in 6333
that division, the adult parole authority shall cause the 6334
individual or felon to submit to random drug testing performed 6335
by a reputable public laboratory to determine whether the 6336
individual or felon who is the subject of the drug test ingested 6337
or was injected with a drug of abuse. 6338

(4) If a laboratory or entity has entered into a contract 6339

with a governmental entity or officer as specified in division 6340
(B) (2) of this section, the laboratory or entity shall perform 6341
the random drug testing under division (B) (2) of this section in 6342
accordance with the applicable standards that are included in 6343
the terms of that contract. A public laboratory shall perform 6344
the random drug tests under division (B) (3) of this section in 6345
accordance with the standards set forth in the policies and 6346
procedures established by the department of rehabilitation and 6347
correction pursuant to section 5120.63 of the Revised Code. An 6348
individual or felon who is required under division (B) (1) of 6349
this section to submit to random drug testing as a condition of 6350
parole or post-release control and whose test results indicate 6351
that the individual or felon ingested or was injected with a 6352
drug of abuse shall pay the fee for the drug test if the adult 6353
parole authority requires payment of a fee. A laboratory or 6354
entity that performs the random drug testing on a parolee or 6355
releasee under division (B) (2) or (3) of this section shall 6356
transmit the results of the drug test to the adult parole 6357
authority. 6358

(C) ~~During~~(1) Except as provided in division (C) (2) of 6359
this section, during the period of a conditional pardon or 6360
parole, of transitional control, or of another form of 6361
authorized release from confinement in a state correctional 6362
institution that is granted to an individual and that involves 6363
the placement of the individual under the supervision of the 6364
adult parole authority, and during a period of post-release 6365
control of a felon imposed under section 2967.28 of the Revised 6366
Code, authorized field officers of the authority who are engaged 6367
within the scope of their supervisory duties or responsibilities 6368
may search, with or without a warrant, the person of the 6369
individual or felon, the place of residence of the individual or 6370

felon, and a motor vehicle, another item of tangible or 6371
intangible personal property, or other real property in which 6372
the individual or felon has a right, title, or interest or for 6373
which the individual or felon has the express or implied 6374
permission of a person with a right, title, or interest to use, 6375
occupy, or possess, if the field officers have reasonable 6376
grounds to believe that the individual or felon has left the 6377
state, is not abiding by the law, or otherwise is not complying 6378
with the terms and conditions of the individual's or felon's 6379
conditional pardon, parole, transitional control, other form of 6380
authorized release, or post-release control. 6381

The (2) If a person is convicted of a hard drug 6382
trafficking offense, during the period of a conditional pardon 6383
or parole, of transitional control, or of another form of 6384
authorized release from confinement in a state correctional 6385
institution that is granted to the felon and that involves the 6386
placement of the felon under the supervision of the adult parole 6387
authority, and during a period of post-release control of the 6388
felon imposed under section 2967.28 of the Revised Code, either 6389
of the following individuals may search, with or without a 6390
warrant, the person of the felon, the place of residence of the 6391
felon, and a motor vehicle, another item of tangible or 6392
intangible personal property, or other real property in which 6393
the felon has a right, title, or interest or for which the felon 6394
has the express or implied permission of a person with a right, 6395
title, or interest to use, occupy, or possess: 6396

(a) An authorized field officer of the authority who is 6397
engaged within the scope of the officer's supervisory duties or 6398
responsibilities; 6399

(b) A law enforcement officer who is engaged within the 6400

scope of the officer's law enforcement duties or 6401
responsibilities. 6402

(3)(a) Except as provided in division (C)(3)(b) of this 6403
section, the authority shall provide each individual who is 6404
granted a conditional pardon or parole, transitional control, or 6405
another form of authorized release from confinement in a state 6406
correctional institution and each felon who is under post- 6407
release control with a written notice that informs the 6408
individual or felon that authorized field officers of the 6409
authority who are engaged within the scope of their supervisory 6410
duties or responsibilities may conduct those types of searches 6411
during the period of the conditional pardon, parole, 6412
transitional control, other form of authorized release, or post- 6413
release control if they have reasonable grounds to believe that 6414
the individual or felon has left the state, is not abiding by 6415
the law, or otherwise is not complying with the terms and 6416
conditions of the individual's or felon's conditional pardon, 6417
parole, transitional control, other form of authorized release, 6418
or post-release control. 6419

(b) The authority shall provide each individual convicted 6420
of a hard drug trafficking offense who is granted a conditional 6421
pardon or parole, transitional control, or another form of 6422
authorized release from confinement in a state correctional 6423
institution or who is under post-release control with a written 6424
notice that informs the felon that authorized field officers of 6425
the authority who are engaged within the scope of their 6426
supervisory duties or responsibilities and law enforcement 6427
officers who are engaged within the scope of their law 6428
enforcement duties or responsibilities may conduct those types 6429
of searches during the period of the conditional pardon, parole, 6430
transitional control, other form of authorized release, or post- 6431

release control if they have reasonable grounds to believe that 6432
the felon has left the state, is not abiding by the law, or 6433
otherwise is not complying with the terms and conditions of the 6434
felon's conditional pardon, parole, transitional control, or 6435
other form of authorized release or post-release control. 6436

Sec. 2967.28. (A) As used in this section: 6437

(1) "Monitored time" means the monitored time sanction 6438
specified in section 2929.17 of the Revised Code. 6439

(2) "Deadly weapon" and "dangerous ordnance" have the same 6440
meanings as in section 2923.11 of the Revised Code. 6441

(3) "Felony sex offense" means a violation of a section 6442
contained in Chapter 2907. of the Revised Code that is a felony. 6443

(4) "Risk reduction sentence" means a prison term imposed 6444
by a court, when the court recommends pursuant to section 6445
2929.143 of the Revised Code that the offender serve the 6446
sentence under section 5120.036 of the Revised Code, and the 6447
offender may potentially be released from imprisonment prior to 6448
the expiration of the prison term if the offender successfully 6449
completes all assessment and treatment or programming required 6450
by the department of rehabilitation and correction under section 6451
5120.036 of the Revised Code. 6452

(5) "Victim's immediate family" has the same meaning as in 6453
section 2967.12 of the Revised Code. 6454

(6) "Minor drug possession offense" has the same meaning 6455
as in section 2925.11 of the Revised Code. 6456

(7) "Felony hard drug trafficking offense" means a 6457
violation of section 2925.03 of the Revised Code that is a 6458
felony and that involves heroin, fentanyl, carfentanil, cocaine, 6459

L.S.D., or methamphetamine. 6460

(B) Each sentence to a prison term, other than a term of 6461
life imprisonment, for a felony of the first degree, for a 6462
felony of the second degree, for a felony sex offense, or for a 6463
felony of the third degree that is an offense of violence and is 6464
not a felony sex offense shall include a requirement that the 6465
offender be subject to a period of post-release control imposed 6466
by the parole board after the offender's release from 6467
imprisonment. This division applies with respect to all prison 6468
terms of a type described in this division, including a term of 6469
any such type that is a risk reduction sentence. If a court 6470
imposes a sentence including a prison term of a type described 6471
in this division on or after July 11, 2006, the failure of a 6472
sentencing court to notify the offender pursuant to division (B) 6473
(2) (d) of section 2929.19 of the Revised Code of this 6474
requirement or to include in the judgment of conviction entered 6475
on the journal a statement that the offender's sentence includes 6476
this requirement does not negate, limit, or otherwise affect the 6477
mandatory period of supervision that is required for the 6478
offender under this division. This division applies with respect 6479
to all prison terms of a type described in this division, 6480
including a non-life felony indefinite prison term. Section 6481
2929.191 of the Revised Code applies if, prior to July 11, 2006, 6482
a court imposed a sentence including a prison term of a type 6483
described in this division and failed to notify the offender 6484
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 6485
Code regarding post-release control or to include in the 6486
judgment of conviction entered on the journal or in the sentence 6487
pursuant to division (D) (1) of section 2929.14 of the Revised 6488
Code a statement regarding post-release control. Unless reduced 6489
by the parole board pursuant to division (D) of this section 6490

when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a felony hard drug trafficking offense, ten years;

(2) For a felony of the first degree that is not a felony hard drug trafficking offense or for a felony sex offense, five years;

~~(2)~~ (3) For a felony of the second degree that is not a felony sex offense or a felony hard drug trafficking offense, three years;

~~(3)~~ (4) For a felony of the third degree that is an offense of violence and is not a felony sex offense or a felony hard drug trafficking offense, three years.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1), (2), or ~~(3)~~ (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction

entered on the journal or in the sentence pursuant to division 6520
(D) (2) of section 2929.14 of the Revised Code a statement 6521
regarding post-release control. Pursuant to an agreement entered 6522
into under section 2967.29 of the Revised Code, a court of 6523
common pleas or parole board may impose sanctions or conditions 6524
on an offender who is placed on post-release control under this 6525
division. 6526

(D) (1) Before the prisoner is released from imprisonment, 6527
the parole board or, pursuant to an agreement under section 6528
2967.29 of the Revised Code, the court shall impose upon a 6529
prisoner described in division (B) of this section, shall impose 6530
upon a prisoner described in division (C) of this section who is 6531
to be released before the expiration of the prisoner's stated 6532
prison term under a risk reduction sentence, may impose upon a 6533
prisoner described in division (C) of this section who is not to 6534
be released before the expiration of the prisoner's stated 6535
prison term under a risk reduction sentence, and shall impose 6536
upon a prisoner described in division (B) (2) (b) of section 6537
5120.031 or in division (B) (1) of section 5120.032 of the 6538
Revised Code, one or more post-release control sanctions to 6539
apply during the prisoner's period of post-release control. 6540
Whenever the board or court imposes one or more post-release 6541
control sanctions upon a prisoner, the board or court, in 6542
addition to imposing the sanctions, also shall include as a 6543
condition of the post-release control that the offender not 6544
leave the state without permission of the court or the 6545
offender's parole or probation officer and that the offender 6546
abide by the law. The board or court may impose any other 6547
conditions of release under a post-release control sanction that 6548
the board or court considers appropriate, and the conditions of 6549
release may include any community residential sanction, 6550

community nonresidential sanction, or financial sanction that 6551
the sentencing court was authorized to impose pursuant to 6552
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 6553
Prior to the release of a prisoner for whom it will impose one 6554
or more post-release control sanctions under this division, the 6555
parole board or court shall review the prisoner's criminal 6556
history, results from the single validated risk assessment tool 6557
selected by the department of rehabilitation and correction 6558
under section 5120.114 of the Revised Code, all juvenile court 6559
adjudications finding the prisoner, while a juvenile, to be a 6560
delinquent child, and the record of the prisoner's conduct while 6561
imprisoned. The parole board or court shall consider any 6562
recommendation regarding post-release control sanctions for the 6563
prisoner made by the office of victims' services. After 6564
considering those materials, the board or court shall determine, 6565
for a prisoner described in division (B) of this section, 6566
division (B) (2) (b) of section 5120.031, or division (B) (1) of 6567
section 5120.032 of the Revised Code and for a prisoner 6568
described in division (C) of this section who is to be released 6569
before the expiration of the prisoner's stated prison term under 6570
a risk reduction sentence, which post-release control sanction 6571
or combination of post-release control sanctions is reasonable 6572
under the circumstances or, for a prisoner described in division 6573
(C) of this section who is not to be released before the 6574
expiration of the prisoner's stated prison term under a risk 6575
reduction sentence, whether a post-release control sanction is 6576
necessary and, if so, which post-release control sanction or 6577
combination of post-release control sanctions is reasonable 6578
under the circumstances. In the case of a prisoner convicted of 6579
a felony of the fourth or fifth degree other than a felony sex 6580
offense, the board or court shall presume that monitored time is 6581
the appropriate post-release control sanction unless the board 6582

or court determines that a more restrictive sanction is 6583
warranted. In the case of a prisoner convicted of a felony hard 6584
drug trafficking offense, the board or court shall require, as a 6585
condition of post-release control, that the prisoner report 6586
regularly on the prisoner's progress abstaining from drug 6587
culture. A post-release control sanction imposed under this 6588
division takes effect upon the prisoner's release from 6589
imprisonment. 6590

Regardless of whether the prisoner was sentenced to the 6591
prison term prior to, on, or after July 11, 2006, prior to the 6592
release of a prisoner for whom it will impose one or more post- 6593
release control sanctions under this division, the parole board 6594
shall notify the prisoner that, if the prisoner violates any 6595
sanction so imposed or any condition of post-release control 6596
described in division (B) of section 2967.131 of the Revised 6597
Code that is imposed on the prisoner, the parole board may 6598
impose a prison term of up to one-half of the stated prison term 6599
originally imposed upon the prisoner. 6600

At least thirty days before the prisoner is released from 6601
imprisonment under post-release control, except as otherwise 6602
provided in this paragraph, the department of rehabilitation and 6603
correction shall notify the victim and the victim's immediate 6604
family of the date on which the prisoner will be released, the 6605
period for which the prisoner will be under post-release control 6606
supervision, and the terms and conditions of the prisoner's 6607
post-release control regardless of whether the victim or 6608
victim's immediate family has requested the notification. The 6609
notice described in this paragraph shall not be given to a 6610
victim or victim's immediate family if the victim or the 6611
victim's immediate family has requested pursuant to division (B) 6612
(2) of section 2930.03 of the Revised Code that the notice not 6613

be provided to the victim or the victim's immediate family. At 6614
least thirty days before the prisoner is released from 6615
imprisonment and regardless of whether the victim or victim's 6616
immediate family has requested that the notice described in this 6617
paragraph be provided or not be provided to the victim or the 6618
victim's immediate family, the department also shall provide 6619
notice of that nature to the prosecuting attorney in the case 6620
and the law enforcement agency that arrested the prisoner if any 6621
officer of that agency was a victim of the offense. 6622

If the notice given under the preceding paragraph to the 6623
victim or the victim's immediate family is based on an offense 6624
committed prior to March 22, 2013, and if the department of 6625
rehabilitation and correction has not previously successfully 6626
provided any notice to the victim or the victim's immediate 6627
family under division (B), (C), or (D) of section 2930.16 of the 6628
Revised Code with respect to that offense and the offender who 6629
committed it, the notice also shall inform the victim or the 6630
victim's immediate family that the victim or the victim's 6631
immediate family may request that the victim or the victim's 6632
immediate family not be provided any further notices with 6633
respect to that offense and the offender who committed it and 6634
shall describe the procedure for making that request. The 6635
department may give the notices to which the preceding paragraph 6636
applies by any reasonable means, including regular mail, 6637
telephone, and electronic mail. If the department attempts to 6638
provide notice to any specified person under the preceding 6639
paragraph but the attempt is unsuccessful because the department 6640
is unable to locate the specified person, is unable to provide 6641
the notice by its chosen method because it cannot determine the 6642
mailing address, electronic mail address, or telephone number at 6643
which to provide the notice, or, if the notice is sent by mail, 6644

the notice is returned, the department shall make another 6645
attempt to provide the notice to the specified person. If the 6646
second attempt is unsuccessful, the department shall make at 6647
least one more attempt to provide the notice. If the notice is 6648
based on an offense committed prior to March 22, 2013, in each 6649
attempt to provide the notice to the victim or victim's 6650
immediate family, the notice shall include the opt-out 6651
information described in this paragraph. The department, in the 6652
manner described in division (D) (2) of section 2930.16 of the 6653
Revised Code, shall keep a record of all attempts to provide the 6654
notice, and of all notices provided, under this paragraph and 6655
the preceding paragraph. The record shall be considered as if it 6656
was kept under division (D) (2) of section 2930.16 of the Revised 6657
Code. This paragraph, the preceding paragraph, and the notice- 6658
related provisions of divisions (E) (2) and (K) of section 6659
2929.20, division (D) (1) of section 2930.16, division (H) of 6660
section 2967.12, division (E) (1) (b) of section 2967.19, division 6661
(A) (3) (b) of section 2967.26, and division (A) (2) of section 6662
5149.101 of the Revised Code enacted in the act in which this 6663
paragraph and the preceding paragraph were enacted, shall be 6664
known as "Roberta's Law." 6665

(2) If a prisoner who is placed on post-release control 6666
under this section is released before the expiration of the 6667
definite term that is the prisoner's stated prison term or the 6668
expiration of the minimum term that is part of the prisoner's 6669
indefinite prison term imposed under a non-life felony 6670
indefinite prison term by reason of credit earned under section 6671
2967.193 or a reduction under division (F) of section 2967.271 6672
of the Revised Code and if the prisoner earned sixty or more 6673
days of credit, the adult parole authority shall supervise the 6674
offender with an active global positioning system device for the 6675

first fourteen days after the offender's release from 6676
imprisonment. This division does not prohibit or limit the 6677
imposition of any post-release control sanction otherwise 6678
authorized by this section. 6679

(3) At any time after a prisoner is released from 6680
imprisonment and during the period of post-release control 6681
applicable to the releasee, the adult parole authority or, 6682
pursuant to an agreement under section 2967.29 of the Revised 6683
Code, the court may review the releasee's behavior under the 6684
post-release control sanctions imposed upon the releasee under 6685
this section. The authority or court may determine, based upon 6686
the review and in accordance with the standards established 6687
under division (E) of this section, that a more restrictive or a 6688
less restrictive sanction is appropriate and may impose a 6689
different sanction. The authority also may recommend that the 6690
parole board or court increase or reduce the duration of the 6691
period of post-release control imposed by the court. If the 6692
authority recommends that the board or court increase the 6693
duration of post-release control, the board or court shall 6694
review the releasee's behavior and may increase the duration of 6695
the period of post-release control imposed by the court up to 6696
eight years. If the authority recommends that the board or court 6697
reduce the duration of control for an offense described in 6698
division (B) or (C) of this section, the board or court shall 6699
review the releasee's behavior and, subject to divisions (D) (3) 6700
(a) to (c) of this section, may reduce the duration of the 6701
period of control imposed by the court or, if the period of 6702
control was imposed for a non-life felony indefinite prison 6703
term, reduce the duration of or terminate the period of control 6704
imposed by the court. In no case shall the board or court do any 6705
of the following: 6706

(a) Reduce the duration of the period of control imposed 6707
for an offense described in division (B) (1) or (2) of this 6708
section to a period less than the length of the definite prison 6709
term included in the stated prison term originally imposed on 6710
the offender as part of the sentence or, with respect to a 6711
stated non-life felony indefinite prison term, to a period less 6712
than the length of the minimum prison term imposed as part of 6713
that stated prison term; 6714

(b) Consider any reduction or termination of the duration 6715
of the period of control imposed on a releasee prior to the 6716
expiration of one year after the commencement of the period of 6717
control, if the period of control was imposed for a non-life 6718
felony indefinite prison term and the releasee's minimum prison 6719
term or presumptive earned early release date under that term 6720
was extended for any length of time under division (C) or (D) of 6721
section 2967.271 of the Revised Code. 6722

(c) Permit the releasee to leave the state without 6723
permission of the court or the releasee's parole or probation 6724
officer. 6725

(4) The department of rehabilitation and correction shall 6726
develop factors that the parole board or court shall consider in 6727
determining under division (D) (3) of this section whether to 6728
terminate the period of control imposed on a releasee for a non- 6729
life felony indefinite prison term. 6730

(E) The department of rehabilitation and correction, in 6731
accordance with Chapter 119. of the Revised Code, shall adopt 6732
rules that do all of the following: 6733

(1) Establish standards for the imposition by the parole 6734
board of post-release control sanctions under this section that 6735

are consistent with the overriding purposes and sentencing 6736
principles set forth in section 2929.11 of the Revised Code and 6737
that are appropriate to the needs of releasees; 6738

(2) Establish standards that provide for a period of post- 6739
release control of up to three years for all prisoners described 6740
in division (C) of this section who are to be released before 6741
the expiration of their stated prison term under a risk 6742
reduction sentence and standards by which the parole board can 6743
determine which prisoners described in division (C) of this 6744
section who are not to be released before the expiration of 6745
their stated prison term under a risk reduction sentence should 6746
be placed under a period of post-release control; 6747

(3) Establish standards to be used by the parole board in 6748
reducing the duration of the period of post-release control 6749
imposed by the court when authorized under division (D) of this 6750
section, in imposing a more restrictive post-release control 6751
sanction than monitored time upon a prisoner convicted of a 6752
felony of the fourth or fifth degree other than a felony sex 6753
offense, or in imposing a less restrictive control sanction upon 6754
a releasee based on the releasee's activities including, but not 6755
limited to, remaining free from criminal activity and from the 6756
abuse of alcohol or other drugs, successfully participating in 6757
approved rehabilitation programs, maintaining employment, and 6758
paying restitution to the victim or meeting the terms of other 6759
financial sanctions; 6760

(4) Establish standards to be used by the adult parole 6761
authority in modifying a releasee's post-release control 6762
sanctions pursuant to division (D)(2) of this section; 6763

(5) Establish standards to be used by the adult parole 6764
authority or parole board in imposing further sanctions under 6765

division (F) of this section on releasees who violate post- 6766
release control sanctions, including standards that do the 6767
following: 6768

(a) Classify violations according to the degree of 6769
seriousness; 6770

(b) Define the circumstances under which formal action by 6771
the parole board is warranted; 6772

(c) Govern the use of evidence at violation hearings; 6773

(d) Ensure procedural due process to an alleged violator; 6774

(e) Prescribe nonresidential community control sanctions 6775
for most misdemeanor and technical violations; 6776

(f) Provide procedures for the return of a releasee to 6777
imprisonment for violations of post-release control. 6778

(F) (1) Whenever the parole board imposes one or more post- 6779
release control sanctions upon an offender under this section, 6780
the offender upon release from imprisonment shall be under the 6781
general jurisdiction of the adult parole authority and generally 6782
shall be supervised by the field services section through its 6783
staff of parole and field officers as described in section 6784
5149.04 of the Revised Code, as if the offender had been placed 6785
on parole. If the offender upon release from imprisonment 6786
violates the post-release control sanction or any conditions 6787
described in division (A) of section 2967.131 of the Revised 6788
Code that are imposed on the offender, the public or private 6789
person or entity that operates or administers the sanction or 6790
the program or activity that comprises the sanction shall report 6791
the violation directly to the adult parole authority or to the 6792
officer of the authority who supervises the offender. The 6793
authority's officers may treat the offender as if the offender 6794

were on parole and in violation of the parole, and otherwise 6795
shall comply with this section. 6796

(2) If the adult parole authority or, pursuant to an 6797
agreement under section 2967.29 of the Revised Code, the court 6798
determines that a releasee has violated a post-release control 6799
sanction or any conditions described in division (A) of section 6800
2967.131 of the Revised Code imposed upon the releasee and that 6801
a more restrictive sanction is appropriate, the authority or 6802
court may impose a more restrictive sanction upon the releasee, 6803
in accordance with the standards established under division (E) 6804
of this section or in accordance with the agreement made under 6805
section 2967.29 of the Revised Code, or may report the violation 6806
to the parole board for a hearing pursuant to division (F) (3) of 6807
this section. The authority or court may not, pursuant to this 6808
division, increase the duration of the releasee's post-release 6809
control or impose as a post-release control sanction a 6810
residential sanction that includes a prison term, but the 6811
authority or court may impose on the releasee any other 6812
residential sanction, nonresidential sanction, or financial 6813
sanction that the sentencing court was authorized to impose 6814
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 6815
Revised Code. 6816

(3) The parole board or, pursuant to an agreement under 6817
section 2967.29 of the Revised Code, the court may hold a 6818
hearing on any alleged violation by a releasee of a post-release 6819
control sanction or any conditions described in division (A) of 6820
section 2967.131 of the Revised Code that are imposed upon the 6821
releasee. If after the hearing the board or court finds that the 6822
releasee violated the sanction or condition, the board or court 6823
may increase the duration of the releasee's post-release control 6824
up to the maximum duration authorized by division (B) or (C) of 6825

this section or impose a more restrictive post-release control 6826
sanction. If a releasee was acting pursuant to division (B) (2) 6827
(b) of section 2925.11 of the Revised Code and in so doing 6828
violated the conditions of a post-release control sanction based 6829
on a minor drug possession offense as defined in that section, 6830
the board or the court may consider the releasee's conduct in 6831
seeking or obtaining medical assistance for another in good 6832
faith or for self or may consider the releasee being the subject 6833
of another person seeking or obtaining medical assistance in 6834
accordance with that division as a mitigating factor before 6835
imposing any of the penalties described in this division. When 6836
appropriate, the board or court may impose as a post-release 6837
control sanction a residential sanction that includes a prison 6838
term. The board or court shall consider a prison term as a post- 6839
release control sanction imposed for a violation of post-release 6840
control when the violation involves a deadly weapon or dangerous 6841
ordnance, physical harm or attempted serious physical harm to a 6842
person, or sexual misconduct. Unless a releasee's stated prison 6843
term was reduced pursuant to section 5120.032 of the Revised 6844
Code, the period of a prison term that is imposed as a post- 6845
release control sanction under this division shall not exceed 6846
nine months, and the maximum cumulative prison term for all 6847
violations under this division shall not exceed one-half of the 6848
definite prison term that was the stated prison term originally 6849
imposed upon the offender as part of this sentence or, with 6850
respect to a stated non-life felony indefinite prison term, one- 6851
half of the minimum prison term that was imposed as part of that 6852
stated prison term originally imposed upon the offender. If a 6853
releasee's stated prison term was reduced pursuant to section 6854
5120.032 of the Revised Code, the period of a prison term that 6855
is imposed as a post-release control sanction under this 6856
division and the maximum cumulative prison term for all 6857

violations under this division shall not exceed the period of 6858
time not served in prison under the sentence imposed by the 6859
court. The period of a prison term that is imposed as a post- 6860
release control sanction under this division shall not count as, 6861
or be credited toward, the remaining period of post-release 6862
control. 6863

If an offender is imprisoned for a felony committed while 6864
under post-release control supervision and is again released on 6865
post-release control for a period of time determined by division 6866
(F) (4) (d) of this section, the maximum cumulative prison term 6867
for all violations under this division shall not exceed one-half 6868
of the total stated prison terms of the earlier felony, reduced 6869
by any prison term administratively imposed by the parole board 6870
or court, plus one-half of the total stated prison term of the 6871
new felony. 6872

