OHIO

House of Representatives

JOURNAL

CORRECTED VERSION
THURSDAY, MAY 24, 2012

ONE HUNDRED SIXTY-SECOND DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 24, 2012, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Darrell J. Davis of the Alum Creek Baptist Church in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Debby Hutras received H.R. 402, presented by Speaker Batchelder-69th district.

The Fort Hayes Arts and Academic High School received H.R. 381, presented by Representative Heard-26th district.

Ellen Huffman, daughter of Representative Huffman-4th district.

Kristen Bussell, a guest of Representative Anielski-17th district.

Judy Lewis and individuals from the Evans Center, guests of Representative Grossman-23rd district.

Students from Marlington Middle School, guests of Representative Okey-61st district.

Junior Ashbrook Scholars, guests of Speaker Batchelder-69th district.

Jon Grimm, David Haas, Terry Tamburini, Steve Kaiser, and Sylvan Riendeau, guests of Representative Thompson-93rd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 560-Representative Lynch.
Cosponsors: Representative Anielski, Speaker Batchelder, Representatives Combs, Hagan, C., Huffman, Kozlowski, McGregor, Pelanda, Sears, Terhar, Uecker, Wachtmann, Young.

To amend section 5543.14 and to enact sections 503.35, 5543.15, and 5571.18 of the Revised Code to authorize a board of county commissioners and a board of township trustees to order removal of vegetation on private property that blocks or otherwise interferes with the sight lines of motorists traveling on county or township roads, to authorize a board of township trustees to require certain ditches or culverts located in the township to be

cleaned, and to require notice to be given to abutting landowners before the trimming or removal of certain vegetation growing in or encroaching onto the right-of-way of county or township roads.

H. B. No. 561-Representative Slaby, M.
Cosponsors: Representatives Adams, J., Huffman, Grossman, Duffey, Garland.

To amend sections 3111.29, 3111.38, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 3123.821, and 3123.822, to enact sections 3111.801 and 3119.631, and to repeal section 3121.11 of the Revised Code to amend the Child Support Laws.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 508**-Representative Beck, et al., were taken up for consideration.

Am. Sub. H. B. No. 508-Representative Beck.
Cosponsors: Representatives Amstutz, Stautberg, Anielski, Antonio, Baker, Blessing, Boose, Bubp, Combs, Damschroder, Derickson, Garland, Gerberry, Grossman, Hackett, Hagan, R., Hayes, Huffman, Kozlowski, Lynch, Martin, McClain, Ruhl, Sears, Smith, Sprague, Stebelton, Terhar, Thompson, Young, Speaker Batchelder. Senators Beagle, Coley, Hite, Manning.

To amend sections 122.85, 131.02, 349.01, 1545.21, 1701.86, 1702.47, 3769.28, 4301.42, 4303.33, 4701.01, 4701.04, 5703.261, 5703.37, 5703.47, 5705.313, 5709.084, 5709.40, 5709.41, 5709.73, 5709.78, 5727.84, 5727.86, 5731.39, 5733.056, 5735.02, 5735.03, 5735.35, 5739.01, 5739.02, 5739.021, 5739.023, 5739.026, 5739.04, 5739.17, 5741.08, 5743.20, 5743.61, 5743.66, 5747.082, 5751.01, 5751.011, 5751.012, 5751.03, 5751.04, 5751.05, 5751.051, 5751.12, 5751.20, and 5751.22, to enact section 5703.061, and to repeal section 5751.032 of the Revised Code to make changes to the laws governing the assessment, levy, and collection of taxes in the state and to the laws governing public accounting firm peer review.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-96.

The Senate amendments were concurred in.

REPORTS OF CONFERENCE COMMITTEES

Representative Blessing moved that House Rule 66A, pertaining to conference committee reports carrying an appropriation, be suspended and that **Sub. H.B. 386**, be taken up for immediate consideration.

The question being, "Shall the motion be agreed to?"