(4) Any period of post-release control shall commence upon 6873
an offender's actual release from prison. If an offender is 6874
serving an indefinite prison term or a life sentence in addition 6875
to a stated prison term, the offender shall serve the period of 6876
post-release control in the following manner: 6877

(a) If a period of post-release control is imposed upon 6878
the offender and if the offender also is subject to a period of 6879
parole under a life sentence or an indefinite sentence, and if 6880
the period of post-release control ends prior to the period of 6881
parole, the offender shall be supervised on parole. The offender 6882
shall receive credit for post-release control supervision during 6883
the period of parole. The offender is not eligible for final 6884
release under section 2967.16 of the Revised Code until the 6885
post-release control period otherwise would have ended. 6886

(b) If a period of post-release control is imposed upon 6887

the offender and if the offender also is subject to a period of 6888
parole under an indefinite sentence, and if the period of parole 6889
ends prior to the period of post-release control, the offender 6890
shall be supervised on post-release control. The requirements of 6891
parole supervision shall be satisfied during the post-release 6892
control period. 6893

(c) If an offender is subject to more than one period of 6894
post-release control, the period of post-release control for all 6895
of the sentences shall be the period of post-release control 6896
that expires last, as determined by the parole board or court. 6897
Periods of post-release control shall be served concurrently and 6898
shall not be imposed consecutively to each other. 6899

(d) The period of post-release control for a releasee who 6900
commits a felony while under post-release control for an earlier 6901
felony shall be the longer of the period of post-release control 6902
specified for the new felony under division (B) or (C) of this 6903
section or the time remaining under the period of post-release 6904
control imposed for the earlier felony as determined by the 6905
parole board or court. 6906

Sec. 2967.49. As used in sections 2967.49 to 2967.57 of 6907
the Revised Code: 6908

(A) "Addiction treatment facility" means a facility 6909
created by the department of rehabilitation and correction under 6910
section 2967.51 of the Revised Code and operated under section 6911
2967.54 of the Revised Code for the incarceration, treatment, 6912
and job training of persons who are convicted of at least one 6913
offense and found to have a severe substance use disorder 6914
involving a hard drug. 6915

(B) A "program participant" is a person sentenced to 6916

rehabilitation at an addiction treatment facility under section 6917
2967.52 of the Revised Code or transferred to an addiction 6918
treatment facility under section 2967.53 of the Revised Code. 6919

(C) "Hard drug" means carfentanil, cocaine, fentanyl, 6920
heroin, L.S.D., methamphetamine, or a hard drug analog. 6921

(D) "Hard drug analog" has the same meaning as in section 6922
2925.01 of the Revised Code. 6923

(E) "Severe substance use disorder" means a condition in 6924
which a person is found to have experienced within a twelve- 6925
month period six or more symptoms of a substance use disorder, 6926
as determined in accordance with the criteria established in the 6927
fifth edition of the diagnostic and statistical manual of mental 6928
disorders published by the American psychiatric association. 6929

Sec. 2967.50. There is in the state treasury the addiction 6930
treatment facility fund. The fund shall consist of any money 6931
appropriated to the fund by the general assembly or donated to 6932
the fund. Any interest on the fund shall be credited to the 6933
fund. The director of rehabilitation and correction shall use 6934
the money in the fund for the purpose of constructing and 6935
operating addiction treatment facilities in accordance with 6936
sections 2967.49 to 2967.57 of the Revised Code and the director 6937
of youth services shall use the money in the fund for the 6938
purpose of constructing and operating juvenile addiction 6939
treatment facilities in accordance with sections 5139.60 to 6940
5139.63 of the Revised Code. 6941

Sec. 2967.51. (A) The director of rehabilitation and 6942
correction shall establish and operate as many addiction 6943
treatment facilities as are necessary to meet the demand for 6944
those facilities in this state, to the extent that it is 6945

financially feasible to do so in accordance with this section. 6946
When the director of rehabilitation and correction determines 6947
that insufficient capacity exists in addiction treatment 6948
facilities located in a geographic region of the state to 6949
satisfy demand for accommodations in those facilities, the 6950
director, in consultation with the director of mental health and 6951
addiction services, shall advertise a request for proposals from 6952
manufacturers to establish an addiction treatment facility in 6953
that region. The request for proposals shall specify the 6954
estimated number of participants who would reside in the 6955
proposed addiction treatment facility and an estimate of the 6956
number of hours per week the program participants collectively 6957
would be available to work in the manufacturing facility 6958
associated with the addiction treatment facility. 6959

(B) A manufacturer proposal submitted in response to a 6960
request for proposals issued under this section shall meet all 6961
of the following requirements: 6962

(1) The proposal shall specify a plan to contract with the 6963
department of rehabilitation and correction for a period of not 6964
less than five years to purchase goods manufactured or altered 6965
by the participants at the addiction treatment facility and may 6966
provide for any of the following: 6967

(a) The manufacturer to provide a monetary contribution 6968
toward the cost of establishing or operating the addiction 6969
treatment facility; 6970

(b) The manufacturer to provide equipment, materials, or 6971
training for purposes of the manufacturing work; 6972

(c) Supervision or direction of the manufacturing work to 6973
be performed by employees of the manufacturer, by participants 6974

at the addiction treatment facility, by state employees or 6975
contractors, or by a combination of those persons. 6976

(2) The proposal shall demonstrate either that the goods 6977
to be manufactured or altered under the proposal or 6978
substantially similar goods are not being manufactured or 6979
altered in that manner in the United States or that the goods or 6980
substantially similar goods are being manufactured or altered in 6981
that manner in the United States and both of the following are 6982
true: 6983

(a) Not more than one-half of one per cent of the world's 6984
total production of the goods or substantially similar goods was 6985
manufactured or altered in that manner in the United States 6986
during the past three years, excluding any such goods or 6987
substantially similar goods manufactured or altered in that 6988
manner in the United States by criminal offenders participating 6989
in federal, state, or local work programs. 6990

(b) One or more manufacturers are manufacturing the goods 6991
or substantially similar goods or altering the goods or 6992
substantially similar goods in that manner in the United States 6993
with the intention of preventing an addiction treatment facility 6994
from manufacturing or altering the goods, based on the 6995
restrictions set forth in division (B) (2) of this section. The 6996
proposal shall include all of the following information 6997
concerning the manufacturers that are manufacturing the goods or 6998
substantially similar goods or altering the goods or 6999
substantially similar goods in that manner in the United States: 7000

(i) The manufacturers' ownership, parents, affiliates, and 7001
subsidiaries; 7002

(ii) The manufacturers' source of capital; 7003

<u>(iii) The manufacturers' actual and projected net profits;</u>	7004
<u>(iv) The date manufacturing began;</u>	7005
<u>(v) The manufacturers' relationship to the world's large foreign manufacturers;</u>	7006 7007
<u>(vi) The independence of the manufacturers;</u>	7008
<u>(vii) Any other relevant information.</u>	7009
<u>(C) (1) After receiving proposals from manufacturers under this section, the director of rehabilitation and correction, in consultation with the office of budget and management, shall evaluate the proposals and select one or more qualified proposals that would make the establishment and operation of an addiction treatment facility financially feasible, based on the estimated costs of operating the facility and the estimated funding provided by the manufacturer. If no suitable proposal has been submitted, the director shall continue to advertise the request for proposals until the director has selected a proposal.</u>	7010 7011 7012 7013 7014 7015 7016 7017 7018 7019 7020
<u>(2) After selecting one or more proposals under this section, if sufficient funds are not available in the addiction treatment facility fund, the director of rehabilitation and correction shall request the general assembly to appropriate the funds necessary to establish and operate the addiction treatment facility. If sufficient funds are available in the addiction treatment facility fund, or after the general assembly has appropriated the necessary funds, the director shall execute a written contract with the manufacturer or manufacturers and begin work to establish the addiction treatment facility.</u>	7021 7022 7023 7024 7025 7026 7027 7028 7029 7030
<u>Sec. 2967.52. (A) Prior to trial, a defendant may apply to the court for rehabilitation at an addiction treatment facility</u>	7031 7032

if both of the following apply: 7033

(1) The defendant has a severe substance use disorder 7034
involving a hard drug; 7035

(2) The defendant is not charged with and has not 7036
previously been convicted of a felony offense of violence. 7037

(B) To apply for rehabilitation at an addiction treatment 7038
facility, a defendant must do all of the following: 7039

(1) Plead guilty to the offense or offenses with which the 7040
defendant is charged; 7041

(2) Agree to comply with the requirements of the 7042
rehabilitation program at the addiction treatment facility; 7043

(3) Agree to submit to a naltrexone shot two weeks before 7044
conditional release from an addiction treatment facility; 7045

(4) Acknowledge that failure to comply with the 7046
rehabilitation program could result in the court imposing a 7047
traditional sentence on the defendant, including a term of 7048
incarceration of three years or more. 7049

(C) If an eligible defendant applies to the court for 7050
rehabilitation at an addiction treatment facility under division 7051
(B) of this section and at least one addiction treatment 7052
facility is operating in the state and has available space to 7053
hold and treat the defendant for three years, the court may 7054
accept a defendant's application. If the court accepts an 7055
application under this division, the court shall do all of the 7056
following: 7057

(1) Accept the defendant's plea of guilty and find the 7058
defendant guilty of each of the offenses for which the defendant 7059
has plead guilty; 7060

(2) Sentence the defendant for each offense of which the defendant was found guilty, in accordance with Chapter 2929. of the Revised Code, or for a term of three years, whichever is longer; 7061
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7063
7064

(3) Suspend the sentence imposed under division (B)(2) of this section on the condition that the defendant successfully complete rehabilitation at an addiction treatment facility; 7065
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7067

(4) Order the defendant to be incarcerated at the addiction treatment facility for a period of three years, administered a naltrexone shot at least two weeks prior to conditional release from that incarceration, and supervised by the addiction treatment facility for three years subsequent to release from that facility. 7068
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(D) If a court does not accept a defendant's application under division (A) of this section, the court shall allow the defendant to withdraw the defendant's guilty plea and shall reinstate the criminal proceedings against the defendant. 7074
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Sec. 2967.53. (A) An offender who is sentenced to a prison term for one or more felony offenses may apply to the sentencing court to have the offender's sentence transferred to an addiction treatment facility if all of the following apply: 7078
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7080
7081

(1) The offender has served no more than two years of the offender's prison term. 7082
7083

(2) The offender has a severe substance use disorder involving carfentanil, cocaine, fentanyl, heroin, L.S.D., or methamphetamine. 7084
7085
7086

(3) The offender is not serving a prison term for a felony offense of violence and has not previously been convicted of a felony offense of violence. 7087
7088
7089

(B) To apply for rehabilitation at an addiction treatment facility, an offender must do all of the following: 7090
7091

(1) Submit an application to the trial court in writing, in a form prescribed by the department of rehabilitation and correction. 7092
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(2) Agree to comply with the requirements of the rehabilitation program at the addiction treatment facility. 7095
7096

(3) Acknowledge that failure to comply with the rehabilitation program could result in the court returning the offender to traditional incarceration for the remainder of the offender's prison term. 7097
7098
7099
7100

(C) If an offender applies to the court for rehabilitation at an addiction treatment facility under division (B) of this section, at least one addiction treatment facility is operating in the state and has available space to hold the defendant for three years, and placement of the offender in the facility would not displace a defendant applying for the program under section 2967.52 of the Revised Code, the court may accept an offender's application. If the court accepts an application under this division, the court shall do both of the following: 7101
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(1) Suspend the offender's prison term on the condition that the defendant successfully complete rehabilitation at a rehabilitation program at an addiction treatment facility. 7110
7111
7112

(2) Order the defendant to be incarcerated at the addiction treatment facility or supervised on conditional release for a period of three years less any time the offender has already been incarcerated in a facility operated by the department of rehabilitation and correction. 7113
7114
7115
7116
7117

Sec. 2967.54. (A) Each addiction treatment facility shall 7118

be operated by the department of rehabilitation and correction 7119
in collaboration with the department of mental health and 7120
addiction services. The director of rehabilitation and 7121
correction shall hire staff for the facility to ensure security 7122
and the director of mental health and addiction services shall 7123
hire staff to ensure that program participants receive services 7124
necessary for their rehabilitation and shall ensure that all of 7125
the following are available to program participants: 7126

(1) Counseling; 7127

(2) Mentorship programs; 7128

(3) Mental health treatment; 7129

(4) Structure and regimen; 7130

(5) Vocational work programs; 7131

(6) Any other program or service that is determined by the 7132
department of mental health and addiction services to be a 7133
component of appropriate treatment. 7134

(B) (1) Program participants may be required to work up to 7135
forty hours each week manufacturing or altering items produced 7136
by the addiction treatment facility as determined as part of the 7137
program participant's treatment plan by medical staff at the 7138
facility. 7139

(2) (a) The department of rehabilitation and correction 7140
shall pay a program participant for the participant's work in 7141
the addiction treatment facility at the same rate paid to 7142
participants in work programs established under section 5145.16 7143
of the Revised Code. The department shall designate a financial 7144
manager for each addiction treatment facility. 7145

(b) If the moneys the department receives from the 7146

manufacturer under the contract for the operation of the 7147
addiction treatment facility exceed ninety-five per cent of the 7148
cost of operating the addiction treatment facility, the 7149
department shall use the excess funds to increase the hourly 7150
compensation of each offender who works at the addiction 7151
treatment facility by an equal amount. 7152

(3) The net earnings of a participant at an addiction 7153
treatment facility shall be allocated in the same manner as the 7154
earnings of participants in work programs under section 5145.16 7155
of the Revised Code. Twenty-five per cent of the earnings 7156
allocated to the account of the program participant shall be 7157
held by a financial manager in accordance with divisions (B) (4) 7158
and (5) of this section. 7159

(4) The financial manager shall hold the earnings 7160
surrendered by a participant on behalf of the participant, place 7161
the earnings surrendered by each participant in a separate 7162
account, and provide a monthly account statement to the 7163
participant. The financial manager shall place a participant's 7164
earnings in an interest-bearing savings account at a savings 7165
bank or in a bond account invested in bonds issued by the United 7166
States treasury, this state, or a political subdivision of this 7167
state that is chosen by the participant. 7168

(5) The financial manager shall pay out the total funds 7169
held on behalf of a participant upon the participant's release 7170
from the addiction treatment facility. The financial manager 7171
shall maintain complete and accurate records with respect to all 7172
money received from and paid out to participants. 7173

(C) (1) The department of mental health and addiction 7174
services shall employ medical professionals to provide services 7175
to program participants, to design and modify treatment of 7176

program participants based on the exact needs of the participant 7177
and the participant's rehabilitation, and to screen program 7178
participants for conditional release under section 2967.55 of 7179
the Revised Code. 7180

(2) Medical professionals employed by the director of 7181
mental health and addiction services shall determine the number 7182
of hours a week a program participant shall work based on the 7183
treatment progress of the participant. 7184

(3) The department of mental health may utilize volunteers 7185
to provide medical services to program participants and those 7186
volunteers may claim the deduction under division (A) (34) of 7187
section 5747.01 of the Revised Code. 7188

(D) The director of mental health and addiction services 7189
shall allow medical professionals employed by the department 7190
under division (C) of this section to work for a short term of 7191
three to six months in an addiction treatment facility if short 7192
terms are required to prevent burnout. 7193

(E) The director of mental health and addiction services 7194
shall ensure that each addiction treatment facility has all 7195
components of necessary treatment available and may structure 7196
treatment in phases. Treatment phases may include any of the 7197
services listed in division (A) of this section. 7198

Sec. 2967.55. (A) If a medical professional employed by 7199
the department of rehabilitation and correction at an addiction 7200
treatment facility determines that a program participant has a 7201
strong likelihood of abstaining from using hard drugs upon 7202
release, the department of rehabilitation and correction may 7203
conditionally release that program participant under division 7204
(B) of this section. 7205

(B) A program participant that is conditionally released 7206
under this section shall not be confined to an addiction 7207
treatment facility for the remainder of their three-year term 7208
but shall be required to do all of the following as conditions 7209
of release: 7210

(1) Submit to monitoring by means of a global positioning 7211
device that cannot be removed; 7212

(2) Submit to randomized drug screenings for hard drugs; 7213

(3) Report for counseling and other therapeutic activity, 7214
as prescribed by the health professionals employed by the 7215
facility; 7216

(4) Reside at least five miles away from the place where 7217
the program participant lived immediately prior to the program 7218
participant's most recent conviction; 7219

(5) Be actively working or seeking work, be seeking a 7220
trade certification, or be enrolled in a state institution of 7221
higher education; 7222

(6) If deemed medically appropriate, receive a naltrexone 7223
injection on a monthly basis. 7224

(C) If a program participant violates any condition of 7225
release listed in division (B) of this section, the program 7226
participant shall be returned to the addiction treatment 7227
facility for the duration of the participant's three-year term. 7228

Sec. 2967.56. (A) Following a period of incarceration at 7229
an addiction treatment facility, a program participant shall be 7230
supervised by the addiction treatment facility for a period of 7231
three years. Program participants who are supervised under this 7232
section shall be given priority to participate in any reentry 7233

employment program for ex-offenders that is offered by the 7234
department of rehabilitation and correction. Staff of the 7235
addiction treatment facility shall coordinate with staff of the 7236
department of rehabilitation and correction to ensure a smooth 7237
transition from the addiction treatment facility to the reentry 7238
employment program. 7239

(B) To be eligible for record sealing under this section, 7240
during the period of supervision, a program participant at an 7241
addiction treatment facility shall reside at least five miles 7242
away from the place of the participant's residence prior to the 7243
participant's most recent arrest and shall provide mentoring 7244
services to participants who are currently incarcerated in an 7245
addiction treatment facility either in person or remotely, as 7246
prescribed by the health professionals employed by the facility. 7247

(C) If a program participant completes the supervision 7248
required by division (B) of this section, the program 7249
participant may apply to the sentencing court for the sealing of 7250
the record of the case or cases for which the program 7251
participant was sentenced to an addiction treatment facility, 7252
for the sealing of the record of the case or cases for which the 7253
program participant was serving a period of imprisonment 7254
immediately prior to being transferred to an addiction treatment 7255
facility, or for the sealing of the record of any offense 7256
committed due to the participant's addiction to hard drugs. 7257

(D) Upon the filing of an application under division (C) 7258
of this section, the court shall set a date for a hearing and 7259
shall notify the prosecutor for the case of the hearing on the 7260
application. 7261

(E) If the court determines that the applicant has 7262
successfully completed the supervision period under division (B) 7263

of this section, the court shall order all official records of 7264
the case that pertain to the conviction deleted and shall 7265
dismiss the charges in the case. The proceedings in the case 7266
that pertain to the conviction shall be considered not to have 7267
occurred and the conviction of the person who is the subject of 7268
the proceedings shall be sealed, except that upon conviction of 7269
a subsequent offense, the sealed record of prior conviction may 7270
be considered by the court in determining the sentence or other 7271
appropriate disposition. 7272

(F) Inspection of records sealed under division (E) of 7273
this section may be made only by the persons listed in division 7274
(D) of section 2953.32 of the Revised Code and may be made only 7275
for the purposes listed in that division. 7276

(G) In any criminal proceeding, proof of any otherwise 7277
admissible prior conviction may be introduced and proved, 7278
notwithstanding the fact that for any such prior conviction an 7279
order of sealing previously was issued pursuant to this section. 7280

(H) The person or governmental agency, office, or 7281
department that maintains sealed records pertaining to 7282
convictions or bail forfeitures that have been sealed pursuant 7283
to this section may maintain a manual or computerized index to 7284
the sealed records. The index shall contain only the name of, 7285
and alphanumeric identifiers that relate to, the persons who are 7286
the subject of the sealed records, the word "sealed," and the 7287
name of the person, agency, office, or department that has 7288
custody of the sealed records, and shall not contain the name of 7289
the crime committed. The index shall be made available by the 7290
person who has custody of the sealed records only for the 7291
purposes set forth in divisions (E), (F), and (G) of this 7292
section. 7293

Sec. 2967.57. The director of rehabilitation and 7294
correction shall adopt rules under Chapter 119. of the Revised 7295
Code to do all of the following: 7296

(A) Establish a list of offenses that would pose an 7297
intentional physical threat to the public and may disqualify an 7298
offender or defendant under section 2967.58 or 2967.59 of the 7299
Revised Code from participating in a restitution work program. 7300

(B) Establish procedures for the reimbursement of county 7301
sheriffs for the costs of administering restitution work 7302
programs under sections 2967.58 through 2967.61 of the Revised 7303
Code, including costs associated with transportation of program 7304
participants and monitoring participants with global positioning 7305
system devices. 7306

(C) Prescribe the form that incarcerated offenders must 7307
use to apply for rehabilitation at an addiction treatment 7308
facility under section 2967.53 of the Revised Code. 7309

Sec. 2967.58. (A) After trial but prior to sentencing, a 7310
defendant may apply to the court to serve the defendant's 7311
sentence under community control through a restitution work 7312
program if the offenses for which the defendant was convicted do 7313
not include an offense designated by the department of 7314
rehabilitation and correction or determined by the court to be 7315
an intentional physical threat to the public. 7316

(B) To apply for community control through a restitution 7317
work program, a defendant must do all of the following: 7318

(1) Agree that notwithstanding Chapter 2929. of the 7319
Revised Code, if accepted to the community control program, the 7320
defendant will be sentenced to participate in the program for a 7321
period equal to twice the period of incarceration to which the 7322

defendant would otherwise be subject. 7323

(2) Agree to comply with the requirements of community 7324
control under the restitution work program. 7325

(3) Agree to report to the location designated by the 7326
sheriff in the defendant's county of residence to participate in 7327
labor under the restitution work program from eight a.m. to 7328
eight p.m. every Saturday and Sunday during the period of the 7329
defendant's community control or at such other days and times as 7330
are approved by the sheriff under division (C) of section 7331
2967.60 of the Revised Code. 7332

(4) Acknowledge that failure to comply with the terms of 7333
the community control could result in the court revoking the 7334
community control and imposing on the defendant a period of 7335
incarceration equal to the period of time remaining in the 7336
defendant's community control. 7337

(C) If an eligible defendant applies to the court for 7338
community control through a restitution work program under 7339
division (B) of this section, the prosecutor in the case shall 7340
submit an opinion to the court as to whether the defendant is 7341
amenable to community control through a restitution work 7342
program. 7343

(D) The court may choose, notwithstanding any sentence 7344
otherwise required or permitted under Chapter 2929. of the 7345
Revised Code, to sentence the offender to community control in a 7346
restitution work program. In making a decision to sentence a 7347
defendant to community control through a restitution work 7348
program, the court shall evaluate the nature of the offense or 7349
offenses committed by the defendant and any circumstances 7350
surrounding the offense. If the court decides to sentence a 7351

defendant to community control through a restitution work 7352
program, the court shall do all of the following: 7353

(1) Notwithstanding Chapter 2929. of the Revised Code, 7354
sentence the defendant to a period of incarceration equal to 7355
double the period of incarceration the court would have 7356
otherwise imposed on the offender under Chapter 2929. of the 7357
Revised Code. 7358

(2) Suspend the sentence imposed under division (D)(1) of 7359
this section on the condition that the defendant successfully 7360
complete community control through a restitution work program. 7361

(3) Sentence the defendant to a period of community 7362
control in a restitution work program equal to the period of 7363
incarceration suspended under division (D)(2) of this section. 7364

Sec. 2967.59. (A) An offender who is currently serving a 7365
term of imprisonment for one or more felony offenses may apply 7366
to the sentencing court to have the offender's sentence modified 7367
to community control through a restitution work program if no 7368
offense for which the offender is currently serving a term of 7369
imprisonment is an offense designated by the department of 7370
rehabilitation and correction or determined by the court to be 7371
an intentional physical threat to the public. 7372

(B) To apply for community control through a restitution 7373
work program, an incarcerated offender must do all of the 7374
following: 7375

(1) Agree that if accepted to the restitution work program 7376
the defendant will be required to serve a period of community 7377
control equal to twice the remaining term of imprisonment to 7378
which the defendant is currently subject. 7379

(2) Agree to comply with the requirements of community 7380

control under the restitution work program. 7381

(3) Agree to report to the location designated by the 7382
sheriff in the defendant's county of residence to participate in 7383
labor under the restitution work program from eight a.m. to 7384
eight p.m. every Saturday and Sunday during the period of the 7385
defendant's community control, or at such other days and times 7386
as are approved by the sheriff under division (C) of section 7387
2967.60 of the Revised Code. 7388

(4) Acknowledge that failure to comply with the terms of 7389
the community control could result in the court revoking the 7390
probation and imposing on the offender a period of incarceration 7391
equal to the period of time remaining in the defendant's 7392
community control and may be a violation of section 2967.60 of 7393
the Revised Code. 7394

(C) If an eligible offender applies to the sentencing 7395
court to have the offender's sentence modified to community 7396
control through a restitution work program under division (B) of 7397
this section, the prosecutor in the case shall submit an opinion 7398
to the court as to whether the offender is amenable to community 7399
control through a restitution work program. 7400

(D) The court may choose to modify the offender's sentence 7401
to community control through a restitution work program. In 7402
making a decision to modify the sentence, the court shall 7403
evaluate the nature of the offense or offenses committed by the 7404
defendant and any circumstances surrounding the offense. If the 7405
court decides to modify the sentence, the court shall do all of 7406
the following: 7407

(1) Suspend the sentence under which the offender is 7408
currently incarcerated on the condition that the defendant 7409

successfully complete community control through a restitution 7410
work program. 7411

(2) Order the offender released from custody of the 7412
department of rehabilitation and correction to global 7413
positioning supervision by the sheriff in the county of the 7414
offender's residence. 7415

(3) Order the offender to complete a period of community 7416
control through a restitution work program in the county of the 7417
offender's residence equal to twice the period of incarceration 7418
suspended under division (D) (1) of this section. 7419

Sec. 2967.60. (A) Each of the following shall be 7420
considered a violation of community control imposed through a 7421
restitution work program: 7422

(1) Failure to report to the location designated by the 7423
sheriff for work in a restitution work program. 7424

(2) Failure to participate in work required of the 7425
participant as part of the restitution work program. 7426

(3) Conviction of a felony offense for conduct that 7427
occurred while the participant was under community control 7428
imposed through the restitution work program. 7429

(B) If a person who was sentenced to community control 7430
through a restitution work center under section 2967.58 of the 7431
Revised Code violates the community control imposed through the 7432
restitution work program, the sheriff may arrest the person and 7433
bring the person before the judge or court that sentenced the 7434
person. If the court determines that the person violated the 7435
terms of community control, the court may revoke community 7436
control and reinstate the person's prison sentence, up to the 7437
full amount suspended under division (D) (2) of section 2967.58 7438

of the Revised Code. 7439

(C) If a person sentenced to community control through a 7440
restitution work center or whose sentence was modified to 7441
community control through a restitution work center is unable to 7442
work the required twelve-hour shifts on Saturday or Sunday 7443
because of an unavoidable conflict, the sheriff may allow the 7444
person to fulfill their obligation by working on a different day 7445
or at a different time within two weeks after the missed shift. 7446

(D) If a person whose sentence was modified to community 7447
control through a restitution work center under section 2967.58 7448
of the Revised Code violates the community control imposed 7449
through the restitution work program, the sheriff may arrest the 7450
person and bring the person before the judge or court that 7451
modified the person's sentence. If the court determines that the 7452
person violated the terms of community control, the court may 7453
revoke community control and reinstate the person's prison 7454
sentence for a period up to the remaining term of the person's 7455
community control or the full amount suspended under division 7456
(D) (1) of section 2967.59 of the Revised Code, whichever is the 7457
shorter term. 7458

(E) (1) No person whose sentence was modified to community 7459
control through a restitution work center under section 2967.58 7460
of the Revised Code shall violate the community control imposed 7461
through the restitution work program. 7462

(2) Whoever violates division (E) (1) of this section is 7463
guilty of failure to complete a restitution work program 7464
modification, a felony offense. In lieu of any sanction for 7465
revocation of community control under division (D) of this 7466
section, the court may sentence the offender to a term of 7467
incarceration up to the term of community control remaining in 7468

the offender's modified sentence. 7469

(F) Division (E) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. 7470
7471

(G) For purposes of division (C) of this section, "unavoidable conflict" may include any of the following: 7472
7473

(1) The funeral of an immediate family member; 7474

(2) The wedding of a close or immediate family member; 7475

(3) An illness that prevents the offender from working; 7476

(4) The graduation of an immediate family member; 7477

(5) The birth of a child; 7478

(6) A scheduling conflict with the offender's regular employment; 7479
7480

(7) A state holiday, as specified in section 124.19 of the Revised Code. 7481
7482

Sec. 3719.21. Except as provided in division (C) of 7483
section 2923.42, division (B) of section 2923.44, divisions (D) 7484
(1), (F), and (H) of section 2925.03, division (D)(1) of section 7485
2925.02, 2925.04, or 2925.05, ~~division (E)(1) of section~~ 7486
~~2925.11,~~ division (E) of section 2925.13, division (F) of 7487
section 2925.36, division (D) of section 2925.22, division (H) 7488
of section 2925.23, division (M) of section 2925.37, division 7489
(B) of section 2925.42, division (B) of section 2929.18, 7490
division (D) of section 3719.99, division (B)(1) of section 7491
4729.65, division (E)(3) of section 4729.99, and division (I)(3) 7492
of section 4729.99 of the Revised Code, the clerk of the court 7493
shall pay all fines or forfeited bail assessed and collected 7494
under prosecutions or prosecutions commenced for violations of 7495

this chapter, section 2923.42 of the Revised Code, or Chapter 7496
2925. of the Revised Code, within thirty days, to the executive 7497
director of the state board of pharmacy, and the executive 7498
director shall deposit the fines into the state treasury to the 7499
credit of the occupational licensing and regulatory fund. 7500

Sec. 4123.392. (A) For purposes of this section, "reentry 7501
Ohio program" means the reentry Ohio program created in section 7502
5120.85 of the Revised Code. 7503

(B) Solely for the purpose of providing compensation and 7504
benefits as set forth in this section, a participant in the 7505
reentry Ohio program is an employee of the department of 7506
rehabilitation and correction, and not an employee of the 7507
private business employing the participant under the program. 7508

(C) A reentry Ohio program participant who suffers an 7509
injury or contracts an occupational disease in the course of and 7510
arising out of participation in the program is entitled to 7511
compensation and benefits under this chapter. 7512

(D) (1) This chapter is the exclusive remedy for a reentry 7513
Ohio program participant or the participant's dependents 7514
resulting from the participant's injury or occupational disease 7515
received in the course of and arising out of the participant's 7516
participation in the program. Pursuant to section 4123.74 of the 7517
Revised Code, neither the department nor the private business 7518
employing the participant under the program shall be liable to 7519
respond in damages at common law or by statute for any injury, 7520
occupational disease, or bodily condition suffered or contracted 7521
by a participant in the course of or arising out of 7522
participation in the program. 7523

(2) Notwithstanding division (D) (1) of this section, a 7524

participant or the participant's dependents do not waive any 7525
cause of action for an intentional tort under section 2745.01 of 7526
the Revised Code against the department or the private business 7527
employing the participant under the program. 7528

(E) The department may include a reentry Ohio program 7529
participant in its department workers' compensation coverage, or 7530
may establish a separate workers' compensation coverage policy 7531
with the bureau of workers' compensation upon the terms and 7532
conditions for insurance to be established by the bureau 7533
consistent with insurance principles, as is equitable in the 7534
view of degree and hazard. 7535

Sec. 4141.01. As used in this chapter, unless the context 7536
otherwise requires: 7537

(A)(1) "Employer" means the state, its instrumentalities, 7538
its political subdivisions and their instrumentalities, Indian 7539
tribes, and any individual or type of organization including any 7540
partnership, limited liability company, association, trust, 7541
estate, joint-stock company, insurance company, or corporation, 7542
whether domestic or foreign, or the receiver, trustee in 7543
bankruptcy, trustee, or the successor thereof, or the legal 7544
representative of a deceased person who subsequent to December 7545
31, 1971, or in the case of political subdivisions or their 7546
instrumentalities, subsequent to December 31, 1973: 7547

(a) Had in employment at least one individual, or in the 7548
case of a nonprofit organization, subsequent to December 31, 7549
1973, had not less than four individuals in employment for some 7550
portion of a day in each of twenty different calendar weeks, in 7551
either the current or the preceding calendar year whether or not 7552
the same individual was in employment in each such day; or 7553

(b) Except for a nonprofit organization, had paid for 7554
service in employment wages of fifteen hundred dollars or more 7555
in any calendar quarter in either the current or preceding 7556
calendar year; or 7557

(c) Had paid, subsequent to December 31, 1977, for 7558
employment in domestic service in a local college club, or local 7559
chapter of a college fraternity or sorority, cash remuneration 7560
of one thousand dollars or more in any calendar quarter in the 7561
current calendar year or the preceding calendar year, or had 7562
paid subsequent to December 31, 1977, for employment in domestic 7563
service in a private home cash remuneration of one thousand 7564
dollars in any calendar quarter in the current calendar year or 7565
the preceding calendar year: 7566

(i) For the purposes of divisions (A) (1) (a) and (b) of 7567
this section, there shall not be taken into account any wages 7568
paid to, or employment of, an individual performing domestic 7569
service as described in this division. 7570

(ii) An employer under this division shall not be an 7571
employer with respect to wages paid for any services other than 7572
domestic service unless the employer is also found to be an 7573
employer under division (A) (1) (a), (b), or (d) of this section. 7574

(d) As a farm operator or a crew leader subsequent to 7575
December 31, 1977, had in employment individuals in agricultural 7576
labor; and 7577

(i) During any calendar quarter in the current calendar 7578
year or the preceding calendar year, paid cash remuneration of 7579
twenty thousand dollars or more for the agricultural labor; or 7580

(ii) Had at least ten individuals in employment in 7581
agricultural labor, not including agricultural workers who are 7582

aliens admitted to the United States to perform agricultural 7583
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 7584
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 7585
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 7586
each of the twenty different calendar weeks, in either the 7587
current or preceding calendar year whether or not the same 7588
individual was in employment in each day; or 7589

(e) Is not otherwise an employer as defined under division 7590
(A)(1)(a) or (b) of this section; and 7591

(i) For which, within either the current or preceding 7592
calendar year, service, except for domestic service in a private 7593
home not covered under division (A)(1)(c) of this section, is or 7594
was performed with respect to which such employer is liable for 7595
any federal tax against which credit may be taken for 7596
contributions required to be paid into a state unemployment 7597
fund; 7598

(ii) Which, as a condition for approval of this chapter 7599
for full tax credit against the tax imposed by the "Federal 7600
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 7601
is required, pursuant to such act to be an employer under this 7602
chapter; or 7603

(iii) Who became an employer by election under division 7604
(A)(4) or (5) of this section and for the duration of such 7605
election; or 7606

(f) In the case of the state, its instrumentalities, its 7607
political subdivisions, and their instrumentalities, and Indian 7608
tribes, had in employment, as defined in divisions (B)(2)(a) and 7609
(B)(2)(1) of this section, at least one individual; 7610

(g) For the purposes of division (A)(1)(a) of this 7611

section, if any week includes both the thirty-first day of 7612
December and the first day of January, the days of that week 7613
before the first day of January shall be considered one calendar 7614
week and the days beginning the first day of January another 7615
week. 7616

(2) Each individual employed to perform or to assist in 7617
performing the work of any agent or employee of an employer is 7618
employed by such employer for all the purposes of this chapter, 7619
whether such individual was hired or paid directly by such 7620
employer or by such agent or employee, provided the employer had 7621
actual or constructive knowledge of the work. All individuals 7622
performing services for an employer of any person in this state 7623
who maintains two or more establishments within this state are 7624
employed by a single employer for the purposes of this chapter. 7625

(3) An employer subject to this chapter within any 7626
calendar year is subject to this chapter during the whole of 7627
such year and during the next succeeding calendar year. 7628

(4) An employer not otherwise subject to this chapter who 7629
files with the director of job and family services a written 7630
election to become an employer subject to this chapter for not 7631
less than two calendar years shall, with the written approval of 7632
such election by the director, become an employer subject to 7633
this chapter to the same extent as all other employers as of the 7634
date stated in such approval, and shall cease to be subject to 7635
this chapter as of the first day of January of any calendar year 7636
subsequent to such two calendar years only if at least thirty 7637
days prior to such first day of January the employer has filed 7638
with the director a written notice to that effect. 7639

(5) Any employer for whom services that do not constitute 7640
employment are performed may file with the director a written 7641

election that all such services performed by individuals in the 7642
employer's employ in one or more distinct establishments or 7643
places of business shall be deemed to constitute employment for 7644
all the purposes of this chapter, for not less than two calendar 7645
years. Upon written approval of the election by the director, 7646
such services shall be deemed to constitute employment subject 7647
to this chapter from and after the date stated in such approval. 7648
Such services shall cease to be employment subject to this 7649
chapter as of the first day of January of any calendar year 7650
subsequent to such two calendar years only if at least thirty 7651
days prior to such first day of January such employer has filed 7652
with the director a written notice to that effect. 7653

(6) "Employer" does not include a franchisor with respect 7654
to the franchisor's relationship with a franchisee or an 7655
employee of a franchisee, unless the franchisor agrees to assume 7656
that role in writing or a court of competent jurisdiction 7657
determines that the franchisor exercises a type or degree of 7658
control over the franchisee or the franchisee's employees that 7659
is not customarily exercised by a franchisor for the purpose of 7660
protecting the franchisor's trademark, brand, or both. For 7661
purposes of this division, "franchisor" and "franchisee" have 7662
the same meanings as in 16 C.F.R. 436.1. 7663

(B) (1) "Employment" means service performed by an 7664
individual for remuneration under any contract of hire, written 7665
or oral, express or implied, including service performed in 7666
interstate commerce and service performed by an officer of a 7667
corporation, without regard to whether such service is 7668
executive, managerial, or manual in nature, and without regard 7669
to whether such officer is a stockholder or a member of the 7670
board of directors of the corporation, unless it is shown to the 7671
satisfaction of the director that such individual has been and 7672

will continue to be free from direction or control over the 7673
performance of such service, both under a contract of service 7674
and in fact. The director shall adopt rules to define "direction 7675
or control." 7676

(2) "Employment" includes: 7677

(a) Service performed after December 31, 1977, by an 7678
individual in the employ of the state or any of its 7679
instrumentalities, or any political subdivision thereof or any 7680
of its instrumentalities or any instrumentality of more than one 7681
of the foregoing or any instrumentality of any of the foregoing 7682
and one or more other states or political subdivisions and 7683
without regard to divisions (A) (1) (a) and (b) of this section, 7684
provided that such service is excluded from employment as 7685
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 7686
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 7687
(3) of this section; or the services of employees covered by 7688
voluntary election, as provided under divisions (A) (4) and (5) 7689
of this section; 7690

(b) Service performed after December 31, 1971, by an 7691
individual in the employ of a religious, charitable, 7692
educational, or other organization which is excluded from the 7693
term "employment" as defined in the "Federal Unemployment Tax 7694
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 7695
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 7696
excluded under division (B) (3) of this section; 7697

(c) Domestic service performed after December 31, 1977, 7698
for an employer, as provided in division (A) (1) (c) of this 7699
section; 7700

(d) Agricultural labor performed after December 31, 1977, 7701

for a farm operator or a crew leader, as provided in division 7702
(A) (1) (d) of this section; 7703

(e) Subject to division (B) (2) (m) of this section, service 7704
not covered under division (B) (1) of this section which is 7705
performed after December 31, 1971: 7706

(i) As an agent-driver or commission-driver engaged in 7707
distributing meat products, vegetable products, fruit products, 7708
bakery products, beverages other than milk, laundry, or dry- 7709
cleaning services, for the individual's employer or principal; 7710

(ii) As a traveling or city salesperson, other than as an 7711
agent-driver or commission-driver, engaged on a full-time basis 7712
in the solicitation on behalf of and in the transmission to the 7713
salesperson's employer or principal except for sideline sales 7714
activities on behalf of some other person of orders from 7715
wholesalers, retailers, contractors, or operators of hotels, 7716
restaurants, or other similar establishments for merchandise for 7717
resale, or supplies for use in their business operations, 7718
provided that for the purposes of division (B) (2) (e) (ii) of this 7719
section, the services shall be deemed employment if the contract 7720
of service contemplates that substantially all of the services 7721
are to be performed personally by the individual and that the 7722
individual does not have a substantial investment in facilities 7723
used in connection with the performance of the services other 7724
than in facilities for transportation, and the services are not 7725
in the nature of a single transaction that is not a part of a 7726
continuing relationship with the person for whom the services 7727
are performed. 7728

(f) An individual's entire service performed within or 7729
both within and without the state if: 7730

- (i) The service is localized in this state. 7731
- (ii) The service is not localized in any state, but some 7732
of the service is performed in this state and either the base of 7733
operations, or if there is no base of operations then the place 7734
from which such service is directed or controlled, is in this 7735
state or the base of operations or place from which such service 7736
is directed or controlled is not in any state in which some part 7737
of the service is performed but the individual's residence is in 7738
this state. 7739
- (g) Service not covered under division (B)(2)(f)(ii) of 7740
this section and performed entirely without this state, with 7741
respect to no part of which contributions are required and paid 7742
under an unemployment compensation law of any other state, the 7743
Virgin Islands, Canada, or of the United States, if the 7744
individual performing such service is a resident of this state 7745
and the director approves the election of the employer for whom 7746
such services are performed; or, if the individual is not a 7747
resident of this state but the place from which the service is 7748
directed or controlled is in this state, the entire services of 7749
such individual shall be deemed to be employment subject to this 7750
chapter, provided service is deemed to be localized within this 7751
state if the service is performed entirely within this state or 7752
if the service is performed both within and without this state 7753
but the service performed without this state is incidental to 7754
the individual's service within the state, for example, is 7755
temporary or transitory in nature or consists of isolated 7756
transactions; 7757
- (h) Service of an individual who is a citizen of the 7758
United States, performed outside the United States except in 7759
Canada after December 31, 1971, or the Virgin Islands, after 7760

December 31, 1971, and before the first day of January of the 7761
year following that in which the United States secretary of 7762
labor approves the Virgin Islands law for the first time, in the 7763
employ of an American employer, other than service which is 7764
"employment" under divisions (B) (2) (f) and (g) of this section 7765
or similar provisions of another state's law, if: 7766

(i) The employer's principal place of business in the 7767
United States is located in this state; 7768

(ii) The employer has no place of business in the United 7769
States, but the employer is an individual who is a resident of 7770
this state; or the employer is a corporation which is organized 7771
under the laws of this state, or the employer is a partnership 7772
or a trust and the number of partners or trustees who are 7773
residents of this state is greater than the number who are 7774
residents of any other state; or 7775

(iii) None of the criteria of divisions (B) (2) (f) (i) and 7776
(ii) of this section is met but the employer has elected 7777
coverage in this state or the employer having failed to elect 7778
coverage in any state, the individual has filed a claim for 7779
benefits, based on such service, under this chapter. 7780

(i) For the purposes of division (B) (2) (h) of this 7781
section, the term "American employer" means an employer who is 7782
an individual who is a resident of the United States; or a 7783
partnership, if two-thirds or more of the partners are residents 7784
of the United States; or a trust, if all of the trustees are 7785
residents of the United States; or a corporation organized under 7786
the laws of the United States or of any state, provided the term 7787
"United States" includes the states, the District of Columbia, 7788
the Commonwealth of Puerto Rico, and the Virgin Islands. 7789

(j) Notwithstanding any other provisions of divisions (B) 7790
(1) and (2) of this section, service, except for domestic 7791
service in a private home not covered under division (A) (1) (c) 7792
of this section, with respect to which a tax is required to be 7793
paid under any federal law imposing a tax against which credit 7794
may be taken for contributions required to be paid into a state 7795
unemployment fund, or service, except for domestic service in a 7796
private home not covered under division (A) (1) (c) of this 7797
section, which, as a condition for full tax credit against the 7798
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 7799
26 U.S.C.A. 3301 to 3311, is required to be covered under this 7800
chapter. 7801

(k) Construction services performed by any individual 7802
under a construction contract, as defined in section 4141.39 of 7803
the Revised Code, if the director determines that the employer 7804
for whom services are performed has the right to direct or 7805
control the performance of the services and that the individuals 7806
who perform the services receive remuneration for the services 7807
performed. The director shall presume that the employer for whom 7808
services are performed has the right to direct or control the 7809
performance of the services if ten or more of the following 7810
criteria apply: 7811

(i) The employer directs or controls the manner or method 7812
by which instructions are given to the individual performing 7813
services; 7814

(ii) The employer requires particular training for the 7815
individual performing services; 7816

(iii) Services performed by the individual are integrated 7817
into the regular functioning of the employer; 7818

- (iv) The employer requires that services be provided by a particular individual; 7819
7820
- (v) The employer hires, supervises, or pays the wages of the individual performing services; 7821
7822
- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 7823
7824
7825
- (vii) The employer requires the individual to perform services during established hours; 7826
7827
- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 7828
7829
7830
- (ix) The employer requires the individual to perform services on the employer's premises; 7831
7832
- (x) The employer requires the individual performing services to follow the order of work established by the employer; 7833
7834
7835
- (xi) The employer requires the individual performing services to make oral or written reports of progress; 7836
7837
- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 7838
7839
- (xiii) The employer pays expenses for the individual performing services; 7840
7841
- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 7842
7843
- (xv) The individual performing services has not invested in the facilities used to perform services; 7844
7845

(xvi) The individual performing services does not realize 7846
a profit or suffer a loss as a result of the performance of the 7847
services; 7848

(xvii) The individual performing services is not 7849
performing services for more than two employers simultaneously; 7850

(xviii) The individual performing services does not make 7851
the services available to the general public; 7852

(xix) The employer has a right to discharge the individual 7853
performing services; 7854

(xx) The individual performing services has the right to 7855
end the individual's relationship with the employer without 7856
incurring liability pursuant to an employment contract or 7857
agreement. 7858

(l) Service performed by an individual in the employ of an 7859
Indian tribe as defined by section 4(e) of the "Indian Self- 7860
Determination and Education Assistance Act," 88 Stat. 2204 7861
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 7862
subsidiary, or business enterprise wholly owned by an Indian 7863
tribe provided that the service is excluded from employment as 7864
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 7865
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 7866
under division (B)(3) of this section. 7867

(m) Service performed by an individual for or on behalf of 7868
a motor carrier transporting property as an operator of a 7869
vehicle or vessel, unless all of the following factors apply to 7870
the individual and the motor carrier has not elected to consider 7871
the individual's service as employment: 7872

(i) The individual owns the vehicle or vessel that is used 7873
in performing the services for or on behalf of the carrier, or 7874

the individual leases the vehicle or vessel under a bona fide 7875
lease agreement that is not a temporary replacement lease 7876
agreement. For purposes of this division, a bona fide lease 7877
agreement does not include an agreement between the individual 7878
and the motor carrier transporting property for which, or on 7879
whose behalf, the individual provides services. 7880

(ii) The individual is responsible for supplying the 7881
necessary personal services to operate the vehicle or vessel 7882
used to provide the service. 7883

(iii) The compensation paid to the individual is based on 7884
factors related to work performed, including on a mileage-based 7885
rate or a percentage of any schedule of rates, and not solely on 7886
the basis of the hours or time expended. 7887

(iv) The individual substantially controls the means and 7888
manner of performing the services, in conformance with 7889
regulatory requirements and specifications of the shipper. 7890

(v) The individual enters into a written contract with the 7891
carrier for whom the individual is performing the services that 7892
describes the relationship between the individual and the 7893
carrier to be that of an independent contractor and not that of 7894
an employee. 7895

(vi) The individual is responsible for substantially all 7896
of the principal operating costs of the vehicle or vessel and 7897
equipment used to provide the services, including maintenance, 7898
fuel, repairs, supplies, vehicle or vessel insurance, and 7899
personal expenses, except that the individual may be paid by the 7900
carrier the carrier's fuel surcharge and incidental costs, 7901
including tolls, permits, and lump sum fees. 7902

(vii) The individual is responsible for any economic loss 7903

or economic gain from the arrangement with the carrier. 7904

(viii) The individual is not performing services described 7905
in 26 U.S.C. 3306(c) (7) or (8). 7906

(3) "Employment" does not include the following services 7907
if they are found not subject to the "Federal Unemployment Tax 7908
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 7909
services are not required to be included under division (B) (2) 7910
(j) of this section: 7911

(a) Service performed after December 31, 1977, in 7912
agricultural labor, except as provided in division (A) (1) (d) of 7913
this section; 7914

(b) Domestic service performed after December 31, 1977, in 7915
a private home, local college club, or local chapter of a 7916
college fraternity or sorority except as provided in division 7917
(A) (1) (c) of this section; 7918

(c) Service performed after December 31, 1977, for this 7919
state or a political subdivision as described in division (B) (2) 7920
(a) of this section when performed: 7921

(i) As a publicly elected official; 7922

(ii) As a member of a legislative body, or a member of the 7923
judiciary; 7924

(iii) As a military member of the Ohio national guard; 7925

(iv) As an employee, not in the classified service as 7926
defined in section 124.11 of the Revised Code, serving on a 7927
temporary basis in case of fire, storm, snow, earthquake, flood, 7928
or similar emergency; 7929

(v) In a position which, under or pursuant to law, is 7930

designated as a major nontenured policymaking or advisory 7931
position, not in the classified service of the state, or a 7932
policymaking or advisory position the performance of the duties 7933
of which ordinarily does not require more than eight hours per 7934
week. 7935

(d) In the employ of any governmental unit or 7936
instrumentality of the United States; 7937

(e) Service performed after December 31, 1971: 7938

(i) Service in the employ of an educational institution or 7939
institution of higher education, including those operated by the 7940
state or a political subdivision, if such service is performed 7941
by a student who is enrolled and is regularly attending classes 7942
at the educational institution or institution of higher 7943
education; or 7944

(ii) By an individual who is enrolled at a nonprofit or 7945
public educational institution which normally maintains a 7946
regular faculty and curriculum and normally has a regularly 7947
organized body of students in attendance at the place where its 7948
educational activities are carried on as a student in a full- 7949
time program, taken for credit at the institution, which 7950
combines academic instruction with work experience, if the 7951
service is an integral part of the program, and the institution 7952
has so certified to the employer, provided that this subdivision 7953
shall not apply to service performed in a program established 7954
for or on behalf of an employer or group of employers. 7955

(f) Service performed by an individual in the employ of 7956
the individual's son, daughter, or spouse and service performed 7957
by a child under the age of eighteen in the employ of the 7958
child's father or mother; 7959

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or

injury, or providing remunerative work for individuals who 7989
because of their impaired physical or mental capacity cannot be 7990
readily absorbed in the competitive labor market, by an 7991
individual receiving such rehabilitation or remunerative work. 7992

(i) Service performed after June 30, 1939, with respect to 7993
which unemployment compensation is payable under the "Railroad 7994
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 7995
351; 7996

(j) Service performed by an individual in the employ of 7997
any organization exempt from income tax under section 501 of the 7998
"Internal Revenue Code of 1954," if the remuneration for such 7999
service does not exceed fifty dollars in any calendar quarter, 8000
or if such service is in connection with the collection of dues 8001
or premiums for a fraternal beneficial society, order, or 8002
association and is performed away from the home office or is 8003
ritualistic service in connection with any such society, order, 8004
or association; 8005

(k) Casual labor not in the course of an employer's trade 8006
or business; incidental service performed by an officer, 8007
appraiser, or member of a finance committee of a bank, building 8008
and loan association, savings and loan association, or savings 8009
association when the remuneration for such incidental service 8010
exclusive of the amount paid or allotted for directors' fees 8011
does not exceed sixty dollars per calendar quarter is casual 8012
labor; 8013

(l) Service performed in the employ of a voluntary 8014
employees' beneficial association providing for the payment of 8015
life, sickness, accident, or other benefits to the members of 8016
such association or their dependents or their designated 8017
beneficiaries, if admission to a membership in such association 8018

is limited to individuals who are officers or employees of a 8019
municipal or public corporation, of a political subdivision of 8020
the state, or of the United States and no part of the net 8021
earnings of such association inures, other than through such 8022
payments, to the benefit of any private shareholder or 8023
individual; 8024

(m) Service performed by an individual in the employ of a 8025
foreign government, including service as a consular or other 8026
officer or employee or of a nondiplomatic representative; 8027

(n) Service performed in the employ of an instrumentality 8028
wholly owned by a foreign government if the service is of a 8029
character similar to that performed in foreign countries by 8030
employees of the United States or of an instrumentality thereof 8031
and if the director finds that the secretary of state of the 8032
United States has certified to the secretary of the treasury of 8033
the United States that the foreign government, with respect to 8034
whose instrumentality exemption is claimed, grants an equivalent 8035
exemption with respect to similar service performed in the 8036
foreign country by employees of the United States and of 8037
instrumentalities thereof; 8038

(o) Service with respect to which unemployment 8039
compensation is payable under an unemployment compensation 8040
system established by an act of congress; 8041

(p) Service performed as a student nurse in the employ of 8042
a hospital or a nurses' training school by an individual who is 8043
enrolled and is regularly attending classes in a nurses' 8044
training school chartered or approved pursuant to state law, and 8045
service performed as an intern in the employ of a hospital by an 8046
individual who has completed a four years' course in a medical 8047
school chartered or approved pursuant to state law; 8048

(q) Service performed by an individual under the age of 8049
eighteen in the delivery or distribution of newspapers or 8050
shopping news, not including delivery or distribution to any 8051
point for subsequent delivery or distribution; 8052

(r) Service performed in the employ of the United States 8053
or an instrumentality of the United States immune under the 8054
Constitution of the United States from the contributions imposed 8055
by this chapter, except that to the extent that congress permits 8056
states to require any instrumentalities of the United States to 8057
make payments into an unemployment fund under a state 8058
unemployment compensation act, this chapter shall be applicable 8059
to such instrumentalities and to services performed for such 8060
instrumentalities in the same manner, to the same extent, and on 8061
the same terms as to all other employers, individuals, and 8062
services, provided that if this state is not certified for any 8063
year by the proper agency of the United States under section 8064
3304 of the "Internal Revenue Code of 1954," the payments 8065
required of such instrumentalities with respect to such year 8066
shall be refunded by the director from the fund in the same 8067
manner and within the same period as is provided in division (E) 8068
of section 4141.09 of the Revised Code with respect to 8069
contributions erroneously collected; 8070

(s) Service performed by an individual as a member of a 8071
band or orchestra, provided such service does not represent the 8072
principal occupation of such individual, and which service is 8073
not subject to or required to be covered for full tax credit 8074
against the tax imposed by the "Federal Unemployment Tax Act," 8075
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 8076

(t) Service performed in the employ of a day camp whose 8077
camping season does not exceed twelve weeks in any calendar 8078

year, and which service is not subject to the "Federal
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to
3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is
performed by a patient of the hospital, as defined in division
(W) of this section;

(ii) For a prison or other correctional institution by an
inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an
inmate of a custodial institution operated by the state, a
political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien
individual for the period the individual temporarily is present
in the United States as a nonimmigrant under division (F), (J),
(M), or (Q) of section 101(a)(15) of the "Immigration and
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended,
that is excluded under section 3306(c)(19) of the "Federal
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to
3311.

(v) Notwithstanding any other provisions of division (B)
(3) of this section, services that are excluded under divisions
(B)(3)(g), (j), (k), and (l) of this section shall not be
excluded from employment when performed for a nonprofit
organization, as defined in division (X) of this section, or for
this state or its instrumentalities, or for a political
subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as
an election official or election worker if the amount of
remuneration received by the individual during the calendar year

for services as an election official or election worker is less than one thousand dollars; 8108
8109

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501; 8110
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(y) Service performed by a person committed to a penal institution. 8115
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(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners: 8117
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8119

(i) As a publicly elected official; 8120

(ii) As a member of an Indian tribal council; 8121

(iii) As a member of a legislative or judiciary body; 8122

(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week; 8123
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(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency. 8128
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(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal 8131
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agency or an agency of a state or political subdivision, 8136
thereof, by an individual receiving the work-relief or work- 8137
training. 8138

(bb) Participation in a learn to earn program as defined 8139
in section 4141.293 of the Revised Code. 8140

(cc) Participation in the reentry Ohio program as defined 8141
in section 5120.85 of the Revised Code. 8142

(4) If the services performed during one half or more of 8143
any pay period by an employee for the person employing that 8144
employee constitute employment, all the services of such 8145
employee for such period shall be deemed to be employment; but 8146
if the services performed during more than one half of any such 8147
pay period by an employee for the person employing that employee 8148
do not constitute employment, then none of the services of such 8149
employee for such period shall be deemed to be employment. As 8150
used in division (B) (4) of this section, "pay period" means a 8151
period, of not more than thirty-one consecutive days, for which 8152
payment of remuneration is ordinarily made to the employee by 8153
the person employing that employee. Division (B) (4) of this 8154
section does not apply to services performed in a pay period by 8155
an employee for the person employing that employee, if any of 8156
such service is excepted by division (B) (3) (o) of this section. 8157

(C) "Benefits" means money payments payable to an 8158
individual who has established benefit rights, as provided in 8159
this chapter, for loss of remuneration due to the individual's 8160
unemployment. 8161

(D) "Benefit rights" means the weekly benefit amount and 8162
the maximum benefit amount that may become payable to an 8163
individual within the individual's benefit year as determined by 8164

the director. 8165

(E) "Claim for benefits" means a claim for waiting period 8166
or benefits for a designated week. 8167

(F) "Additional claim" means the first claim for benefits 8168
filed following any separation from employment during a benefit 8169
year; "continued claim" means any claim other than the first 8170
claim for benefits and other than an additional claim. 8171

(G) "Wages" means remuneration paid to an employee by each 8172
of the employee's employers with respect to employment; except 8173
that wages shall not include that part of remuneration paid 8174
during any calendar year to an individual by an employer or such 8175
employer's predecessor in interest in the same business or 8176
enterprise, which in any calendar year is in excess of nine 8177
thousand dollars on and after January 1, 1995; nine thousand 8178
five hundred dollars on and after January 1, 2018; and nine 8179
thousand dollars on and after January 1, 2020. Remuneration in 8180
excess of such amounts shall be deemed wages subject to 8181
contribution to the same extent that such remuneration is 8182
defined as wages under the "Federal Unemployment Tax Act," 84 8183
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8184
remuneration paid an employee by an employer with respect to 8185
employment in another state, upon which contributions were 8186
required and paid by such employer under the unemployment 8187
compensation act of such other state, shall be included as a 8188
part of remuneration in computing the amount specified in this 8189
division. 8190

(H) (1) "Remuneration" means all compensation for personal 8191
services, including commissions and bonuses and the cash value 8192
of all compensation in any medium other than cash, except that 8193
in the case of agricultural or domestic service, "remuneration" 8194

includes only cash remuneration. Gratuities customarily received 8195
by an individual in the course of the individual's employment 8196
from persons other than the individual's employer and which are 8197
accounted for by such individual to the individual's employer 8198
are taxable wages. 8199

The reasonable cash value of compensation paid in any 8200
medium other than cash shall be estimated and determined in 8201
accordance with rules prescribed by the director, provided that 8202
"remuneration" does not include: 8203

(a) Payments as provided in divisions (b) (2) to (b) (20) of 8204
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 8205
713, 26 U.S.C.A. 3301 to 3311, as amended; 8206

(b) The payment by an employer, without deduction from the 8207
remuneration of the individual in the employer's employ, of the 8208
tax imposed upon an individual in the employer's employ under 8209
section 3101 of the "Internal Revenue Code of 1954," with 8210
respect to services performed after October 1, 1941. 8211

(2) "Cash remuneration" means all remuneration paid in 8212
cash, including commissions and bonuses, but not including the 8213
cash value of all compensation in any medium other than cash. 8214

(I) "Interested party" means the director and any party to 8215
whom notice of a determination of an application for benefit 8216
rights or a claim for benefits is required to be given under 8217
section 4141.28 of the Revised Code. 8218

(J) "Annual payroll" means the total amount of wages 8219
subject to contributions during a twelve-month period ending 8220
with the last day of the second calendar quarter of any calendar 8221
year. 8222

(K) "Average annual payroll" means the average of the last 8223

three annual payrolls of an employer, provided that if, as of 8224
any computation date, the employer has had less than three 8225
annual payrolls in such three-year period, such average shall be 8226
based on the annual payrolls which the employer has had as of 8227
such date. 8228

(L) (1) "Contributions" means the money payments to the 8229
state unemployment compensation fund required of employers by 8230
section 4141.25 of the Revised Code and of the state and any of 8231
its political subdivisions electing to pay contributions under 8232
section 4141.242 of the Revised Code. Employers paying 8233
contributions shall be described as "contributory employers." 8234

(2) "Payments in lieu of contributions" means the money 8235
payments to the state unemployment compensation fund required of 8236
reimbursing employers under sections 4141.241 and 4141.242 of 8237
the Revised Code. 8238

(M) An individual is "totally unemployed" in any week 8239
during which the individual performs no services and with 8240
respect to such week no remuneration is payable to the 8241
individual. 8242

(N) An individual is "partially unemployed" in any week 8243
if, due to involuntary loss of work, the total remuneration 8244
payable to the individual for such week is less than the 8245
individual's weekly benefit amount. 8246

(O) "Week" means the calendar week ending at midnight 8247
Saturday unless an equivalent week of seven consecutive calendar 8248
days is prescribed by the director. 8249

(1) "Qualifying week" means any calendar week in an 8250
individual's base period with respect to which the individual 8251
earns or is paid remuneration in employment subject to this 8252

chapter. A calendar week with respect to which an individual 8253
earns remuneration but for which payment was not made within the 8254
base period, when necessary to qualify for benefit rights, may 8255
be considered to be a qualifying week. The number of qualifying 8256
weeks which may be established in a calendar quarter shall not 8257
exceed the number of calendar weeks in the quarter. 8258

(2) "Average weekly wage" means the amount obtained by 8259
dividing an individual's total remuneration for all qualifying 8260
weeks during the base period by the number of such qualifying 8261
weeks, provided that if the computation results in an amount 8262
that is not a multiple of one dollar, such amount shall be 8263
rounded to the next lower multiple of one dollar. 8264

(P) "Weekly benefit amount" means the amount of benefits 8265
an individual would be entitled to receive for one week of total 8266
unemployment. 8267

(Q) (1) "Base period" means the first four of the last five 8268
completed calendar quarters immediately preceding the first day 8269
of an individual's benefit year, except as provided in division 8270
(Q) (2) of this section. 8271

(2) If an individual does not have sufficient qualifying 8272
weeks and wages in the base period to qualify for benefit 8273
rights, the individual's base period shall be the four most 8274
recently completed calendar quarters preceding the first day of 8275
the individual's benefit year. Such base period shall be known 8276
as the "alternate base period." If information as to weeks and 8277
wages for the most recent quarter of the alternate base period 8278
is not available to the director from the regular quarterly 8279
reports of wage information, which are systematically 8280
accessible, the director may, consistent with the provisions of 8281
section 4141.28 of the Revised Code, base the determination of 8282

eligibility for benefits on the affidavit of the claimant with 8283
respect to weeks and wages for that calendar quarter. The 8284
claimant shall furnish payroll documentation, where available, 8285
in support of the affidavit. The determination based upon the 8286
alternate base period as it relates to the claimant's benefit 8287
rights, shall be amended when the quarterly report of wage 8288
information from the employer is timely received and that 8289
information causes a change in the determination. As provided in 8290
division (B) of section 4141.28 of the Revised Code, any 8291
benefits paid and charged to an employer's account, based upon a 8292
claimant's affidavit, shall be adjusted effective as of the 8293
beginning of the claimant's benefit year. No calendar quarter in 8294
a base period or alternate base period shall be used to 8295
establish a subsequent benefit year. 8296

(3) The "base period" of a combined wage claim, as 8297
described in division (H) of section 4141.43 of the Revised 8298
Code, shall be the base period prescribed by the law of the 8299
state in which the claim is allowed. 8300

(4) For purposes of determining the weeks that comprise a 8301
completed calendar quarter under this division, only those weeks 8302
ending at midnight Saturday within the calendar quarter shall be 8303
utilized. 8304

(R) (1) "Benefit year" with respect to an individual means 8305
the fifty-two week period beginning with the first day of that 8306
week with respect to which the individual first files a valid 8307
application for determination of benefit rights, and thereafter 8308
the fifty-two week period beginning with the first day of that 8309
week with respect to which the individual next files a valid 8310
application for determination of benefit rights after the 8311
termination of the individual's last preceding benefit year, 8312

except that the application shall not be considered valid unless 8313
the individual has had employment in six weeks that is subject 8314
to this chapter or the unemployment compensation act of another 8315
state, or the United States, and has, since the beginning of the 8316
individual's previous benefit year, in the employment earned 8317
three times the average weekly wage determined for the previous 8318
benefit year. The "benefit year" of a combined wage claim, as 8319
described in division (H) of section 4141.43 of the Revised 8320
Code, shall be the benefit year prescribed by the law of the 8321
state in which the claim is allowed. Any application for 8322
determination of benefit rights made in accordance with section 8323
4141.28 of the Revised Code is valid if the individual filing 8324
such application is unemployed, has been employed by an employer 8325
or employers subject to this chapter in at least twenty 8326
qualifying weeks within the individual's base period, and has 8327
earned or been paid remuneration at an average weekly wage of 8328
not less than twenty-seven and one-half per cent of the 8329
statewide average weekly wage for such weeks. For purposes of 8330
determining whether an individual has had sufficient employment 8331
since the beginning of the individual's previous benefit year to 8332
file a valid application, "employment" means the performance of 8333
services for which remuneration is payable. 8334

(2) Effective for benefit years beginning on and after 8335
December 26, 2004, any application for determination of benefit 8336
rights made in accordance with section 4141.28 of the Revised 8337
Code is valid if the individual satisfies the criteria described 8338
in division (R) (1) of this section, and if the reason for the 8339
individual's separation from employment is not disqualifying 8340
pursuant to division (D) (2) of section 4141.29 or section 8341
4141.291 of the Revised Code. A disqualification imposed 8342
pursuant to division (D) (2) of section 4141.29 or section 8343

4141.291 of the Revised Code must be removed as provided in 8344
those sections as a requirement of establishing a valid 8345
application for benefit years beginning on and after December 8346
26, 2004. 8347

(3) The statewide average weekly wage shall be calculated 8348
by the director once a year based on the twelve-month period 8349
ending the thirtieth day of June, as set forth in division (B) 8350
(3) of section 4141.30 of the Revised Code, rounded down to the 8351
nearest dollar. Increases or decreases in the amount of 8352
remuneration required to have been earned or paid in order for 8353
individuals to have filed valid applications shall become 8354
effective on Sunday of the calendar week in which the first day 8355
of January occurs that follows the twelve-month period ending 8356
the thirtieth day of June upon which the calculation of the 8357
statewide average weekly wage was based. 8358

(4) As used in this division, an individual is 8359
"unemployed" if, with respect to the calendar week in which such 8360
application is filed, the individual is "partially unemployed" 8361
or "totally unemployed" as defined in this section or if, prior 8362
to filing the application, the individual was separated from the 8363
individual's most recent work for any reason which terminated 8364
the individual's employee-employer relationship, or was laid off 8365
indefinitely or for a definite period of seven or more days. 8366

(S) "Calendar quarter" means the period of three 8367
consecutive calendar months ending on the thirty-first day of 8368
March, the thirtieth day of June, the thirtieth day of 8369
September, and the thirty-first day of December, or the 8370
equivalent thereof as the director prescribes by rule. 8371

(T) "Computation date" means the first day of the third 8372
calendar quarter of any calendar year. 8373

(U) "Contribution period" means the calendar year 8374
beginning on the first day of January of any year. 8375

(V) "Agricultural labor," for the purpose of this 8376
division, means any service performed prior to January 1, 1972, 8377
which was agricultural labor as defined in this division prior 8378
to that date, and service performed after December 31, 1971: 8379

(1) On a farm, in the employ of any person, in connection 8380
with cultivating the soil, or in connection with raising or 8381
harvesting any agricultural or horticultural commodity, 8382
including the raising, shearing, feeding, caring for, training, 8383
and management of livestock, bees, poultry, and fur-bearing 8384
animals and wildlife; 8385

(2) In the employ of the owner or tenant or other operator 8386
of a farm in connection with the operation, management, 8387
conservation, improvement, or maintenance of such farm and its 8388
tools and equipment, or in salvaging timber or clearing land of 8389
brush and other debris left by hurricane, if the major part of 8390
such service is performed on a farm; 8391

(3) In connection with the production or harvesting of any 8392
commodity defined as an agricultural commodity in section 15 (g) 8393
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 8394
U.S.C. 1141j, as amended, or in connection with the ginning of 8395
cotton, or in connection with the operation or maintenance of 8396
ditches, canals, reservoirs, or waterways, not owned or operated 8397
for profit, used exclusively for supplying and storing water for 8398
farming purposes; 8399

(4) In the employ of the operator of a farm in handling, 8400
planting, drying, packing, packaging, processing, freezing, 8401
grading, storing, or delivering to storage or to market or to a 8402

carrier for transportation to market, in its unmanufactured 8403
state, any agricultural or horticultural commodity, but only if 8404
the operator produced more than one half of the commodity with 8405
respect to which such service is performed; 8406

(5) In the employ of a group of operators of farms, or a 8407
cooperative organization of which the operators are members, in 8408
the performance of service described in division (V) (4) of this 8409
section, but only if the operators produced more than one-half 8410
of the commodity with respect to which the service is performed; 8411

(6) Divisions (V) (4) and (5) of this section shall not be 8412
deemed to be applicable with respect to service performed: 8413

(a) In connection with commercial canning or commercial 8414
freezing or in connection with any agricultural or horticultural 8415
commodity after its delivery to a terminal market for 8416
distribution for consumption; or 8417

(b) On a farm operated for profit if the service is not in 8418
the course of the employer's trade or business. 8419

As used in division (V) of this section, "farm" includes 8420
stock, dairy, poultry, fruit, fur-bearing animal, and truck 8421
farms, plantations, ranches, nurseries, ranges, greenhouses, or 8422
other similar structures used primarily for the raising of 8423
agricultural or horticultural commodities and orchards. 8424

(W) "Hospital" means an institution which has been 8425
registered or licensed by the Ohio department of health as a 8426
hospital. 8427

(X) "Nonprofit organization" means an organization, or 8428
group of organizations, described in section 501(c) (3) of the 8429
"Internal Revenue Code of 1954," and exempt from income tax 8430
under section 501(a) of that code. 8431

(Y) "Institution of higher education" means a public or 8432
nonprofit educational institution, including an educational 8433
institution operated by an Indian tribe, which: 8434

(1) Admits as regular students only individuals having a 8435
certificate of graduation from a high school, or the recognized 8436
equivalent; 8437

(2) Is legally authorized in this state or by the Indian 8438
tribe to provide a program of education beyond high school; and 8439

(3) Provides an educational program for which it awards a 8440
bachelor's or higher degree, or provides a program which is 8441
acceptable for full credit toward such a degree, a program of 8442
post-graduate or post-doctoral studies, or a program of training 8443
to prepare students for gainful employment in a recognized 8444
occupation. 8445

For the purposes of this division, all colleges and 8446
universities in this state are institutions of higher education. 8447

(Z) For the purposes of this chapter, "states" includes 8448
the District of Columbia, the Commonwealth of Puerto Rico, and 8449
the Virgin Islands. 8450

(AA) "Alien" means, for the purposes of division (A) (1) (d) 8451
of this section, an individual who is an alien admitted to the 8452
United States to perform service in agricultural labor pursuant 8453
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 8454
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 8455

(BB) (1) "Crew leader" means an individual who furnishes 8456
individuals to perform agricultural labor for any other employer 8457
or farm operator, and: 8458

(a) Pays, either on the individual's own behalf or on 8459

behalf of the other employer or farm operator, the individuals 8460
so furnished by the individual for the service in agricultural 8461
labor performed by them; 8462

(b) Has not entered into a written agreement with the 8463
other employer or farm operator under which the agricultural 8464
worker is designated as in the employ of the other employer or 8465
farm operator. 8466

(2) For the purposes of this chapter, any individual who 8467
is a member of a crew furnished by a crew leader to perform 8468
service in agricultural labor for any other employer or farm 8469
operator shall be treated as an employee of the crew leader if: 8470

(a) The crew leader holds a valid certificate of 8471
registration under the "Farm Labor Contractor Registration Act 8472
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 8473

(b) Substantially all the members of the crew operate or 8474
maintain tractors, mechanized harvesting or crop-dusting 8475
equipment, or any other mechanized equipment, which is provided 8476
by the crew leader; and 8477

(c) If the individual is not in the employment of the 8478
other employer or farm operator within the meaning of division 8479
(B) (1) of this section. 8480

(3) For the purposes of this division, any individual who 8481
is furnished by a crew leader to perform service in agricultural 8482
labor for any other employer or farm operator and who is not 8483
treated as in the employment of the crew leader under division 8484
(BB) (2) of this section shall be treated as the employee of the 8485
other employer or farm operator and not of the crew leader. The 8486
other employer or farm operator shall be treated as having paid 8487
cash remuneration to the individual in an amount equal to the 8488

amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator. 8489
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(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which: 8494
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(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and 8498
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(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school. 8503
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For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation. 8508
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(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance. 8512
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(EE) "Motor carrier" has the same meaning as in section 8517

4923.01 of the Revised Code. 8518

Sec. 5120.67. There is in the state treasury the 8519
restitution work program fund. The fund shall consist of moneys 8520
paid into the fund pursuant to division (D)(2)(b) of section 8521
341.232 of the Revised Code and any money appropriated to the 8522
fund by the general assembly or donated to the fund. Any 8523
interest on the fund shall be credited to the fund. The director 8524
of rehabilitation and correction shall use the money in the fund 8525
for the purpose of assisting sheriffs in operating restitution 8526
work programs in this state. 8527

Sec. 5120.85. (A) There is hereby created in the state 8528
treasury the reentry Ohio program fund. The fund shall consist 8529
of any money appropriated to the fund by the general assembly or 8530
any money donated to the fund. Any interest on the fund shall be 8531
credited to the fund. The director of rehabilitation and 8532
correction shall use the money in the fund in accordance with 8533
this section to provide grants under the reentry Ohio program to 8534
employers in the state to reimburse those employers for one-half 8535
the cost of employing persons under supervision of an addiction 8536
treatment facility, pursuant to section 2967.56 of the Revised 8537
Code, in positions that are suitable, affordable, and likely to 8538
aid in transition and successful avoidance of future crime and 8539
to provide housing for those persons participating in the 8540
program under this section. 8541

(B) To apply for a grant from the reentry Ohio program, an 8542
employer must demonstrate all of the following in an application 8543
form approved by the department of rehabilitation and 8544
correction: 8545

(1) That the employer will employ persons under 8546
supervision of an addiction treatment facility as program 8547

participants for at least three years, unless the employer 8548
terminates the employment of those persons for just cause; 8549

(2) That the employer will employ a sufficient number of 8550
persons under supervision as program participants to ensure that 8551
fifty per cent of employees in the employer's workforce are 8552
persons under addiction treatment facility supervision; 8553

(3) That the employer will employ a sufficient number of 8554
persons under supervision as program participants to ensure that 8555
at least five of the employer's employees are persons under 8556
addiction treatment facility supervision; 8557

(4) That employment opportunities made available by the 8558
employer under the program will be suitable and will offer 8559
participants transferable skills capable of preparing them to 8560
compete for high-paying jobs after they have completed three 8561
years of employment under the program; 8562

(5) That employment opportunities with the employer are 8563
likely to aid program participants in transition and successful 8564
avoidance of further crime; 8565

(6) That any goods to be manufactured by program 8566
participants or substantially similar goods are not being 8567
manufactured in the United States or that the goods or 8568
substantially similar goods are being manufactured in the United 8569
States and one of the following is true; 8570

(a) Not more than one-half of one per cent of the world's 8571
total production of the goods or substantially similar goods was 8572
manufactured in the United States during the past three years, 8573
excluding any such goods or substantially similar goods 8574
manufactured in the United States by criminal offenders 8575
participating in federal, state, or local work programs. 8576

(b) One or more manufacturers are manufacturing the goods 8577
or substantially similar goods in the United States with the 8578
intention of preventing an employer from participating in the 8579
program, based on the restrictions set forth in division (B) (6) 8580
(a) of this section. If proposing to manufacture goods under the 8581
circumstances described in this division or division (B) (6) (a) 8582
of this section, the application shall include all of the 8583
following information concerning the manufacturers that are 8584
manufacturing the goods or substantially similar goods in the 8585
United States: 8586

(i) The manufacturers' ownership, parents, affiliates, and 8587
subsidiaries; 8588

(ii) The manufacturers' source of capital; 8589

(iii) The manufacturers' actual and projected net profits; 8590

(iv) The date manufacturing began; 8591

(v) The manufacturers' relationship to the world's large 8592
foreign manufacturers; 8593

(vi) The independence of the manufacturer; 8594

(vii) Any other relevant information. 8595

(7) That the employer will have a program for hiring and 8596
promoting high-performing program participants on a regular 8597
basis after they have completed three years of employment 8598
through the program; 8599

(8) That the employer will make space available after 8600
hours for reentry programming provided to persons under 8601
supervision pursuant to rules adopted under division (C) (3) of 8602
this section. 8603

(C) The department shall adopt rules pursuant to Chapter 8604
119. of the Revised Code for all of the following: 8605

(1) Processing applications for grants under this section 8606
and for making periodic payments to reimburse successful grant 8607
applicants for fifty per cent of the costs of employing ex- 8608
offenders participating in a program under this section; 8609

(2) Identifying affordable housing within walking distance 8610
of participating employment opportunities that may be purchased 8611
or leased and made available to persons under supervision 8612
participating in a program under this section; 8613

(3) Providing reentry programming to persons under 8614
supervision participating in the reentry Ohio program. 8615

(D) Each ex-offender participating in the reentry Ohio 8616
program must sign a participation agreement in which the 8617
participant agrees to do each of the following, in addition to 8618
the participant's work requirements: 8619

(1) To participate in programming provided by the 8620
department of rehabilitation and correction after hours or on 8621
weekends; 8622

(2) To mentor participants in an addiction treatment 8623
facility for the first eighteen months that the participant 8624
participates in the reentry Ohio program; 8625

(3) To mentor new participants in the reentry Ohio program 8626
after the participant has participated in the program for 8627
eighteen months. 8628

Sec. 5139.60. As used in sections 5139.60 to 5139.63 of 8629
the Revised Code: 8630

(A) A "program participant" is a person conveyed to a 8631

juvenile addiction treatment facility under section 2152.021 of 8632
the Revised Code. 8633

(B) "Hard drug" means carfentanil, cocaine, fentanyl, 8634
heroin, L.S.D., methamphetamine, or a hard drug analog. 8635

(C) "Hard drug analog" has the same meaning as in section 8636
2925.01 of the Revised Code. 8637

(D) "Juvenile addiction treatment facility" means a 8638
facility established by the department of youth services under 8639
section 5139.61 of the Revised Code and operated under section 8640
5139.62 of the Revised Code for the housing, treatment, and job 8641
training of children who are severely addicted to a hard drug 8642
and against whom a complaint alleging delinquency is being held 8643
in abeyance. 8644

(E) "Severe substance use disorder" means a condition in 8645
which a person is found to have experienced within a twelve- 8646
month period six or more symptoms of a substance use disorder, 8647
as determined in accordance with the criteria established in the 8648
fifth edition of the diagnostic and statistical manual of mental 8649
disorders published by the American psychiatric association. 8650

Sec. 5139.61. (A) The director of youth services shall 8651
establish and operate as many juvenile addiction treatment 8652
facilities as are necessary to meet the demand for those 8653
facilities in this state, to the extent that it is financially 8654
feasible to do so in accordance with this section. When the 8655
director of youth services determines that insufficient capacity 8656
exists in juvenile addiction treatment facilities located in a 8657
geographic region of the state to satisfy demand for 8658
accommodations in those facilities, the director, in 8659
consultation with the director of mental health and addiction 8660

services, shall advertise a request for proposals from 8661
manufacturers to establish a juvenile addiction treatment 8662
facility in that region. The request for proposals shall specify 8663
the estimated number of participants who would reside in the 8664
proposed juvenile addiction treatment facility and an estimate 8665
of the number of hours per week the program participants 8666
collectively would be available to work in the manufacturing 8667
facility associated with the juvenile addiction treatment 8668
facility. 8669

(B) A manufacturer proposal submitted in response to a 8670
request for proposals issued under this section shall meet all 8671
of the following requirements: 8672

(1) The proposal shall specify a plan to contract with the 8673
department of youth services for a period of not less than five 8674
years to purchase goods manufactured or altered by the 8675
participants at the juvenile addiction treatment facility and 8676
may provide for any of the following: 8677

(a) The manufacturer to provide a monetary contribution 8678
toward the cost of establishing or operating the juvenile 8679
addiction treatment facility; 8680

(b) The manufacturer to provide equipment, materials, or 8681
training for purposes of the manufacturing work; 8682

(c) Supervision or direction of the manufacturing work to 8683
be performed by employees of the manufacturer, by participants 8684
at the juvenile addiction treatment facility, by state employees 8685
or contractors, or by a combination of those persons. 8686

(2) The proposal shall demonstrate either that the goods 8687
to be manufactured or altered under the proposal or 8688
substantially similar goods are not being manufactured or 8689

altered in that manner in the United States or that the goods or 8690
substantially similar goods are being manufactured or altered in 8691
that manner in the United States and both of the following are 8692
true: 8693

(a) Not more than one-half of one per cent of the world's 8694
total production of the goods or substantially similar goods was 8695
manufactured or altered in that manner in the United States 8696
during the past three years, excluding any such goods or 8697
substantially similar goods manufactured or altered in that 8698
manner in the United States by criminal offenders participating 8699
in federal, state, or local work programs. 8700

(b) One or more manufacturers are manufacturing the goods 8701
or substantially similar goods or altering the goods or 8702
substantially similar goods in that manner in the United States 8703
with the intention of preventing a juvenile addiction treatment 8704
facility from manufacturing or altering the goods, based on the 8705
restrictions set forth in division (B) (2) of this section. The 8706
proposal shall include all of the following information 8707
concerning the manufacturers that are manufacturing the goods or 8708
substantially similar goods or altering the goods or 8709
substantially similar goods in that manner in the United States: 8710

(i) The manufacturers' ownership, parents, affiliates, and 8711
subsidiaries; 8712

(ii) The manufacturers' source of capital; 8713

(iii) The manufacturers' actual and projected net profits; 8714

(iv) The date manufacturing began; 8715

(v) The manufacturers' relationship to the world's large 8716
foreign manufacturers; 8717

(vi) The independence of the manufacturers; 8718

(vii) Any other relevant information. 8719

(C) (1) After receiving proposals from manufacturers under 8720
this section, the director of youth services, in consultation 8721
with the office of budget and management, shall evaluate the 8722
proposals and select one or more qualified proposals that would 8723
make the establishment and operation of a juvenile addiction 8724
treatment facility financially feasible, based on the estimated 8725
costs of operating the facility and the estimated funding 8726
provided by the manufacturer. If no suitable proposal has been 8727
submitted, the director shall continue to advertise the request 8728
for proposals until the director has selected a proposal. 8729

(2) After selecting one or more proposals under this 8730
section, if sufficient funds are not available in the addiction 8731
treatment facility fund, the director of youth services shall 8732
request the general assembly to appropriate the funds necessary 8733
to establish and operate the juvenile addiction treatment 8734
facility. If sufficient funds are available in the addiction 8735
treatment facility fund, or after the general assembly has 8736
appropriated the necessary funds, the director shall execute a 8737
written contract with the manufacturer or manufacturers and 8738
begin work to establish the juvenile addiction treatment 8739
facility. 8740

Sec. 5139.62. (A) Each juvenile addiction treatment 8741
facility shall be operated by the department of youth services 8742
in collaboration with the department of mental health and 8743
addiction services. The director of youth services shall hire 8744
staff for the facility to ensure security and the director of 8745
mental health and addiction services shall hire staff to ensure 8746
that program participants receive services necessary for their 8747

rehabilitation and shall ensure that all of the following are 8748
available to program participants: 8749

(1) Counseling; 8750

(2) Mentorship programs; 8751

(3) Mental health treatment; 8752

(4) Structure and regimen; 8753

(5) Vocational work programs; 8754

(6) Any other program or service that is determined by the 8755
department of mental health and addiction services to be a 8756
component of appropriate treatment. 8757

(B)(1) Subject to applicable provisions of federal labor 8758
law, program participants may be required to work up to forty 8759
hours each week manufacturing or altering items produced by the 8760
juvenile addiction treatment facility as determined as part of 8761
the program participant's treatment plan by medical staff at the 8762
facility. 8763

(2)(a) The department of youth services shall pay a 8764
program participant for the participant's work in the juvenile 8765
addiction treatment facility at the same rate paid to 8766
participants in work programs established under section 5145.16 8767
of the Revised Code. The department shall designate a financial 8768
manager for each juvenile addiction treatment facility. 8769

(b) If the moneys the department receives from the 8770
manufacturer under the contract for the operation of the 8771
juvenile addiction treatment facility exceed ninety-five per 8772
cent of the cost of operating the juvenile addiction treatment 8773
facility, the department shall use the excess funds to increase 8774
the hourly compensation of each offender who works at the 8775

juvenile addiction treatment facility by an equal amount. 8776

(3) The net earnings of a participant at a juvenile 8777
addiction treatment facility shall be allocated in the same 8778
manner as the earnings of participants in work programs under 8779
section 5145.16 of the Revised Code. Twenty-five per cent of the 8780
earnings allocated to the account of the program participant 8781
shall be held by a financial manager in accordance with 8782
divisions (B) (4) and (5) of this section. 8783

(4) The financial manager shall hold the earnings 8784
surrendered by a participant on behalf of the participant, place 8785
the earnings surrendered by each participant in a separate 8786
account, and provide a monthly account statement to the 8787
participant. The financial manager shall place a participant's 8788
earnings in an interest-bearing savings account at a savings 8789
bank or in a bond account invested in bonds issued by the United 8790
States treasury, this state, or a political subdivision of this 8791
state that is chosen by the participant. 8792

(5) The financial manager shall pay out the total funds 8793
held on behalf of a participant upon the participant's release 8794
from the juvenile addiction treatment facility. The financial 8795
manager shall maintain complete and accurate records with 8796
respect to all money received from and paid out to participants. 8797

(C) (1) The department of mental health and addiction 8798
services shall employ medical professionals to provide services 8799
to program participants, to design and modify treatment of 8800
program participants based on the exact needs of the participant 8801
and their rehabilitation, and to screen program participants for 8802
conditional release under section 5139.63 of the Revised Code. 8803

(2) Medical professionals employed by the director of 8804

mental health and addiction services shall determine the number 8805
of hours a week a program participant shall work based on the 8806
treatment progress of the participant. 8807

(3) The department of mental health and addiction services 8808
may utilize volunteers to provide medical services to program 8809
participants and those volunteers may claim the deduction under 8810
division (A) (34) of section 5747.01 of the Revised Code. 8811

(D) The director of mental health and addiction services 8812
shall allow medical professionals employed by the department 8813
under division (C) of this section to work for a short term of 8814
three to six months in a juvenile addiction treatment facility 8815
if short terms are required to prevent burnout. 8816

(E) The director of mental health and addiction services 8817
shall ensure that each juvenile addiction treatment facility has 8818
all components of necessary treatment available and may 8819
structure treatment in phases. Treatment phases may include any 8820
of the services listed in division (A) of this section. 8821

Sec. 5139.63. (A) If a medical professional employed by 8822
the department of mental health and addiction services at a 8823
juvenile addiction treatment facility determines that a program 8824
participant has a strong likelihood of abstaining from using 8825
hard drugs upon release, the department of youth services may 8826
conditionally release that program participant under division 8827
(B) of this section. 8828

(B) A program participant that is conditionally released 8829
under this section shall not be confined to a juvenile addiction 8830
treatment facility for the remainder of the participant's three- 8831
year term but shall be required to do all of the following as 8832
conditions of release: 8833

(1) Submit to monitoring by means of a global positioning device that cannot be removed; 8834
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(2) Submit to regular naltrexone shots beginning two weeks before conditional release and continuing for the remainder of the program participant's three-year term to the juvenile addiction treatment facility; 8836
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(3) Submit to randomized drug screenings for hard drugs; 8840

(4) Report for counseling and other therapeutic activity, as prescribed by the health professionals employed by the facility. 8841
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(C) If a program participant violates any condition of release listed in division (B) of this section, the program participant shall be returned to the juvenile addiction treatment facility for the duration of the participant's three-year term. 8844
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Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 8849
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As used in this chapter: 8858

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section: 8859
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(1) Add interest or dividends on obligations or securities 8863
of any state or of any political subdivision or authority of any 8864
state, other than this state and its subdivisions and 8865
authorities. 8866

(2) Add interest or dividends on obligations of any 8867
authority, commission, instrumentality, territory, or possession 8868
of the United States to the extent that the interest or 8869
dividends are exempt from federal income taxes but not from 8870
state income taxes. 8871

(3) Deduct interest or dividends on obligations of the 8872
United States and its territories and possessions or of any 8873
authority, commission, or instrumentality of the United States 8874
to the extent that the interest or dividends are included in 8875
federal adjusted gross income but exempt from state income taxes 8876
under the laws of the United States. 8877

(4) Deduct disability and survivor's benefits to the 8878
extent included in federal adjusted gross income. 8879

(5) Deduct benefits under Title II of the Social Security 8880
Act and tier 1 railroad retirement benefits to the extent 8881
included in federal adjusted gross income under section 86 of 8882
the Internal Revenue Code. 8883

(6) In the case of a taxpayer who is a beneficiary of a 8884
trust that makes an accumulation distribution as defined in 8885
section 665 of the Internal Revenue Code, add, for the 8886
beneficiary's taxable years beginning before 2002, the portion, 8887
if any, of such distribution that does not exceed the 8888
undistributed net income of the trust for the three taxable 8889
years preceding the taxable year in which the distribution is 8890
made to the extent that the portion was not included in the 8891

trust's taxable income for any of the trust's taxable years 8892
beginning in 2002 or thereafter. "Undistributed net income of a 8893
trust" means the taxable income of the trust increased by (a) (i) 8894
the additions to adjusted gross income required under division 8895
(A) of this section and (ii) the personal exemptions allowed to 8896
the trust pursuant to section 642(b) of the Internal Revenue 8897
Code, and decreased by (b) (i) the deductions to adjusted gross 8898
income required under division (A) of this section, (ii) the 8899
amount of federal income taxes attributable to such income, and 8900
(iii) the amount of taxable income that has been included in the 8901
adjusted gross income of a beneficiary by reason of a prior 8902
accumulation distribution. Any undistributed net income included 8903
in the adjusted gross income of a beneficiary shall reduce the 8904
undistributed net income of the trust commencing with the 8905
earliest years of the accumulation period. 8906

(7) Deduct the amount of wages and salaries, if any, not 8907
otherwise allowable as a deduction but that would have been 8908
allowable as a deduction in computing federal adjusted gross 8909
income for the taxable year, had the targeted jobs credit 8910
allowed and determined under sections 38, 51, and 52 of the 8911
Internal Revenue Code not been in effect. 8912

(8) Deduct any interest or interest equivalent on public 8913
obligations and purchase obligations to the extent that the 8914
interest or interest equivalent is included in federal adjusted 8915
gross income. 8916

(9) Add any loss or deduct any gain resulting from the 8917
sale, exchange, or other disposition of public obligations to 8918
the extent that the loss has been deducted or the gain has been 8919
included in computing federal adjusted gross income. 8920

(10) Deduct or add amounts, as provided under section 8921

5747.70 of the Revised Code, related to contributions to 8922
variable college savings program accounts made or tuition units 8923
purchased pursuant to Chapter 3334. of the Revised Code. 8924

(11) (a) Deduct, to the extent not otherwise allowable as a 8925
deduction or exclusion in computing federal or Ohio adjusted 8926
gross income for the taxable year, the amount the taxpayer paid 8927
during the taxable year for medical care insurance and qualified 8928
long-term care insurance for the taxpayer, the taxpayer's 8929
spouse, and dependents. No deduction for medical care insurance 8930
under division (A) (11) (a) of this section shall be allowed 8931
either to any taxpayer who is eligible to participate in any 8932
subsidized health plan maintained by any employer of the 8933
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 8934
entitled to, or on application would be entitled to, benefits 8935
under part A of Title XVIII of the "Social Security Act," 49 8936
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 8937
division (A) (11) (a) of this section, "subsidized health plan" 8938
means a health plan for which the employer pays any portion of 8939
the plan's cost. The deduction allowed under division (A) (11) (a) 8940
of this section shall be the net of any related premium refunds, 8941
related premium reimbursements, or related insurance premium 8942
dividends received during the taxable year. 8943

(b) Deduct, to the extent not otherwise deducted or 8944
excluded in computing federal or Ohio adjusted gross income 8945
during the taxable year, the amount the taxpayer paid during the 8946
taxable year, not compensated for by any insurance or otherwise, 8947
for medical care of the taxpayer, the taxpayer's spouse, and 8948
dependents, to the extent the expenses exceed seven and one-half 8949
per cent of the taxpayer's federal adjusted gross income. 8950

(c) Deduct, to the extent not otherwise deducted or 8951

excluded in computing federal or Ohio adjusted gross income, any 8952
amount included in federal adjusted gross income under section 8953
105 or not excluded under section 106 of the Internal Revenue 8954
Code solely because it relates to an accident and health plan 8955
for a person who otherwise would be a "qualifying relative" and 8956
thus a "dependent" under section 152 of the Internal Revenue 8957
Code but for the fact that the person fails to meet the income 8958
and support limitations under section 152(d)(1)(B) and (C) of 8959
the Internal Revenue Code. 8960

(d) For purposes of division (A)(11) of this section, 8961
"medical care" has the meaning given in section 213 of the 8962
Internal Revenue Code, subject to the special rules, 8963
limitations, and exclusions set forth therein, and "qualified 8964
long-term care" has the same meaning given in section 7702B(c) 8965
of the Internal Revenue Code. Solely for purposes of divisions 8966
(A)(11)(a) and (c) of this section, "dependent" includes a 8967
person who otherwise would be a "qualifying relative" and thus a 8968
"dependent" under section 152 of the Internal Revenue Code but 8969
for the fact that the person fails to meet the income and 8970
support limitations under section 152(d)(1)(B) and (C) of the 8971
Internal Revenue Code. 8972

(12)(a) Deduct any amount included in federal adjusted 8973
gross income solely because the amount represents a 8974
reimbursement or refund of expenses that in any year the 8975
taxpayer had deducted as an itemized deduction pursuant to 8976
section 63 of the Internal Revenue Code and applicable United 8977
States department of the treasury regulations. The deduction 8978
otherwise allowed under division (A)(12)(a) of this section 8979
shall be reduced to the extent the reimbursement is attributable 8980
to an amount the taxpayer deducted under this section in any 8981
taxable year. 8982

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings

account under division (A) (2) of section 3924.68 of the Revised Code during the taxable year. 9012
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(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following: 9014
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 9017
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 9021
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A) (17) of this section. 9024
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for 9032
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the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A) (18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20) (a) (i) Subject to divisions (A) (20) (a) (iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A) (20) (a) (iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A) (20) (a) (v) of this section, for taxable years beginning in 2012 or thereafter, if the

increase in income taxes withheld by the taxpayer is equal to or 9071
greater than ten per cent of income taxes withheld by the 9072
taxpayer during the taxpayer's immediately preceding taxable 9073
year, "two-thirds" shall be substituted for "five-sixths" for 9074
the purpose of divisions (A) (20) (a) (i) and (ii) of this section. 9075

(iv) Subject to division (A) (20) (a) (v) of this section, 9076
for taxable years beginning in 2012 or thereafter, a taxpayer is 9077
not required to add an amount under division (A) (20) of this 9078
section if the increase in income taxes withheld by the taxpayer 9079
and by any pass-through entity in which the taxpayer has a 9080
direct or indirect ownership interest is equal to or greater 9081
than the sum of (I) the amount of qualifying section 179 9082
depreciation expense and (II) the amount of depreciation expense 9083
allowed to the taxpayer by subsection (k) of section 168 of the 9084
Internal Revenue Code, and including the taxpayer's 9085
proportionate or distributive shares of such amounts allowed to 9086
any such pass-through entities. 9087

(v) If a taxpayer directly or indirectly incurs a net 9088
operating loss for the taxable year for federal income tax 9089
purposes, to the extent such loss resulted from depreciation 9090
expense allowed by subsection (k) of section 168 of the Internal 9091
Revenue Code and by qualifying section 179 depreciation expense, 9092
"the entire" shall be substituted for "five-sixths of the" for 9093
the purpose of divisions (A) (20) (a) (i) and (ii) of this section. 9094

The tax commissioner, under procedures established by the 9095
commissioner, may waive the add-backs related to a pass-through 9096
entity if the taxpayer owns, directly or indirectly, less than 9097
five per cent of the pass-through entity. 9098

(b) Nothing in division (A) (20) of this section shall be 9099
construed to adjust or modify the adjusted basis of any asset. 9100

(c) To the extent the add-back required under division (A) 9101
(20)(a) of this section is attributable to property generating 9102
nonbusiness income or loss allocated under section 5747.20 of 9103
the Revised Code, the add-back shall be situated to the same 9104
location as the nonbusiness income or loss generated by the 9105
property for the purpose of determining the credit under 9106
division (A) of section 5747.05 of the Revised Code. Otherwise, 9107
the add-back shall be apportioned, subject to one or more of the 9108
four alternative methods of apportionment enumerated in section 9109
5747.21 of the Revised Code. 9110

(d) For the purposes of division (A)(20)(a)(v) of this 9111
section, net operating loss carryback and carryforward shall not 9112
include the allowance of any net operating loss deduction 9113
carryback or carryforward to the taxable year to the extent such 9114
loss resulted from depreciation allowed by section 168(k) of the 9115
Internal Revenue Code and by the qualifying section 179 9116
depreciation expense amount. 9117

(e) For the purposes of divisions (A)(20) and (21) of this 9118
section: 9119

(i) "Income taxes withheld" means the total amount 9120
withheld and remitted under sections 5747.06 and 5747.07 of the 9121
Revised Code by an employer during the employer's taxable year. 9122

(ii) "Increase in income taxes withheld" means the amount 9123
by which the amount of income taxes withheld by an employer 9124
during the employer's current taxable year exceeds the amount of 9125
income taxes withheld by that employer during the employer's 9126
immediately preceding taxable year. 9127

(iii) "Qualifying section 179 depreciation expense" means 9128
the difference between (I) the amount of depreciation expense 9129

directly or indirectly allowed to a taxpayer under section 179 9130
of the Internal Revised Code, and (II) the amount of 9131
depreciation expense directly or indirectly allowed to the 9132
taxpayer under section 179 of the Internal Revenue Code as that 9133
section existed on December 31, 2002. 9134

(21) (a) If the taxpayer was required to add an amount 9135
under division (A) (20) (a) of this section for a taxable year, 9136
deduct one of the following: 9137

(i) One-fifth of the amount so added for each of the five 9138
succeeding taxable years if the amount so added was five-sixths 9139
of qualifying section 179 depreciation expense or depreciation 9140
expense allowed by subsection (k) of section 168 of the Internal 9141
Revenue Code; 9142

(ii) One-half of the amount so added for each of the two 9143
succeeding taxable years if the amount so added was two-thirds 9144
of such depreciation expense; 9145

(iii) One-sixth of the amount so added for each of the six 9146
succeeding taxable years if the entire amount of such 9147
depreciation expense was so added. 9148

(b) If the amount deducted under division (A) (21) (a) of 9149
this section is attributable to an add-back allocated under 9150
division (A) (20) (c) of this section, the amount deducted shall 9151
be situated to the same location. Otherwise, the add-back shall 9152
be apportioned using the apportionment factors for the taxable 9153
year in which the deduction is taken, subject to one or more of 9154
the four alternative methods of apportionment enumerated in 9155
section 5747.21 of the Revised Code. 9156

(c) No deduction is available under division (A) (21) (a) of 9157
this section with regard to any depreciation allowed by section 9158

168(k) of the Internal Revenue Code and by the qualifying 9159
section 179 depreciation expense amount to the extent that such 9160
depreciation results in or increases a federal net operating 9161
loss carryback or carryforward. If no such deduction is 9162
available for a taxable year, the taxpayer may carry forward the 9163
amount not deducted in such taxable year to the next taxable 9164
year and add that amount to any deduction otherwise available 9165
under division (A) (21) (a) of this section for that next taxable 9166
year. The carryforward of amounts not so deducted shall continue 9167
until the entire addition required by division (A) (20) (a) of 9168
this section has been deducted. 9169

(d) No refund shall be allowed as a result of adjustments 9170
made by division (A) (21) of this section. 9171

(22) Deduct, to the extent not otherwise deducted or 9172
excluded in computing federal or Ohio adjusted gross income for 9173
the taxable year, the amount the taxpayer received during the 9174
taxable year as reimbursement for life insurance premiums under 9175
section 5919.31 of the Revised Code. 9176

(23) Deduct, to the extent not otherwise deducted or 9177
excluded in computing federal or Ohio adjusted gross income for 9178
the taxable year, the amount the taxpayer received during the 9179
taxable year as a death benefit paid by the adjutant general 9180
under section 5919.33 of the Revised Code. 9181

(24) Deduct, to the extent included in federal adjusted 9182
gross income and not otherwise allowable as a deduction or 9183
exclusion in computing federal or Ohio adjusted gross income for 9184
the taxable year, military pay and allowances received by the 9185
taxpayer during the taxable year for active duty service in the 9186
United States army, air force, navy, marine corps, or coast 9187
guard or reserve components thereof or the national guard. The 9188

deduction may not be claimed for military pay and allowances 9189
received by the taxpayer while the taxpayer is stationed in this 9190
state. 9191

(25) Deduct, to the extent not otherwise allowable as a 9192
deduction or exclusion in computing federal or Ohio adjusted 9193
gross income for the taxable year and not otherwise compensated 9194
for by any other source, the amount of qualified organ donation 9195
expenses incurred by the taxpayer during the taxable year, not 9196
to exceed ten thousand dollars. A taxpayer may deduct qualified 9197
organ donation expenses only once for all taxable years 9198
beginning with taxable years beginning in 2007. 9199

For the purposes of division (A) (25) of this section: 9200

(a) "Human organ" means all or any portion of a human 9201
liver, pancreas, kidney, intestine, or lung, and any portion of 9202
human bone marrow. 9203

(b) "Qualified organ donation expenses" means travel 9204
expenses, lodging expenses, and wages and salary forgone by a 9205
taxpayer in connection with the taxpayer's donation, while 9206
living, of one or more of the taxpayer's human organs to another 9207
human being. 9208

(26) Deduct, to the extent not otherwise deducted or 9209
excluded in computing federal or Ohio adjusted gross income for 9210
the taxable year, amounts received by the taxpayer as retired 9211
personnel pay for service in the uniformed services or reserve 9212
components thereof, or the national guard, or received by the 9213
surviving spouse or former spouse of such a taxpayer under the 9214
survivor benefit plan on account of such a taxpayer's death. If 9215
the taxpayer receives income on account of retirement paid under 9216
the federal civil service retirement system or federal employees 9217

retirement system, or under any successor retirement program 9218
enacted by the congress of the United States that is established 9219
and maintained for retired employees of the United States 9220
government, and such retirement income is based, in whole or in 9221
part, on credit for the taxpayer's uniformed service, the 9222
deduction allowed under this division shall include only that 9223
portion of such retirement income that is attributable to the 9224
taxpayer's uniformed service, to the extent that portion of such 9225
retirement income is otherwise included in federal adjusted 9226
gross income and is not otherwise deducted under this section. 9227
Any amount deducted under division (A) (26) of this section is 9228
not included in a taxpayer's adjusted gross income for the 9229
purposes of section 5747.055 of the Revised Code. No amount may 9230
be deducted under division (A) (26) of this section on the basis 9231
of which a credit was claimed under section 5747.055 of the 9232
Revised Code. 9233

(27) Deduct, to the extent not otherwise deducted or 9234
excluded in computing federal or Ohio adjusted gross income for 9235
the taxable year, the amount the taxpayer received during the 9236
taxable year from the military injury relief fund created in 9237
section 5902.05 of the Revised Code. 9238

(28) Deduct, to the extent not otherwise deducted or 9239
excluded in computing federal or Ohio adjusted gross income for 9240
the taxable year, the amount the taxpayer received as a veterans 9241
bonus during the taxable year from the Ohio department of 9242
veterans services as authorized by Section 2r of Article VIII, 9243
Ohio Constitution. 9244

(29) Deduct, to the extent not otherwise deducted or 9245
excluded in computing federal or Ohio adjusted gross income for 9246
the taxable year, any income derived from a transfer agreement 9247

or from the enterprise transferred under that agreement under 9248
section 4313.02 of the Revised Code. 9249

(30) Deduct, to the extent not otherwise deducted or 9250
excluded in computing federal or Ohio adjusted gross income for 9251
the taxable year, Ohio college opportunity or federal Pell grant 9252
amounts received by the taxpayer or the taxpayer's spouse or 9253
dependent pursuant to section 3333.122 of the Revised Code or 20 9254
U.S.C. 1070a, et seq., and used to pay room or board furnished 9255
by the educational institution for which the grant was awarded 9256
at the institution's facilities, including meal plans 9257
administered by the institution. For the purposes of this 9258
division, receipt of a grant includes the distribution of a 9259
grant directly to an educational institution and the crediting 9260
of the grant to the enrollee's account with the institution. 9261

(31) Deduct from the portion of an individual's federal 9262
adjusted gross income that is business income, to the extent not 9263
otherwise deducted or excluded in computing federal adjusted 9264
gross income for the taxable year, one hundred twenty-five 9265
thousand dollars for each spouse if spouses file separate 9266
returns under section 5747.08 of the Revised Code or two hundred 9267
fifty thousand dollars for all other individuals. 9268

(32) Deduct, as provided under section 5747.78 of the 9269
Revised Code, contributions to ABLE savings accounts made in 9270
accordance with sections 113.50 to 113.56 of the Revised Code. 9271

(33) (a) Deduct, to the extent not otherwise deducted or 9272
excluded in computing federal or Ohio adjusted gross income 9273
during the taxable year, all of the following: 9274

(i) Compensation paid to a qualifying employee described 9275
in division (A) (14) (a) of section 5703.94 of the Revised Code to 9276

the extent such compensation is for disaster work conducted in 9277
this state during a disaster response period pursuant to a 9278
qualifying solicitation received by the employee's employer; 9279

(ii) Compensation paid to a qualifying employee described 9280
in division (A) (14) (b) of section 5703.94 of the Revised Code to 9281
the extent such compensation is for disaster work conducted in 9282
this state by the employee during the disaster response period 9283
on critical infrastructure owned or used by the employee's 9284
employer; 9285

(iii) Income received by an out-of-state disaster business 9286
for disaster work conducted in this state during a disaster 9287
response period, or, if the out-of-state disaster business is a 9288
pass-through entity, a taxpayer's distributive share of the 9289
pass-through entity's income from the business conducting 9290
disaster work in this state during a disaster response period, 9291
if, in either case, the disaster work is conducted pursuant to a 9292
qualifying solicitation received by the business. 9293

(b) All terms used in division (A) (33) of this section 9294
have the same meanings as in section 5703.94 of the Revised 9295
Code. 9296

(34) For a taxpayer who is a qualifying Ohio educator, 9297
deduct, to the extent not otherwise deducted or excluded in 9298
computing federal or Ohio adjusted gross income for the taxable 9299
year, the lesser of two hundred fifty dollars or the amount of 9300
expenses described in subsections (a) (2) (D) (i) and (ii) of 9301
section 62 of the Internal Revenue Code paid or incurred by the 9302
taxpayer during the taxpayer's taxable year in excess of the 9303
amount the taxpayer is authorized to deduct for that taxable 9304
year under subsection (a) (2) (D) of that section. 9305

(35) (a) For a taxpayer who, on the last day of the 9306
taxpayer's taxable year, is an equity investor in a pass-through 9307
entity that has established and operates a qualifying addiction 9308
treatment facility, deduct, to the extent not otherwise deducted 9309
or excluded in computing federal or Ohio adjusted gross income 9310
for the taxable year, the taxpayer's distributive or 9311
proportionate share of the amount of annual net loss specified 9312
in the certification described in division (A) (35) (c) of this 9313
section. 9314

(b) If the pass-through entity excludes receipts under 9315
division (F) (2) (mm) of section 5751.01 of the Revised Code for a 9316
tax period, a taxpayer may not deduct any amount under division 9317
(A) (35) of this section for a taxable year that includes any 9318
part of that tax period. 9319

(c) As used in division (A) (35) of this section, 9320
"qualifying addiction treatment facility" means an addiction 9321
treatment facility established pursuant to a proposal selected 9322
under section 2967.51 of the Revised Code or a juvenile 9323
addiction treatment facility established pursuant to a proposal 9324
selected under section 5139.61 of the Revised Code, which 9325
proposal included a certification that the establishment and 9326
operation of the facility would result in annual net losses of 9327
not less than a specified amount being incurred by the person 9328
whose proposal was selected. 9329

(36) For an individual who volunteered to provide medical 9330
services to program participants at an addiction treatment 9331
facility as described under division (C) (3) of section 2967.54 9332
of the Revised Code or to program participants at a juvenile 9333
addiction treatment facility as described under division (C) (3) 9334
of section 5139.62 of the Revised Code for at least three months 9335

in the taxable year: 9336

(a) If the individual volunteered such services for at 9337
least four hundred eighty hours in the taxable year, deduct any 9338
amount included in federal adjusted gross income that is not 9339
otherwise deducted under divisions (A)(1) to (35) of this 9340
section; 9341

(b) If the individual volunteered such services for less 9342
than four hundred eighty hours in the taxable year, deduct an 9343
amount equal to the amount deductible under division (A)(36)(a) 9344
of this section multiplied by the ratio that the number of hours 9345
the individual volunteered such services in the taxable year 9346
bears to four hundred eighty hours. 9347

(B) "Business income" means income, including gain or 9348
loss, arising from transactions, activities, and sources in the 9349
regular course of a trade or business and includes income, gain, 9350
or loss from real property, tangible property, and intangible 9351
property if the acquisition, rental, management, and disposition 9352
of the property constitute integral parts of the regular course 9353
of a trade or business operation. "Business income" includes 9354
income, including gain or loss, from a partial or complete 9355
liquidation of a business, including, but not limited to, gain 9356
or loss from the sale or other disposition of goodwill. 9357

(C) "Nonbusiness income" means all income other than 9358
business income and may include, but is not limited to, 9359
compensation, rents and royalties from real or tangible personal 9360
property, capital gains, interest, dividends and distributions, 9361
patent or copyright royalties, or lottery winnings, prizes, and 9362
awards. 9363

(D) "Compensation" means any form of remuneration paid to 9364

an employee for personal services. 9365

(E) "Fiduciary" means a guardian, trustee, executor, 9366
administrator, receiver, conservator, or any other person acting 9367
in any fiduciary capacity for any individual, trust, or estate. 9368

(F) "Fiscal year" means an accounting period of twelve 9369
months ending on the last day of any month other than December. 9370

(G) "Individual" means any natural person. 9371

(H) "Internal Revenue Code" means the "Internal Revenue 9372
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 9373

(I) "Resident" means any of the following, provided that 9374
division (I) (3) of this section applies only to taxable years of 9375
a trust beginning in 2002 or thereafter: 9376

(1) An individual who is domiciled in this state, subject 9377
to section 5747.24 of the Revised Code; 9378

(2) The estate of a decedent who at the time of death was 9379
domiciled in this state. The domicile tests of section 5747.24 9380
of the Revised Code are not controlling for purposes of division 9381
(I) (2) of this section. 9382

(3) A trust that, in whole or part, resides in this state. 9383
If only part of a trust resides in this state, the trust is a 9384
resident only with respect to that part. 9385

For the purposes of division (I) (3) of this section: 9386

(a) A trust resides in this state for the trust's current 9387
taxable year to the extent, as described in division (I) (3) (d) 9388
of this section, that the trust consists directly or indirectly, 9389
in whole or in part, of assets, net of any related liabilities, 9390
that were transferred, or caused to be transferred, directly or 9391

indirectly, to the trust by any of the following: 9392

(i) A person, a court, or a governmental entity or 9393
instrumentality on account of the death of a decedent, but only 9394
if the trust is described in division (I) (3) (e) (i) or (ii) of 9395
this section; 9396

(ii) A person who was domiciled in this state for the 9397
purposes of this chapter when the person directly or indirectly 9398
transferred assets to an irrevocable trust, but only if at least 9399
one of the trust's qualifying beneficiaries is domiciled in this 9400
state for the purposes of this chapter during all or some 9401
portion of the trust's current taxable year; 9402

(iii) A person who was domiciled in this state for the 9403
purposes of this chapter when the trust document or instrument 9404
or part of the trust document or instrument became irrevocable, 9405
but only if at least one of the trust's qualifying beneficiaries 9406
is a resident domiciled in this state for the purposes of this 9407
chapter during all or some portion of the trust's current 9408
taxable year. If a trust document or instrument became 9409
irrevocable upon the death of a person who at the time of death 9410
was domiciled in this state for purposes of this chapter, that 9411
person is a person described in division (I) (3) (a) (iii) of this 9412
section. 9413

(b) A trust is irrevocable to the extent that the 9414
transferor is not considered to be the owner of the net assets 9415
of the trust under sections 671 to 678 of the Internal Revenue 9416
Code. 9417

(c) With respect to a trust other than a charitable lead 9418
trust, "qualifying beneficiary" has the same meaning as 9419
"potential current beneficiary" as defined in section 1361(e) (2) 9420

of the Internal Revenue Code, and with respect to a charitable 9421
lead trust "qualifying beneficiary" is any current, future, or 9422
contingent beneficiary, but with respect to any trust 9423
"qualifying beneficiary" excludes a person or a governmental 9424
entity or instrumentality to any of which a contribution would 9425
qualify for the charitable deduction under section 170 of the 9426
Internal Revenue Code. 9427

(d) For the purposes of division (I) (3) (a) of this 9428
section, the extent to which a trust consists directly or 9429
indirectly, in whole or in part, of assets, net of any related 9430
liabilities, that were transferred directly or indirectly, in 9431
whole or part, to the trust by any of the sources enumerated in 9432
that division shall be ascertained by multiplying the fair 9433
market value of the trust's assets, net of related liabilities, 9434
by the qualifying ratio, which shall be computed as follows: 9435

(i) The first time the trust receives assets, the 9436
numerator of the qualifying ratio is the fair market value of 9437
those assets at that time, net of any related liabilities, from 9438
sources enumerated in division (I) (3) (a) of this section. The 9439
denominator of the qualifying ratio is the fair market value of 9440
all the trust's assets at that time, net of any related 9441
liabilities. 9442

(ii) Each subsequent time the trust receives assets, a 9443
revised qualifying ratio shall be computed. The numerator of the 9444
revised qualifying ratio is the sum of (1) the fair market value 9445
of the trust's assets immediately prior to the subsequent 9446
transfer, net of any related liabilities, multiplied by the 9447
qualifying ratio last computed without regard to the subsequent 9448
transfer, and (2) the fair market value of the subsequently 9449
transferred assets at the time transferred, net of any related 9450

liabilities, from sources enumerated in division (I) (3) (a) of 9451
this section. The denominator of the revised qualifying ratio is 9452
the fair market value of all the trust's assets immediately 9453
after the subsequent transfer, net of any related liabilities. 9454

(iii) Whether a transfer to the trust is by or from any of 9455
the sources enumerated in division (I) (3) (a) of this section 9456
shall be ascertained without regard to the domicile of the 9457
trust's beneficiaries. 9458

(e) For the purposes of division (I) (3) (a) (i) of this 9459
section: 9460

(i) A trust is described in division (I) (3) (e) (i) of this 9461
section if the trust is a testamentary trust and the testator of 9462
that testamentary trust was domiciled in this state at the time 9463
of the testator's death for purposes of the taxes levied under 9464
Chapter 5731. of the Revised Code. 9465

(ii) A trust is described in division (I) (3) (e) (ii) of 9466
this section if the transfer is a qualifying transfer described 9467
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 9468
trust is an irrevocable inter vivos trust, and at least one of 9469
the trust's qualifying beneficiaries is domiciled in this state 9470
for purposes of this chapter during all or some portion of the 9471
trust's current taxable year. 9472

(f) For the purposes of division (I) (3) (e) (ii) of this 9473
section, a "qualifying transfer" is a transfer of assets, net of 9474
any related liabilities, directly or indirectly to a trust, if 9475
the transfer is described in any of the following: 9476

(i) The transfer is made to a trust, created by the 9477
decedent before the decedent's death and while the decedent was 9478
domiciled in this state for the purposes of this chapter, and, 9479

prior to the death of the decedent, the trust became irrevocable 9480
while the decedent was domiciled in this state for the purposes 9481
of this chapter. 9482

(ii) The transfer is made to a trust to which the 9483
decedent, prior to the decedent's death, had directly or 9484
indirectly transferred assets, net of any related liabilities, 9485
while the decedent was domiciled in this state for the purposes 9486
of this chapter, and prior to the death of the decedent the 9487
trust became irrevocable while the decedent was domiciled in 9488
this state for the purposes of this chapter. 9489

(iii) The transfer is made on account of a contractual 9490
relationship existing directly or indirectly between the 9491
transferor and either the decedent or the estate of the decedent 9492
at any time prior to the date of the decedent's death, and the 9493
decedent was domiciled in this state at the time of death for 9494
purposes of the taxes levied under Chapter 5731. of the Revised 9495
Code. 9496

(iv) The transfer is made to a trust on account of a 9497
contractual relationship existing directly or indirectly between 9498
the transferor and another person who at the time of the 9499
decedent's death was domiciled in this state for purposes of 9500
this chapter. 9501

(v) The transfer is made to a trust on account of the will 9502
of a testator who was domiciled in this state at the time of the 9503
testator's death for purposes of the taxes levied under Chapter 9504
5731. of the Revised Code. 9505

(vi) The transfer is made to a trust created by or caused 9506
to be created by a court, and the trust was directly or 9507
indirectly created in connection with or as a result of the 9508

death of an individual who, for purposes of the taxes levied 9509
under Chapter 5731. of the Revised Code, was domiciled in this 9510
state at the time of the individual's death. 9511

(g) The tax commissioner may adopt rules to ascertain the 9512
part of a trust residing in this state. 9513

(J) "Nonresident" means an individual or estate that is 9514
not a resident. An individual who is a resident for only part of 9515
a taxable year is a nonresident for the remainder of that 9516
taxable year. 9517

(K) "Pass-through entity" has the same meaning as in 9518
section 5733.04 of the Revised Code. 9519

(L) "Return" means the notifications and reports required 9520
to be filed pursuant to this chapter for the purpose of 9521
reporting the tax due and includes declarations of estimated tax 9522
when so required. 9523

(M) "Taxable year" means the calendar year or the 9524
taxpayer's fiscal year ending during the calendar year, or 9525
fractional part thereof, upon which the adjusted gross income is 9526
calculated pursuant to this chapter. 9527

(N) "Taxpayer" means any person subject to the tax imposed 9528
by section 5747.02 of the Revised Code or any pass-through 9529
entity that makes the election under division (D) of section 9530
5747.08 of the Revised Code. 9531

(O) "Dependents" means one of the following: 9532

(1) For taxable years beginning on or after January 1, 9533
2018, and before January 1, 2026, dependents as defined in the 9534
Internal Revenue Code; 9535

(2) For all other taxable years, dependents as defined in 9536

the Internal Revenue Code and as claimed in the taxpayer's 9537
federal income tax return for the taxable year or which the 9538
taxpayer would have been permitted to claim had the taxpayer 9539
filed a federal income tax return. 9540

(P) "Principal county of employment" means, in the case of 9541
a nonresident, the county within the state in which a taxpayer 9542
performs services for an employer or, if those services are 9543
performed in more than one county, the county in which the major 9544
portion of the services are performed. 9545

(Q) As used in sections 5747.50 to 5747.55 of the Revised 9546
Code: 9547

(1) "Subdivision" means any county, municipal corporation, 9548
park district, or township. 9549

(2) "Essential local government purposes" includes all 9550
functions that any subdivision is required by general law to 9551
exercise, including like functions that are exercised under a 9552
charter adopted pursuant to the Ohio Constitution. 9553

(R) "Overpayment" means any amount already paid that 9554
exceeds the figure determined to be the correct amount of the 9555
tax. 9556

(S) "Taxable income" or "Ohio taxable income" applies only 9557
to estates and trusts, and means federal taxable income, as 9558
defined and used in the Internal Revenue Code, adjusted as 9559
follows: 9560

(1) Add interest or dividends, net of ordinary, necessary, 9561
and reasonable expenses not deducted in computing federal 9562
taxable income, on obligations or securities of any state or of 9563
any political subdivision or authority of any state, other than 9564
this state and its subdivisions and authorities, but only to the 9565

extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S) (1) (a) or (b) of this section: 9566
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; 9569
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(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year. 9572
9573

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S) (1) (a) or (b) of this section; 9574
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(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code; 9583
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(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S) (1) (a) or (b) of this section; 9585
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(5) Deduct the amount of wages and salaries, if any, not 9594

otherwise allowable as a deduction but that would have been 9595
allowable as a deduction in computing federal taxable income for 9596
the taxable year, had the targeted jobs credit allowed under 9597
sections 38, 51, and 52 of the Internal Revenue Code not been in 9598
effect, but only to the extent such amount relates either to 9599
income included in federal taxable income for the taxable year 9600
or to income of the S portion of an electing small business 9601
trust for the taxable year; 9602

(6) Deduct any interest or interest equivalent, net of 9603
related expenses deducted in computing federal taxable income, 9604
on public obligations and purchase obligations, but only to the 9605
extent that such net amount relates either to income included in 9606
federal taxable income for the taxable year or to income of the 9607
S portion of an electing small business trust for the taxable 9608
year; 9609

(7) Add any loss or deduct any gain resulting from sale, 9610
exchange, or other disposition of public obligations to the 9611
extent that such loss has been deducted or such gain has been 9612
included in computing either federal taxable income or income of 9613
the S portion of an electing small business trust for the 9614
taxable year; 9615

(8) Except in the case of the final return of an estate, 9616
add any amount deducted by the taxpayer on both its Ohio estate 9617
tax return pursuant to section 5731.14 of the Revised Code, and 9618
on its federal income tax return in determining federal taxable 9619
income; 9620

(9) (a) Deduct any amount included in federal taxable 9621
income solely because the amount represents a reimbursement or 9622
refund of expenses that in a previous year the decedent had 9623
deducted as an itemized deduction pursuant to section 63 of the 9624

Internal Revenue Code and applicable treasury regulations. The 9625
deduction otherwise allowed under division (S) (9) (a) of this 9626
section shall be reduced to the extent the reimbursement is 9627
attributable to an amount the taxpayer or decedent deducted 9628
under this section in any taxable year. 9629

(b) Add any amount not otherwise included in Ohio taxable 9630
income for any taxable year to the extent that the amount is 9631
attributable to the recovery during the taxable year of any 9632
amount deducted or excluded in computing federal or Ohio taxable 9633
income in any taxable year, but only to the extent such amount 9634
has not been distributed to beneficiaries for the taxable year. 9635

(10) Deduct any portion of the deduction described in 9636
section 1341(a) (2) of the Internal Revenue Code, for repaying 9637
previously reported income received under a claim of right, that 9638
meets both of the following requirements: 9639

(a) It is allowable for repayment of an item that was 9640
included in the taxpayer's taxable income or the decedent's 9641
adjusted gross income for a prior taxable year and did not 9642
qualify for a credit under division (A) or (B) of section 9643
5747.05 of the Revised Code for that year. 9644

(b) It does not otherwise reduce the taxpayer's taxable 9645
income or the decedent's adjusted gross income for the current 9646
or any other taxable year. 9647

(11) Add any amount claimed as a credit under section 9648
5747.059 of the Revised Code to the extent that the amount 9649
satisfies either of the following: 9650

(a) The amount was deducted or excluded from the 9651
computation of the taxpayer's federal taxable income as required 9652
to be reported for the taxpayer's taxable year under the 9653

Internal Revenue Code; 9654

(b) The amount resulted in a reduction in the taxpayer's 9655
federal taxable income as required to be reported for any of the 9656
taxpayer's taxable years under the Internal Revenue Code. 9657

(12) Deduct any amount, net of related expenses deducted 9658
in computing federal taxable income, that a trust is required to 9659
report as farm income on its federal income tax return, but only 9660
if the assets of the trust include at least ten acres of land 9661
satisfying the definition of "land devoted exclusively to 9662
agricultural use" under section 5713.30 of the Revised Code, 9663
regardless of whether the land is valued for tax purposes as 9664
such land under sections 5713.30 to 5713.38 of the Revised Code. 9665
If the trust is a pass-through entity investor, section 5747.231 9666
of the Revised Code applies in ascertaining if the trust is 9667
eligible to claim the deduction provided by division (S) (12) of 9668
this section in connection with the pass-through entity's farm 9669
income. 9670

Except for farm income attributable to the S portion of an 9671
electing small business trust, the deduction provided by 9672
division (S) (12) of this section is allowed only to the extent 9673
that the trust has not distributed such farm income. Division 9674
(S) (12) of this section applies only to taxable years of a trust 9675
beginning in 2002 or thereafter. 9676

(13) Add the net amount of income described in section 9677
641(c) of the Internal Revenue Code to the extent that amount is 9678
not included in federal taxable income. 9679

(14) Add or deduct the amount the taxpayer would be 9680
required to add or deduct under division (A) (20) or (21) of this 9681
section if the taxpayer's Ohio taxable income were computed in 9682

the same manner as an individual's Ohio adjusted gross income is 9683
computed under this section. In the case of a trust, division 9684
(S) (14) of this section applies only to any of the trust's 9685
taxable years beginning in 2002 or thereafter. 9686

(T) "School district income" and "school district income 9687
tax" have the same meanings as in section 5748.01 of the Revised 9688
Code. 9689

(U) As used in divisions (A) (8), (A) (9), (S) (6), and (S) 9690
(7) of this section, "public obligations," "purchase 9691
obligations," and "interest or interest equivalent" have the 9692
same meanings as in section 5709.76 of the Revised Code. 9693

(V) "Limited liability company" means any limited 9694
liability company formed under Chapter 1705. of the Revised Code 9695
or under the laws of any other state. 9696

(W) "Pass-through entity investor" means any person who, 9697
during any portion of a taxable year of a pass-through entity, 9698
is a partner, member, shareholder, or equity investor in that 9699
pass-through entity. 9700

(X) "Banking day" has the same meaning as in section 9701
1304.01 of the Revised Code. 9702

(Y) "Month" means a calendar month. 9703

(Z) "Quarter" means the first three months, the second 9704
three months, the third three months, or the last three months 9705
of the taxpayer's taxable year. 9706

(AA) (1) "Eligible institution" means a state university or 9707
state institution of higher education as defined in section 9708
3345.011 of the Revised Code, or a private, nonprofit college, 9709
university, or other post-secondary institution located in this 9710

state that possesses a certificate of authorization issued by 9711
the chancellor of higher education pursuant to Chapter 1713. of 9712
the Revised Code or a certificate of registration issued by the 9713
state board of career colleges and schools under Chapter 3332. 9714
of the Revised Code. 9715

(2) "Qualified tuition and fees" means tuition and fees 9716
imposed by an eligible institution as a condition of enrollment 9717
or attendance, not exceeding two thousand five hundred dollars 9718
in each of the individual's first two years of post-secondary 9719
education. If the individual is a part-time student, "qualified 9720
tuition and fees" includes tuition and fees paid for the 9721
academic equivalent of the first two years of post-secondary 9722
education during a maximum of five taxable years, not exceeding 9723
a total of five thousand dollars. "Qualified tuition and fees" 9724
does not include: 9725

(a) Expenses for any course or activity involving sports, 9726
games, or hobbies unless the course or activity is part of the 9727
individual's degree or diploma program; 9728

(b) The cost of books, room and board, student activity 9729
fees, athletic fees, insurance expenses, or other expenses 9730
unrelated to the individual's academic course of instruction; 9731

(c) Tuition, fees, or other expenses paid or reimbursed 9732
through an employer, scholarship, grant in aid, or other 9733
educational benefit program. 9734

(BB) (1) "Modified business income" means the business 9735
income included in a trust's Ohio taxable income after such 9736
taxable income is first reduced by the qualifying trust amount, 9737
if any. 9738

(2) "Qualifying trust amount" of a trust means capital 9739

gains and losses from the sale, exchange, or other disposition 9740
of equity or ownership interests in, or debt obligations of, a 9741
qualifying investee to the extent included in the trust's Ohio 9742
taxable income, but only if the following requirements are 9743
satisfied: 9744

(a) The book value of the qualifying investee's physical 9745
assets in this state and everywhere, as of the last day of the 9746
qualifying investee's fiscal or calendar year ending immediately 9747
prior to the date on which the trust recognizes the gain or 9748
loss, is available to the trust. 9749

(b) The requirements of section 5747.011 of the Revised 9750
Code are satisfied for the trust's taxable year in which the 9751
trust recognizes the gain or loss. 9752

Any gain or loss that is not a qualifying trust amount is 9753
modified business income, qualifying investment income, or 9754
modified nonbusiness income, as the case may be. 9755

(3) "Modified nonbusiness income" means a trust's Ohio 9756
taxable income other than modified business income, other than 9757
the qualifying trust amount, and other than qualifying 9758
investment income, as defined in section 5747.012 of the Revised 9759
Code, to the extent such qualifying investment income is not 9760
otherwise part of modified business income. 9761

(4) "Modified Ohio taxable income" applies only to trusts, 9762
and means the sum of the amounts described in divisions (BB) (4) 9763
(a) to (c) of this section: 9764

(a) The fraction, calculated under section 5747.013, and 9765
applying section 5747.231 of the Revised Code, multiplied by the 9766
sum of the following amounts: 9767

(i) The trust's modified business income; 9768

(ii) The trust's qualifying investment income, as defined 9769
in section 5747.012 of the Revised Code, but only to the extent 9770
the qualifying investment income does not otherwise constitute 9771
modified business income and does not otherwise constitute a 9772
qualifying trust amount. 9773

(b) The qualifying trust amount multiplied by a fraction, 9774
the numerator of which is the sum of the book value of the 9775
qualifying investee's physical assets in this state on the last 9776
day of the qualifying investee's fiscal or calendar year ending 9777
immediately prior to the day on which the trust recognizes the 9778
qualifying trust amount, and the denominator of which is the sum 9779
of the book value of the qualifying investee's total physical 9780
assets everywhere on the last day of the qualifying investee's 9781
fiscal or calendar year ending immediately prior to the day on 9782
which the trust recognizes the qualifying trust amount. If, for 9783
a taxable year, the trust recognizes a qualifying trust amount 9784
with respect to more than one qualifying investee, the amount 9785
described in division (BB) (4) (b) of this section shall equal the 9786
sum of the products so computed for each such qualifying 9787
investee. 9788

(c) (i) With respect to a trust or portion of a trust that 9789
is a resident as ascertained in accordance with division (I) (3) 9790
(d) of this section, its modified nonbusiness income. 9791

(ii) With respect to a trust or portion of a trust that is 9792
not a resident as ascertained in accordance with division (I) (3) 9793
(d) of this section, the amount of its modified nonbusiness 9794
income satisfying the descriptions in divisions (B) (2) to (5) of 9795
section 5747.20 of the Revised Code, except as otherwise 9796
provided in division (BB) (4) (c) (ii) of this section. With 9797
respect to a trust or portion of a trust that is not a resident 9798

as ascertained in accordance with division (I) (3) (d) of this 9799
section, the trust's portion of modified nonbusiness income 9800
recognized from the sale, exchange, or other disposition of a 9801
debt interest in or equity interest in a section 5747.212 9802
entity, as defined in section 5747.212 of the Revised Code, 9803
without regard to division (A) of that section, shall not be 9804
allocated to this state in accordance with section 5747.20 of 9805
the Revised Code but shall be apportioned to this state in 9806
accordance with division (B) of section 5747.212 of the Revised 9807
Code without regard to division (A) of that section. 9808

If the allocation and apportionment of a trust's income 9809
under divisions (BB) (4) (a) and (c) of this section do not fairly 9810
represent the modified Ohio taxable income of the trust in this 9811
state, the alternative methods described in division (C) of 9812
section 5747.21 of the Revised Code may be applied in the manner 9813
and to the same extent provided in that section. 9814

(5) (a) Except as set forth in division (BB) (5) (b) of this 9815
section, "qualifying investee" means a person in which a trust 9816
has an equity or ownership interest, or a person or unit of 9817
government the debt obligations of either of which are owned by 9818
a trust. For the purposes of division (BB) (2) (a) of this section 9819
and for the purpose of computing the fraction described in 9820
division (BB) (4) (b) of this section, all of the following apply: 9821

(i) If the qualifying investee is a member of a qualifying 9822
controlled group on the last day of the qualifying investee's 9823
fiscal or calendar year ending immediately prior to the date on 9824
which the trust recognizes the gain or loss, then "qualifying 9825
investee" includes all persons in the qualifying controlled 9826
group on such last day. 9827

(ii) If the qualifying investee, or if the qualifying 9828

investee and any members of the qualifying controlled group of 9829
which the qualifying investee is a member on the last day of the 9830
qualifying investee's fiscal or calendar year ending immediately 9831
prior to the date on which the trust recognizes the gain or 9832
loss, separately or cumulatively own, directly or indirectly, on 9833
the last day of the qualifying investee's fiscal or calendar 9834
year ending immediately prior to the date on which the trust 9835
recognizes the qualifying trust amount, more than fifty per cent 9836
of the equity of a pass-through entity, then the qualifying 9837
investee and the other members are deemed to own the 9838
proportionate share of the pass-through entity's physical assets 9839
which the pass-through entity directly or indirectly owns on the 9840
last day of the pass-through entity's calendar or fiscal year 9841
ending within or with the last day of the qualifying investee's 9842
fiscal or calendar year ending immediately prior to the date on 9843
which the trust recognizes the qualifying trust amount. 9844

(iii) For the purposes of division (BB) (5) (a) (iii) of this 9845
section, "upper level pass-through entity" means a pass-through 9846
entity directly or indirectly owning any equity of another pass- 9847
through entity, and "lower level pass-through entity" means that 9848
other pass-through entity. 9849

An upper level pass-through entity, whether or not it is 9850
also a qualifying investee, is deemed to own, on the last day of 9851
the upper level pass-through entity's calendar or fiscal year, 9852
the proportionate share of the lower level pass-through entity's 9853
physical assets that the lower level pass-through entity 9854
directly or indirectly owns on the last day of the lower level 9855
pass-through entity's calendar or fiscal year ending within or 9856
with the last day of the upper level pass-through entity's 9857
fiscal or calendar year. If the upper level pass-through entity 9858
directly and indirectly owns less than fifty per cent of the 9859

equity of the lower level pass-through entity on each day of the 9860
upper level pass-through entity's calendar or fiscal year in 9861
which or with which ends the calendar or fiscal year of the 9862
lower level pass-through entity and if, based upon clear and 9863
convincing evidence, complete information about the location and 9864
cost of the physical assets of the lower pass-through entity is 9865
not available to the upper level pass-through entity, then 9866
solely for purposes of ascertaining if a gain or loss 9867
constitutes a qualifying trust amount, the upper level pass- 9868
through entity shall be deemed as owning no equity of the lower 9869
level pass-through entity for each day during the upper level 9870
pass-through entity's calendar or fiscal year in which or with 9871
which ends the lower level pass-through entity's calendar or 9872
fiscal year. Nothing in division (BB) (5) (a) (iii) of this section 9873
shall be construed to provide for any deduction or exclusion in 9874
computing any trust's Ohio taxable income. 9875

(b) With respect to a trust that is not a resident for the 9876
taxable year and with respect to a part of a trust that is not a 9877
resident for the taxable year, "qualifying investee" for that 9878
taxable year does not include a C corporation if both of the 9879
following apply: 9880

(i) During the taxable year the trust or part of the trust 9881
recognizes a gain or loss from the sale, exchange, or other 9882
disposition of equity or ownership interests in, or debt 9883
obligations of, the C corporation. 9884

(ii) Such gain or loss constitutes nonbusiness income. 9885

(6) "Available" means information is such that a person is 9886
able to learn of the information by the due date plus 9887
extensions, if any, for filing the return for the taxable year 9888
in which the trust recognizes the gain or loss. 9889

(CC) "Qualifying controlled group" has the same meaning as	9890
in section 5733.04 of the Revised Code.	9891
(DD) "Related member" has the same meaning as in section	9892
5733.042 of the Revised Code.	9893
(EE) (1) For the purposes of division (EE) of this section:	9894
(a) "Qualifying person" means any person other than a	9895
qualifying corporation.	9896
(b) "Qualifying corporation" means any person classified	9897
for federal income tax purposes as an association taxable as a	9898
corporation, except either of the following:	9899
(i) A corporation that has made an election under	9900
subchapter S, chapter one, subtitle A, of the Internal Revenue	9901
Code for its taxable year ending within, or on the last day of,	9902
the investor's taxable year;	9903
(ii) A subsidiary that is wholly owned by any corporation	9904
that has made an election under subchapter S, chapter one,	9905
subtitle A of the Internal Revenue Code for its taxable year	9906
ending within, or on the last day of, the investor's taxable	9907
year.	9908
(2) For the purposes of this chapter, unless expressly	9909
stated otherwise, no qualifying person indirectly owns any asset	9910
directly or indirectly owned by any qualifying corporation.	9911
(FF) For purposes of this chapter and Chapter 5751. of the	9912
Revised Code:	9913
(1) "Trust" does not include a qualified pre-income tax	9914
trust.	9915
(2) A "qualified pre-income tax trust" is any pre-income	9916

tax trust that makes a qualifying pre-income tax trust election 9917
as described in division (FF) (3) of this section. 9918

(3) A "qualifying pre-income tax trust election" is an 9919
election by a pre-income tax trust to subject to the tax imposed 9920
by section 5751.02 of the Revised Code the pre-income tax trust 9921
and all pass-through entities of which the trust owns or 9922
controls, directly, indirectly, or constructively through 9923
related interests, five per cent or more of the ownership or 9924
equity interests. The trustee shall notify the tax commissioner 9925
in writing of the election on or before April 15, 2006. The 9926
election, if timely made, shall be effective on and after 9927
January 1, 2006, and shall apply for all tax periods and tax 9928
years until revoked by the trustee of the trust. 9929

(4) A "pre-income tax trust" is a trust that satisfies all 9930
of the following requirements: 9931

(a) The document or instrument creating the trust was 9932
executed by the grantor before January 1, 1972; 9933

(b) The trust became irrevocable upon the creation of the 9934
trust; and 9935

(c) The grantor was domiciled in this state at the time 9936
the trust was created. 9937

(GG) "Uniformed services" has the same meaning as in 10 9938
U.S.C. 101. 9939

(HH) "Taxable business income" means the amount by which 9940
an individual's business income that is included in federal 9941
adjusted gross income exceeds the amount of business income the 9942
individual is authorized to deduct under division (A) (31) of 9943
this section for the taxable year. 9944

(II) "Employer" does not include a franchisor with respect 9945
to the franchisor's relationship with a franchisee or an 9946
employee of a franchisee, unless the franchisor agrees to assume 9947
that role in writing or a court of competent jurisdiction 9948
determines that the franchisor exercises a type or degree of 9949
control over the franchisee or the franchisee's employees that 9950
is not customarily exercised by a franchisor for the purpose of 9951
protecting the franchisor's trademark, brand, or both. For 9952
purposes of this division, "franchisor" and "franchisee" have 9953
the same meanings as in 16 C.F.R. 436.1. 9954

(JJ) "Modified adjusted gross income" means Ohio adjusted 9955
gross income plus any amount deducted under division (A) (31) of 9956
this section for the taxable year. 9957

(KK) "Qualifying Ohio educator" means an individual who, 9958
for a taxable year, qualifies as an eligible educator, as that 9959
term is defined in section 62 of the Internal Revenue Code, and 9960
who holds a certificate, license, or permit described in Chapter 9961
3319. or section 3301.071 of the Revised Code. 9962

Sec. 5751.01. As used in this chapter: 9963

(A) "Person" means, but is not limited to, individuals, 9964
combinations of individuals of any form, receivers, assignees, 9965
trustees in bankruptcy, firms, companies, joint-stock companies, 9966
business trusts, estates, partnerships, limited liability 9967
partnerships, limited liability companies, associations, joint 9968
ventures, clubs, societies, for-profit corporations, S 9969
corporations, qualified subchapter S subsidiaries, qualified 9970
subchapter S trusts, trusts, entities that are disregarded for 9971
federal income tax purposes, and any other entities. 9972

(B) "Consolidated elected taxpayer" means a group of two 9973

or more persons treated as a single taxpayer for purposes of 9974
this chapter as the result of an election made under section 9975
5751.011 of the Revised Code. 9976

(C) "Combined taxpayer" means a group of two or more 9977
persons treated as a single taxpayer for purposes of this 9978
chapter under section 5751.012 of the Revised Code. 9979

(D) "Taxpayer" means any person, or any group of persons 9980
in the case of a consolidated elected taxpayer or combined 9981
taxpayer treated as one taxpayer, required to register or pay 9982
tax under this chapter. "Taxpayer" does not include excluded 9983
persons. 9984

(E) "Excluded person" means any of the following: 9985

(1) Any person with not more than one hundred fifty 9986
thousand dollars of taxable gross receipts during the calendar 9987
year. Division (E)(1) of this section does not apply to a person 9988
that is a member of a consolidated elected taxpayer; 9989

(2) A public utility that paid the excise tax imposed by 9990
section 5727.24 or 5727.30 of the Revised Code based on one or 9991
more measurement periods that include the entire tax period 9992
under this chapter, except that a public utility that is a 9993
combined company is a taxpayer with regard to the following 9994
gross receipts: 9995

(a) Taxable gross receipts directly attributed to a public 9996
utility activity, but not directly attributed to an activity 9997
that is subject to the excise tax imposed by section 5727.24 or 9998
5727.30 of the Revised Code; 9999

(b) Taxable gross receipts that cannot be directly 10000
attributed to any activity, multiplied by a fraction whose 10001
numerator is the taxable gross receipts described in division 10002

(E) (2) (a) of this section and whose denominator is the total 10003
taxable gross receipts that can be directly attributed to any 10004
activity; 10005

(c) Except for any differences resulting from the use of 10006
an accrual basis method of accounting for purposes of 10007
determining gross receipts under this chapter and the use of the 10008
cash basis method of accounting for purposes of determining 10009
gross receipts under section 5727.24 of the Revised Code, the 10010
gross receipts directly attributed to the activity of a natural 10011
gas company shall be determined in a manner consistent with 10012
division (D) of section 5727.03 of the Revised Code. 10013

As used in division (E) (2) of this section, "combined 10014
company" and "public utility" have the same meanings as in 10015
section 5727.01 of the Revised Code. 10016

(3) A financial institution, as defined in section 5726.01 10017
of the Revised Code, that paid the tax imposed by section 10018
5726.02 of the Revised Code based on one or more taxable years 10019
that include the entire tax period under this chapter; 10020

(4) A person directly or indirectly owned by one or more 10021
financial institutions, as defined in section 5726.01 of the 10022
Revised Code, that paid the tax imposed by section 5726.02 of 10023
the Revised Code based on one or more taxable years that include 10024
the entire tax period under this chapter. 10025

For the purposes of division (E) (4) of this section, a 10026
person owns another person under the following circumstances: 10027

(a) In the case of corporations issuing capital stock, one 10028
corporation owns another corporation if it owns fifty per cent 10029
or more of the other corporation's capital stock with current 10030
voting rights; 10031

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-

income tax trust as defined in division (FF) (4) of section 10062
5747.01 of the Revised Code and any pass-through entity of which 10063
such pre-income tax trust owns or controls, directly, 10064
indirectly, or constructively through related interests, more 10065
than five per cent of the ownership or equity interests. If the 10066
pre-income tax trust has made a qualifying pre-income tax trust 10067
election under division (FF) (3) of section 5747.01 of the 10068
Revised Code, then the trust and the pass-through entities of 10069
which it owns or controls, directly, indirectly, or 10070
constructively through related interests, more than five per 10071
cent of the ownership or equity interests, shall not be excluded 10072
persons for purposes of the tax imposed under section 5751.02 of 10073
the Revised Code. 10074

(8) Nonprofit organizations or the state and its agencies, 10075
instrumentalities, or political subdivisions. 10076

(F) Except as otherwise provided in divisions (F) (2), (3), 10077
and (4) of this section, "gross receipts" means the total amount 10078
realized by a person, without deduction for the cost of goods 10079
sold or other expenses incurred, that contributes to the 10080
production of gross income of the person, including the fair 10081
market value of any property and any services received, and any 10082
debt transferred or forgiven as consideration. 10083

(1) The following are examples of gross receipts: 10084

(a) Amounts realized from the sale, exchange, or other 10085
disposition of the taxpayer's property to or with another; 10086

(b) Amounts realized from the taxpayer's performance of 10087
services for another; 10088

(c) Amounts realized from another's use or possession of 10089
the taxpayer's property or capital; 10090

(d) Any combination of the foregoing amounts.	10091
(2) "Gross receipts" excludes the following amounts:	10092
(a) Interest income except interest on credit sales;	10093
(b) Dividends and distributions from corporations, and	10094
distributive or proportionate shares of receipts and income from	10095
a pass-through entity as defined under section 5733.04 of the	10096
Revised Code;	10097
(c) Receipts from the sale, exchange, or other disposition	10098
of an asset described in section 1221 or 1231 of the Internal	10099
Revenue Code, without regard to the length of time the person	10100
held the asset. Notwithstanding section 1221 of the Internal	10101
Revenue Code, receipts from hedging transactions also are	10102
excluded to the extent the transactions are entered into	10103
primarily to protect a financial position, such as managing the	10104
risk of exposure to (i) foreign currency fluctuations that	10105
affect assets, liabilities, profits, losses, equity, or	10106
investments in foreign operations; (ii) interest rate	10107
fluctuations; or (iii) commodity price fluctuations. As used in	10108
division (F) (2) (c) of this section, "hedging transaction" has	10109
the same meaning as used in section 1221 of the Internal Revenue	10110
Code and also includes transactions accorded hedge accounting	10111
treatment under statement of financial accounting standards	10112
number 133 of the financial accounting standards board. For the	10113
purposes of division (F) (2) (c) of this section, the actual	10114
transfer of title of real or tangible personal property to	10115
another entity is not a hedging transaction.	10116
(d) Proceeds received attributable to the repayment,	10117
maturity, or redemption of the principal of a loan, bond, mutual	10118
fund, certificate of deposit, or marketable instrument;	10119

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	10120 10121 10122
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	10123 10124 10125 10126
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	10127 10128 10129 10130 10131 10132 10133 10134 10135
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	10136 10137 10138
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	10139 10140 10141
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	10142 10143 10144 10145 10146 10147 10148

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	10149 10150 10151
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	10152 10153 10154
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	10155 10156 10157 10158 10159 10160 10161 10162 10163 10164
(n) Pension reversions;	10165
(o) Contributions to capital;	10166
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	10167 10168 10169 10170 10171
(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor	10172 10173 10174 10175 10176 10177

products under subtitle E of the Internal Revenue Code or 10178
Chapter 5743. of the Revised Code; 10179

(r) In the case of receipts from the sale, transfer, 10180
exchange, or other disposition of motor fuel as "motor fuel" is 10181
defined in section 5736.01 of the Revised Code, an amount equal 10182
to the value of the motor fuel, including federal and state 10183
motor fuel excise taxes and receipts from billing or invoicing 10184
the tax imposed under section 5736.02 of the Revised Code to 10185
another person; 10186

(s) In the case of receipts from the sale of beer or 10187
intoxicating liquor, as defined in section 4301.01 of the 10188
Revised Code, by a person holding a permit issued under Chapter 10189
4301. or 4303. of the Revised Code, an amount equal to federal 10190
and state excise taxes paid by any person on or for such beer or 10191
intoxicating liquor under subtitle E of the Internal Revenue 10192
Code or Chapter 4301. or 4305. of the Revised Code; 10193

(t) Receipts realized by a new motor vehicle dealer or 10194
used motor vehicle dealer, as defined in section 4517.01 of the 10195
Revised Code, from the sale or other transfer of a motor 10196
vehicle, as defined in that section, to another motor vehicle 10197
dealer for the purpose of resale by the transferee motor vehicle 10198
dealer, but only if the sale or other transfer was based upon 10199
the transferee's need to meet a specific customer's preference 10200
for a motor vehicle; 10201

(u) Receipts from a financial institution described in 10202
division (E)(3) of this section for services provided to the 10203
financial institution in connection with the issuance, 10204
processing, servicing, and management of loans or credit 10205
accounts, if such financial institution and the recipient of 10206
such receipts have at least fifty per cent of their ownership 10207

interests owned or controlled, directly or constructively 10208
through related interests, by common owners; 10209

(v) Receipts realized from administering anti-neoplastic 10210
drugs and other cancer chemotherapy, biologicals, therapeutic 10211
agents, and supportive drugs in a physician's office to patients 10212
with cancer; 10213

(w) Funds received or used by a mortgage broker that is 10214
not a dealer in intangibles, other than fees or other 10215
consideration, pursuant to a table-funding mortgage loan or 10216
warehouse-lending mortgage loan. Terms used in division (F) (2) 10217
(w) of this section have the same meanings as in section 1322.01 10218
of the Revised Code, except "mortgage broker" means a person 10219
assisting a buyer in obtaining a mortgage loan for a fee or 10220
other consideration paid by the buyer or a lender, or a person 10221
engaged in table-funding or warehouse-lending mortgage loans 10222
that are first lien mortgage loans. 10223

(x) Property, money, and other amounts received by a 10224
professional employer organization, as defined in section 10225
4125.01 of the Revised Code, from a client employer, as defined 10226
in that section, in excess of the administrative fee charged by 10227
the professional employer organization to the client employer; 10228

(y) In the case of amounts retained as commissions by a 10229
permit holder under Chapter 3769. of the Revised Code, an amount 10230
equal to the amounts specified under that chapter that must be 10231
paid to or collected by the tax commissioner as a tax and the 10232
amounts specified under that chapter to be used as purse money; 10233

(z) Qualifying distribution center receipts. 10234

(i) For purposes of division (F) (2) (z) of this section: 10235

(I) "Qualifying distribution center receipts" means 10236

receipts of a supplier from qualified property that is delivered 10237
to a qualified distribution center, multiplied by a quantity 10238
that equals one minus the Ohio delivery percentage. If the 10239
qualified distribution center is a refining facility, "supplier" 10240
includes all dealers, brokers, processors, sellers, vendors, 10241
cosigners, and distributors of qualified property. 10242

(II) "Qualified property" means tangible personal property 10243
delivered to a qualified distribution center that is shipped to 10244
that qualified distribution center solely for further shipping 10245
by the qualified distribution center to another location in this 10246
state or elsewhere or, in the case of gold, silver, platinum, or 10247
palladium delivered to a refining facility solely for refining 10248
to a grade and fineness acceptable for delivery to a registered 10249
commodities exchange. "Further shipping" includes storing and 10250
repackaging property into smaller or larger bundles, so long as 10251
the property is not subject to further manufacturing or 10252
processing. "Refining" is limited to extracting impurities from 10253
gold, silver, platinum, or palladium through smelting or some 10254
other process at a refining facility. 10255

(III) "Qualified distribution center" means a warehouse, a 10256
facility similar to a warehouse, or a refining facility in this 10257
state that, for the qualifying year, is operated by a person 10258
that is not part of a combined taxpayer group and that has a 10259
qualifying certificate. All warehouses or facilities similar to 10260
warehouses that are operated by persons in the same taxpayer 10261
group and that are located within one mile of each other shall 10262
be treated as one qualified distribution center. All refining 10263
facilities that are operated by persons in the same taxpayer 10264
group and that are located in the same or adjacent counties may 10265
be treated as one qualified distribution center. 10266

(IV) "Qualifying year" means the calendar year to which 10267
the qualifying certificate applies. 10268

(V) "Qualifying period" means the period of the first day 10269
of July of the second year preceding the qualifying year through 10270
the thirtieth day of June of the year preceding the qualifying 10271
year. 10272

(VI) "Qualifying certificate" means the certificate issued 10273
by the tax commissioner after the operator of a distribution 10274
center files an annual application with the commissioner. The 10275
application and annual fee shall be filed and paid for each 10276
qualified distribution center on or before the first day of 10277
September before the qualifying year or within forty-five days 10278
after the distribution center opens, whichever is later. 10279

The applicant must substantiate to the commissioner's 10280
satisfaction that, for the qualifying period, all persons 10281
operating the distribution center have more than fifty per cent 10282
of the cost of the qualified property shipped to a location such 10283
that it would be situated outside this state under the provisions 10284
of division (E) of section 5751.033 of the Revised Code. The 10285
applicant must also substantiate that the distribution center 10286
cumulatively had costs from its suppliers equal to or exceeding 10287
five hundred million dollars during the qualifying period. (For 10288
purposes of division (F) (2) (z) (i) (VI) of this section, 10289
"supplier" excludes any person that is part of the consolidated 10290
elected taxpayer group, if applicable, of the operator of the 10291
qualified distribution center.) The commissioner may require the 10292
applicant to have an independent certified public accountant 10293
certify that the calculation of the minimum thresholds required 10294
for a qualified distribution center by the operator of a 10295
distribution center has been made in accordance with generally 10296

accepted accounting principles. The commissioner shall issue or 10297
deny the issuance of a certificate within sixty days after the 10298
receipt of the application. A denial is subject to appeal under 10299
section 5717.02 of the Revised Code. If the operator files a 10300
timely appeal under section 5717.02 of the Revised Code, the 10301
operator shall be granted a qualifying certificate effective for 10302
the remainder of the qualifying year or until the appeal is 10303
finalized, whichever is earlier. If the operator does not 10304
prevail in the appeal, the operator shall pay the ineligible 10305
operator's supplier tax liability. 10306

(VII) "Ohio delivery percentage" means the proportion of 10307
the total property delivered to a destination inside Ohio from 10308
the qualified distribution center during the qualifying period 10309
compared with total deliveries from such distribution center 10310
everywhere during the qualifying period. 10311

(VIII) "Refining facility" means one or more buildings 10312
located in a county in the Appalachian region of this state as 10313
defined by section 107.21 of the Revised Code and utilized for 10314
refining or smelting gold, silver, platinum, or palladium to a 10315
grade and fineness acceptable for delivery to a registered 10316
commodities exchange. 10317

(IX) "Registered commodities exchange" means a board of 10318
trade, such as New York mercantile exchange, inc. or commodity 10319
exchange, inc., designated as a contract market by the commodity 10320
futures trading commission under the "Commodity Exchange Act," 7 10321
U.S.C. 1 et seq., as amended. 10322

(X) "Ineligible operator's supplier tax liability" means 10323
an amount equal to the tax liability of all suppliers of a 10324
distribution center had the distribution center not been issued 10325
a qualifying certificate for the qualifying year. Ineligible 10326

operator's supplier tax liability shall not include interest or 10327
penalties. The tax commissioner shall determine an ineligible 10328
operator's supplier tax liability based on information that the 10329
commissioner may request from the operator of the distribution 10330
center. An operator shall provide a list of all suppliers of the 10331
distribution center and the corresponding costs of qualified 10332
property for the qualifying year at issue within sixty days of a 10333
request by the commissioner under this division. 10334

(ii) (I) If the distribution center is new and was not open 10335
for the entire qualifying period, the operator of the 10336
distribution center may request that the commissioner grant a 10337
qualifying certificate. If the certificate is granted and it is 10338
later determined that more than fifty per cent of the qualified 10339
property during that year was not shipped to a location such 10340
that it would be situated outside of this state under the 10341
provisions of division (E) of section 5751.033 of the Revised 10342
Code or if it is later determined that the person that operates 10343
the distribution center had average monthly costs from its 10344
suppliers of less than forty million dollars during that year, 10345
then the operator of the distribution center shall pay the 10346
ineligible operator's supplier tax liability. (For purposes of 10347
division (F) (2) (z) (ii) of this section, "supplier" excludes any 10348
person that is part of the consolidated elected taxpayer group, 10349
if applicable, of the operator of the qualified distribution 10350
center.) 10351

(II) The commissioner may grant a qualifying certificate 10352
to a distribution center that does not qualify as a qualified 10353
distribution center for an entire qualifying period if the 10354
operator of the distribution center demonstrates that the 10355
business operations of the distribution center have changed or 10356
will change such that the distribution center will qualify as a 10357

qualified distribution center within thirty-six months after the 10358
date the operator first applies for a certificate. If, at the 10359
end of that thirty-six-month period, the business operations of 10360
the distribution center have not changed such that the 10361
distribution center qualifies as a qualified distribution 10362
center, the operator of the distribution center shall pay the 10363
ineligible operator's supplier tax liability for each year that 10364
the distribution center received a certificate but did not 10365
qualify as a qualified distribution center. For each year the 10366
distribution center receives a certificate under division (F) (2) 10367
(z) (ii) (II) of this section, the distribution center shall pay 10368
all applicable fees required under division (F) (2) (z) of this 10369
section and shall submit an updated business plan showing the 10370
progress the distribution center made toward qualifying as a 10371
qualified distribution center during the preceding year. 10372

(III) An operator may appeal a determination under 10373
division (F) (2) (z) (ii) (I) or (II) of this section that the 10374
ineligible operator is liable for the operator's supplier tax 10375
liability as a result of not qualifying as a qualified 10376
distribution center, as provided in section 5717.02 of the 10377
Revised Code. 10378

(iii) When filing an application for a qualifying 10379
certificate under division (F) (2) (z) (i) (VI) of this section, the 10380
operator of a qualified distribution center also shall provide 10381
documentation, as the commissioner requires, for the 10382
commissioner to ascertain the Ohio delivery percentage. The 10383
commissioner, upon issuing the qualifying certificate, also 10384
shall certify the Ohio delivery percentage. The operator of the 10385
qualified distribution center may appeal the commissioner's 10386
certification of the Ohio delivery percentage in the same manner 10387
as an appeal is taken from the denial of a qualifying 10388

certificate under division (F) (2) (z) (i) (VI) of this section. 10389

(iv) (I) In the case where the distribution center is new 10390
and not open for the entire qualifying period, the operator 10391
shall make a good faith estimate of an Ohio delivery percentage 10392
for use by suppliers in their reports of taxable gross receipts 10393
for the remainder of the qualifying period. The operator of the 10394
facility shall disclose to the suppliers that such Ohio delivery 10395
percentage is an estimate and is subject to recalculation. By 10396
the due date of the next application for a qualifying 10397
certificate, the operator shall determine the actual Ohio 10398
delivery percentage for the estimated qualifying period and 10399
proceed as provided in division (F) (2) (z) (iii) of this section 10400
with respect to the calculation and recalculation of the Ohio 10401
delivery percentage. The supplier is required to file, within 10402
sixty days after receiving notice from the operator of the 10403
qualified distribution center, amended reports for the impacted 10404
calendar quarter or quarters or calendar year, whichever the 10405
case may be. Any additional tax liability or tax overpayment 10406
shall be subject to interest but shall not be subject to the 10407
imposition of any penalty so long as the amended returns are 10408
timely filed. 10409

(II) The operator of a distribution center that receives a 10410
qualifying certificate under division (F) (2) (z) (ii) (II) of this 10411
section shall make a good faith estimate of the Ohio delivery 10412
percentage that the operator estimates will apply to the 10413
distribution center at the end of the thirty-six-month period 10414
after the operator first applied for a qualifying certificate 10415
under that division. The result of the estimate shall be 10416
multiplied by a factor of one and seventy-five one-hundredths. 10417
The product of that calculation shall be the Ohio delivery 10418
percentage used by suppliers in their reports of taxable gross 10419

receipts for each qualifying year that the distribution center 10420
receives a qualifying certificate under division (F) (2) (z) (ii) 10421
(II) of this section, except that, if the product is less than 10422
five per cent, the Ohio delivery percentage used shall be five 10423
per cent and that, if the product exceeds forty-nine per cent, 10424
the Ohio delivery percentage used shall be forty-nine per cent. 10425

(v) Qualifying certificates and Ohio delivery percentages 10426
issued by the commissioner shall be open to public inspection 10427
and shall be timely published by the commissioner. A supplier 10428
relying in good faith on a certificate issued under this 10429
division shall not be subject to tax on the qualifying 10430
distribution center receipts under division (F) (2) (z) of this 10431
section. An operator receiving a qualifying certificate is 10432
liable for the ineligible operator's supplier tax liability for 10433
each year the operator received a certificate but did not 10434
qualify as a qualified distribution center. 10435

(vi) The annual fee for a qualifying certificate shall be 10436
one hundred thousand dollars for each qualified distribution 10437
center. If a qualifying certificate is not issued, the annual 10438
fee is subject to refund after the exhaustion of all appeals 10439
provided for in division (F) (2) (z) (i) (VI) of this section. The 10440
first one hundred thousand dollars of the annual application 10441
fees collected each calendar year shall be credited to the 10442
revenue enhancement fund. The remainder of the annual 10443
application fees collected shall be distributed in the same 10444
manner required under section 5751.20 of the Revised Code. 10445

(vii) The tax commissioner may require that adequate 10446
security be posted by the operator of the distribution center on 10447
appeal when the commissioner disagrees that the applicant has 10448
met the minimum thresholds for a qualified distribution center 10449

as set forth in division (F) (2) (z) of this section. 10450

(aa) Receipts of an employer from payroll deductions 10451
relating to the reimbursement of the employer for advancing 10452
moneys to an unrelated third party on an employee's behalf; 10453

(bb) Cash discounts allowed and taken; 10454

(cc) Returns and allowances; 10455

(dd) Bad debts from receipts on the basis of which the tax 10456
imposed by this chapter was paid in a prior quarterly tax 10457
payment period. For the purpose of this division, "bad debts" 10458
means any debts that have become worthless or uncollectible 10459
between the preceding and current quarterly tax payment periods, 10460
have been uncollected for at least six months, and that may be 10461
claimed as a deduction under section 166 of the Internal Revenue 10462
Code and the regulations adopted under that section, or that 10463
could be claimed as such if the taxpayer kept its accounts on 10464
the accrual basis. "Bad debts" does not include repossessed 10465
property, uncollectible amounts on property that remains in the 10466
possession of the taxpayer until the full purchase price is 10467
paid, or expenses in attempting to collect any account 10468
receivable or for any portion of the debt recovered; 10469

(ee) Any amount realized from the sale of an account 10470
receivable to the extent the receipts from the underlying 10471
transaction giving rise to the account receivable were included 10472
in the gross receipts of the taxpayer; 10473

(ff) Any receipts directly attributed to a transfer 10474
agreement or to the enterprise transferred under that agreement 10475
under section 4313.02 of the Revised Code. 10476

(gg) (i) As used in this division: 10477

(I) "Qualified uranium receipts" means receipts from the 10478
sale, exchange, lease, loan, production, processing, or other 10479
disposition of uranium within a uranium enrichment zone 10480
certified by the tax commissioner under division (F) (2) (gg) (ii) 10481
of this section. "Qualified uranium receipts" does not include 10482
any receipts with a situs in this state outside a uranium 10483
enrichment zone certified by the tax commissioner under division 10484
(F) (2) (gg) (ii) of this section. 10485

(II) "Uranium enrichment zone" means all real property 10486
that is part of a uranium enrichment facility licensed by the 10487
United States nuclear regulatory commission and that was or is 10488
owned or controlled by the United States department of energy or 10489
its successor. 10490

(ii) Any person that owns, leases, or operates real or 10491
tangible personal property constituting or located within a 10492
uranium enrichment zone may apply to the tax commissioner to 10493
have the uranium enrichment zone certified for the purpose of 10494
excluding qualified uranium receipts under division (F) (2) (gg) 10495
of this section. The application shall include such information 10496
that the tax commissioner prescribes. Within sixty days after 10497
receiving the application, the tax commissioner shall certify 10498
the zone for that purpose if the commissioner determines that 10499
the property qualifies as a uranium enrichment zone as defined 10500
in division (F) (2) (gg) of this section, or, if the tax 10501
commissioner determines that the property does not qualify, the 10502
commissioner shall deny the application or request additional 10503
information from the applicant. If the tax commissioner denies 10504
an application, the commissioner shall state the reasons for the 10505
denial. The applicant may appeal the denial of an application to 10506
the board of tax appeals pursuant to section 5717.02 of the 10507
Revised Code. If the applicant files a timely appeal, the tax 10508

commissioner shall conditionally certify the applicant's 10509
property. The conditional certification shall expire when all of 10510
the applicant's appeals are exhausted. Until final resolution of 10511
the appeal, the applicant shall retain the applicant's records 10512
in accordance with section 5751.12 of the Revised Code, 10513
notwithstanding any time limit on the preservation of records 10514
under that section. 10515

(hh) In the case of amounts collected by a licensed casino 10516
operator from casino gaming, amounts in excess of the casino 10517
operator's gross casino revenue. In this division, "casino 10518
operator" and "casino gaming" have the meanings defined in 10519
section 3772.01 of the Revised Code, and "gross casino revenue" 10520
has the meaning defined in section 5753.01 of the Revised Code. 10521

(ii) Receipts realized from the sale of agricultural 10522
commodities by an agricultural commodity handler, both as 10523
defined in section 926.01 of the Revised Code, that is licensed 10524
by the director of agriculture to handle agricultural 10525
commodities in this state. 10526

(jj) Qualifying integrated supply chain receipts. 10527

As used in division (F) (2) (jj) of this section: 10528

(i) "Qualifying integrated supply chain receipts" means 10529
receipts of a qualified integrated supply chain vendor from the 10530
sale of qualified property delivered to, or integrated supply 10531
chain services provided to, another qualified integrated supply 10532
chain vendor or to a retailer that is a member of the integrated 10533
supply chain. "Qualifying integrated supply chain receipts" does 10534
not include receipts of a person that is not a qualified 10535
integrated supply chain vendor from the sale of raw materials to 10536
a member of an integrated supply chain, or receipts of a member 10537

of an integrated supply chain from the sale of qualified 10538
property or integrated supply chain services to a person that is 10539
not a member of the integrated supply chain. 10540

(ii) "Qualified property" means any of the following: 10541

(I) Component parts used to hold, contain, package, or 10542
dispense qualified products, excluding equipment; 10543

(II) Work-in-process inventory that will become, comprise, 10544
or form a component part of a qualified product capable of being 10545
sold at retail, excluding equipment, machinery, furniture, and 10546
fixtures; 10547

(III) Finished goods inventory that is a qualified product 10548
capable of being sold at retail in the inventory's present form. 10549

(iii) "Qualified integrated supply chain vendor" means a 10550
person that is a member of an integrated supply chain and that 10551
provides integrated supply chain services within a qualified 10552
integrated supply chain district to a retailer that is a member 10553
of the integrated supply chain or to another qualified 10554
integrated supply chain vendor that is located within the same 10555
such district as the person but does not share a common owner 10556
with that person. 10557

(iv) "Qualified product" means a personal care, health, or 10558
beauty product or an aromatic product, including a candle. 10559

"Qualified product" does not include a drug that may be 10560
dispensed only pursuant to a prescription, durable medical 10561
equipment, mobility enhancing equipment, or a prosthetic device, 10562
as those terms are defined in section 5739.01 of the Revised 10563
Code. 10564

(v) "Integrated supply chain" means two or more qualified 10565
integrated supply chain vendors certified on the most recent 10566

list certified to the tax commissioner under this division that 10567
systematically collaborate and coordinate business operations 10568
with a retailer on the flow of tangible personal property from 10569
material sourcing through manufacturing, assembly, packaging, 10570
and delivery to the retailer to improve long-term financial 10571
performance of each vendor and the supply chain that includes 10572
the retailer. 10573

For the purpose of the certification required under this 10574
division, the reporting person for each retailer, on or before 10575
the first day of October of each year, shall certify to the tax 10576
commissioner a list of the qualified integrated supply chain 10577
vendors providing or receiving integrated supply chain services 10578
within a qualified integrated supply chain district for the 10579
ensuing calendar year. On or before the following first day of 10580
November, the commissioner shall issue a certificate to the 10581
retailer and to each vendor certified to the commissioner on 10582
that list. The certificate shall include the names of the 10583
retailer and of the qualified integrated supply chain vendors. 10584

The retailer shall notify the commissioner of any changes 10585
to the list, including additions to or subtractions from the 10586
list or changes in the name or legal entity of vendors certified 10587
on the list, within sixty days after the date the retailer 10588
becomes aware of the change. Within thirty days after receiving 10589
that notification, the commissioner shall issue a revised 10590
certificate to the retailer and to each vendor certified on the 10591
list. The revised certificate shall include the effective date 10592
of the change. 10593

Each recipient of a certificate issued pursuant to this 10594
division shall maintain a copy of the certificate for four years 10595
from the date the certificate was received. 10596

(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, packaging, or repackaging tangible personal property that will become finished goods inventory capable of being sold at retail by a retailer that is a member of an integrated supply chain.

(vii) "Retailer" means a person primarily engaged in making retail sales and any member of that person's consolidated elected taxpayer group or combined taxpayer group, whether or not that member is primarily engaged in making retail sales.

(viii) "Qualified integrated supply chain district" means the parcel or parcels of land from which a retailer's integrated supply chain that existed on September 29, 2015, provides or receives integrated supply chain services, and to which all of the following apply:

(I) The parcel or parcels are located wholly in a county having a population of greater than one hundred sixty-five thousand but less than one hundred seventy thousand based on the 2010 federal decennial census.

(II) The parcel or parcels are located wholly in the corporate limits of a municipal corporation with a population greater than seven thousand five hundred and less than eight thousand based on the 2010 federal decennial census that is partly located in the county described in division (F) (2) (jj) (viii) (I) of this section, as those corporate limits existed on September 29, 2015.

(III) The aggregate acreage of the parcel or parcels equals or exceeds one hundred acres.

(kk) In the case of a railroad company described in

division (D) (9) of section 5727.01 of the Revised Code that 10626
purchases dyed diesel fuel directly from a supplier as defined 10627
by section 5736.01 of the Revised Code, an amount equal to the 10628
product of the number of gallons of dyed diesel fuel purchased 10629
directly from such a supplier multiplied by the average 10630
wholesale price for a gallon of diesel fuel as determined under 10631
section 5736.02 of the Revised Code for the period during which 10632
the fuel was purchased multiplied by a fraction, the numerator 10633
of which equals the rate of tax levied by section 5736.02 of the 10634
Revised Code less the rate of tax computed in section 5751.03 of 10635
the Revised Code, and the denominator of which equals the rate 10636
of tax computed in section 5751.03 of the Revised Code. 10637

(ll) Receipts realized by an out-of-state disaster 10638
business from disaster work conducted in this state during a 10639
disaster response period pursuant to a qualifying solicitation 10640
received by the business. Terms used in division (F) (2) (ll) of 10641
this section have the same meanings as in section 5703.94 of the 10642
Revised Code. 10643

(mm) Receipts from operations as an addiction treatment 10644
facility established pursuant to a proposal selected under 10645
section 2967.51 of the Revised Code or as a juvenile addiction 10646
treatment facility established pursuant to a proposal selected 10647
under section 5139.61 of the Revised Code, which proposal 10648
included a certification that the establishment and operation of 10649
the facility would result in annual net losses of not less than 10650
a specified amount being incurred by the person whose proposal 10651
was selected. The amount excluded under division (F) (2) (mm) of 10652
this section in a calendar year shall not exceed the amount so 10653
specified. If the taxpayer is a calendar quarter taxpayer, the 10654
amount of receipts excluded for the tax period may not exceed 10655
one-fourth of the amount so specified. 10656

(nn) Any receipts for which the tax imposed by this 10657
chapter is prohibited by the constitution or laws of the United 10658
States or the constitution of this state. 10659

(3) In the case of a taxpayer when acting as a real estate 10660
broker, "gross receipts" includes only the portion of any fee 10661
for the service of a real estate broker, or service of a real 10662
estate salesperson associated with that broker, that is retained 10663
by the broker and not paid to an associated real estate 10664
salesperson or another real estate broker. For the purposes of 10665
this division, "real estate broker" and "real estate 10666
salesperson" have the same meanings as in section 4735.01 of the 10667
Revised Code. 10668

(4) A taxpayer's method of accounting for gross receipts 10669
for a tax period shall be the same as the taxpayer's method of 10670
accounting for federal income tax purposes for the taxpayer's 10671
federal taxable year that includes the tax period. If a 10672
taxpayer's method of accounting for federal income tax purposes 10673
changes, its method of accounting for gross receipts under this 10674
chapter shall be changed accordingly. 10675

(G) "Taxable gross receipts" means gross receipts sitused 10676
to this state under section 5751.033 of the Revised Code. 10677

(H) A person has "substantial nexus with this state" if 10678
any of the following applies. The person: 10679

(1) Owns or uses a part or all of its capital in this 10680
state; 10681

(2) Holds a certificate of compliance with the laws of 10682
this state authorizing the person to do business in this state; 10683

(3) Has bright-line presence in this state; 10684

(4) Otherwise has nexus with this state to an extent that 10685
the person can be required to remit the tax imposed under this 10686
chapter under the Constitution of the United States. 10687

(I) A person has "bright-line presence" in this state for 10688
a reporting period and for the remaining portion of the calendar 10689
year if any of the following applies. The person: 10690

(1) Has at any time during the calendar year property in 10691
this state with an aggregate value of at least fifty thousand 10692
dollars. For the purpose of division (I)(1) of this section, 10693
owned property is valued at original cost and rented property is 10694
valued at eight times the net annual rental charge. 10695

(2) Has during the calendar year payroll in this state of 10696
at least fifty thousand dollars. Payroll in this state includes 10697
all of the following: 10698

(a) Any amount subject to withholding by the person under 10699
section 5747.06 of the Revised Code; 10700

(b) Any other amount the person pays as compensation to an 10701
individual under the supervision or control of the person for 10702
work done in this state; and 10703

(c) Any amount the person pays for services performed in 10704
this state on its behalf by another. 10705

(3) Has during the calendar year taxable gross receipts of 10706
at least five hundred thousand dollars. 10707

(4) Has at any time during the calendar year within this 10708
state at least twenty-five per cent of the person's total 10709
property, total payroll, or total gross receipts. 10710

(5) Is domiciled in this state as an individual or for 10711
corporate, commercial, or other business purposes. 10712

(J) "Tangible personal property" has the same meaning as 10713
in section 5739.01 of the Revised Code. 10714

(K) "Internal Revenue Code" means the Internal Revenue 10715
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 10716
used in this chapter that is not otherwise defined has the same 10717
meaning as when used in a comparable context in the laws of the 10718
United States relating to federal income taxes unless a 10719
different meaning is clearly required. Any reference in this 10720
chapter to the Internal Revenue Code includes other laws of the 10721
United States relating to federal income taxes. 10722

(L) "Calendar quarter" means a three-month period ending 10723
on the thirty-first day of March, the thirtieth day of June, the 10724
thirtieth day of September, or the thirty-first day of December. 10725

(M) "Tax period" means the calendar quarter or calendar 10726
year on the basis of which a taxpayer is required to pay the tax 10727
imposed under this chapter. 10728

(N) "Calendar year taxpayer" means a taxpayer for which 10729
the tax period is a calendar year. 10730

(O) "Calendar quarter taxpayer" means a taxpayer for which 10731
the tax period is a calendar quarter. 10732

(P) "Agent" means a person authorized by another person to 10733
act on its behalf to undertake a transaction for the other, 10734
including any of the following: 10735

(1) A person receiving a fee to sell financial 10736
instruments; 10737

(2) A person retaining only a commission from a 10738
transaction with the other proceeds from the transaction being 10739
remitted to another person; 10740

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	10741 10742
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	10743 10744
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	10745 10746
(Q) "Received" includes amounts accrued under the accrual method of accounting.	10747 10748
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	10749 10750 10751 10752 10753 10754 10755
Section 2. That existing sections 127.19, 2152.021, 2743.60, 2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2925.11, 2929.01, 2929.13, 2929.14, 2941.1410, 2951.02, 2951.08, 2967.131, 2967.28, 3719.21, 4141.01, 5747.01, and 5751.01 of the Revised Code are hereby repealed.	10756 10757 10758 10759 10760
Section 3. (A) Within six months after the effective date of this act, the Department of Rehabilitation and Correction shall create recommendations for both of the following:	10761 10762 10763
(1) A program that allows persons formerly convicted of section 2925.03 of the Revised Code to stay out of the drug trade and to engage in legitimate business;	10764 10765 10766
(2) A program, in coordination with local governments, to acquire vacant housing and ensure entire neighborhoods qualify	10767 10768

as sober housing in which persons released from addiction 10769
treatment facilities may live. 10770

(B) Within one year after the effective date of this act, 10771
the Department of Rehabilitation and Correction shall study the 10772
feasibility of creating a drug trafficker registry, similar to 10773
the sex offender registry operated under Chapter 2950. of the 10774
Revised Code. The Department of Rehabilitation and Correction 10775
shall compile findings of this study in a report. 10776

(C) The Department of Rehabilitation and Correction shall 10777
submit the recommendations required under division (A) of this 10778
section and the report required under division (B) of this 10779
section to the Speaker and Minority Leader of the House of 10780
Representatives and the President and Minority Leader of the 10781
Senate. 10782

(D) The Department of Rehabilitation and Correction shall 10783
request federal grants and accept all donations for the creation 10784
of addiction treatment facilities and detoxification facilities 10785
prescribed by this act. 10786

(E) The Department of Rehabilitation and Correction shall 10787
recognize every organization that successfully bids to construct 10788
an addiction treatment facility as being a major contributor to 10789
end Ohio's heroin epidemic in the manner determined suitable by 10790
the Director of the Department. 10791

(F) The Medicaid program shall not limit the number of 10792
hours per day for which a Medicaid recipient may obtain peer 10793
recovery support from a state detoxification provider. 10794

Section 4. All items in this section are hereby 10795
appropriated as designated out of any moneys in the state 10796
treasury to the credit of the designated fund. For all 10797

appropriations made in this act, those in the first column are 10798
for fiscal year 2020 and those in the second column are for 10799
fiscal year 2021. The appropriations made in this act are in 10800
addition to any other appropriations made for the FY 2020-FY 10801
2021 biennium. 10802

10803

	1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION				
B	Dedicated Purpose Fund Group				
C	5VE0	501410	Addiction Treatment Facility Operations	\$ 25,922,014	\$ 25,922,014
D	TOTAL DPF Dedicated Purpose Fund Group			\$ 25,922,014	\$ 25,922,014
E	TOTAL ALL BUDGET FUND GROUPS			\$ 25,922,014	\$ 25,922,014

ADDICTION TREATMENT FACILITY OPERATIONS 10804

If the effective date of this section is before July 1, 10805
2020, the Director of Budget and Management shall transfer 10806
\$25,922,014 cash from the General Revenue Fund to the Addiction 10807
Treatment Facility Fund (Fund 5VE0) created in section 2967.50 10808
of the Revised Code. The Director shall reduce the fiscal year 10809
2020 appropriation for appropriation item 501407, Community 10810
Nonresidential Programs, by the same amount as the amount of the 10811
cash transfer. 10812

On July 1, 2020, or as soon as possible thereafter, the 10813
Director of Budget and Management shall transfer \$25,922,014 10814
cash from the General Revenue Fund to Fund 5VE0. The Director 10815
shall reduce the fiscal year 2021 appropriation for 10816
appropriation item 501407, Community Nonresidential Programs, by 10817
the same amount as the amount of the cash transfer. 10818

The foregoing appropriation item 501410, Addiction 10819
Treatment Facility Operations, shall be used by the Director of 10820
Rehabilitation and Correction for the purpose of constructing 10821
and operating addiction treatment facilities in accordance with 10822
sections 2967.49 through 2967.57 of the Revised Code, and by the 10823
Director of Youth Services for the purpose of constructing and 10824
operating juvenile addiction treatment facilities in accordance 10825
with sections 5139.60 through 5139.63 of the Revised Code. 10826

Section 5. Within the limits set forth in this act, the 10827
Director of Budget and Management shall establish accounts 10828
indicating the source and amount of funds for each appropriation 10829
made in this act, and shall determine the form and manner in 10830
which appropriation accounts shall be maintained. Expenditures 10831
from appropriations contained in this act shall be accounted for 10832
as though made in H.B. 166 of the 133rd General Assembly. 10833

The appropriations made in this act are subject to all 10834
provisions of H.B. 166 of the 133rd General Assembly that are 10835
generally applicable to such appropriations. 10836

Section 6. Not later than one year after the effective 10837
date of this section, the Department of Mental Health and 10838
Addiction Services shall develop a proposal for consideration by 10839
the General Assembly regarding the establishment of addiction 10840
treatment facilities outside of the Department of Rehabilitation 10841
and Correction whereby an individual may voluntarily and 10842

irrevocably commit to treatment. To the extent possible, the 10843
Department of Mental Health and Addiction Services shall model 10844
the proposal's voluntary addiction treatment facility provisions 10845
on the provision of addiction treatment under sections 2967.51, 10846
2967.54, and 2967.55 of the Revised Code. 10847

Section 7. The General Assembly, applying the principle 10848
stated in division (B) of section 1.52 of the Revised Code that 10849
amendments are to be harmonized if reasonably capable of 10850
simultaneous operation, finds that the following sections, 10851
presented in this act as composites of the sections as amended 10852
by the acts indicated, are the resulting versions of the 10853
sections in effect prior to the effective date of the sections 10854
as presented in this act: 10855

Section 2925.03 of the Revised Code as amended by H.B. 10856
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 10857
Assembly. 10858

Section 2925.11 of the Revised Code as amended by S.B. 1, 10859
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 10860

Section 2929.01 of the Revised Code as amended by H.B. 63, 10861
H.B. 411, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd 10862
General Assembly. 10863

Section 2929.14 of the Revised Code as amended by H.B. 63, 10864
S.B. 1, S.B. 20, and H.B. 63, all of the 132nd General Assembly. 10865

Section 2967.28 of the Revised Code as amended by both 10866
S.B. 66 and S.B. 201 of the 132nd General Assembly. 10867