The yeas and nays were taken and resulted - yeas 88, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Antonio	Ashford
Baker	Barnes	Beck	Blessing
Boyce	Boyd	Brenner	Bubp
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Heard	Henne	Hill
Huffman	Johnson	Kozlowski	Landis

Letson	Luckie	Lundy	Lynch
Maag	Martin	McClain	McGregor
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby M.	Slesnick	Smith	Sprague
Stautberg	Stebelton	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Yuko	Batchelder-88.

Representatives Amstutz, Anielski, Hayes, Hottinger, Phillips, Stinziano, and Young voted in the negative-7.

The motion was agreed to.

Representative Blessing submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on H.B. 386, Blessing - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

Between lines 4216a and 4217, insert:

" $7,800 to $9,999	10% of win purse	5% of place purse	$75	$70	$65"

In line 4217, delete " 75" and insert " 85"; delete " 70" and insert " 80"; delete " 65" and insert " 75"

In line 6847, delete " are" and insert " is"

In line 7157, after "Code" insert an underlined comma

In line 3412, after the underlined comma insert " beginning July 1, 2013,"; delete " may" and insert " shall"

In line 3415, delete " up to" and insert " one-half of"

In line 3418, after the underlined period insert " The state lottery commission's rule also may require the lottery sales agent conducting video lottery terminal gaming on behalf of the state to disperse to the state lottery commission an additional amount up to one-half of one per cent of such a lottery sales agent's commission for that purpose."

In line 31, after "3770.22," insert "3772.35,"

Between lines 6225 and 6226, insert:

" **Sec. 3772.35.** (A) Any action asserting that this chapter, any portion of this chapter, or any rule adopted under this chapter violates any provision of the Ohio Constitution shall be brought in the court of common pleas of Franklin county within ninety days after the effective date of the enactment of this section by Sub. H.B. 386 of the 129th general assembly or within ninety days after the

effective date of any rule, as applicable.

(B) Any claim asserting that any action taken by the commission under this chapter violates any provision of the Ohio Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken.

(C) Divisions (A) and (B) of this section do not apply to any claim within the original jurisdiction of the supreme court or a court of appeals under Article IV of the Ohio Constitution.

(D) The court of common pleas of Franklin county shall give any claim filed under division (A) or (B) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the claim expeditiously. A court of appeals shall give any appeal from a final order issued in a case brought under division (A) or (B) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the appeal expeditiously."

In line 12 of the title, after "3770.22," insert "3772.35,"

In line 2900 after "wagering" insert " on live racing programs and simulcast racing programs"

In line 2907 after "wagered" insert " on live racing programs and simulcast racing programs"

In line 3579, after " days" insert " or the maximum number of racing days for any permit holder exceed two hundred ten racing days"

In line 4926, after " by" insert " Sub."

In line 7913, after "**14.**" insert "The amendment by this act of section 3769.0810 of the Revised Code takes effect July 1, 2015.

Section 15."

In line 7922, delete "**15**" and insert "**16**"

In line 7875, delete "to the Ohio Law"

In line 7876, delete "Enforcement Training Fund"

In line 7877, after "Constitution" insert "to the Ohio Law Enforcement Training Fund pursuant to section 5753.03 of the Revised Code"

In line 7878, delete "provision on" and insert "recommendation for"

In line 7879, after "agencies" insert "beginning in fiscal year 2015"

In line 7749, after "**9.**" insert "(A) As used in this section, "permit holder" and "track" have the same meanings as in Section 7 of this act.

(B) Within six months of the effective date of this section, the Governor, in consultation with the State Racing Commission, shall discuss, negotiate in

good faith, and reach an agreement with necessary parties regarding providing five hundred thousand dollars per year, with the first payment by December 31, 2014, and annually thereafter, to the municipal corporations or townships receiving moneys from the Racetrack Relocation Fund under division (E)(3) of Section 7 of this act.

Section 10."

Renumber remaining sections accordingly

In line 7677, after the period delete the remainder of the line

Delete lines 7678 through 7680

In line 7681, delete "moved track."

In line 7690, after "grants" delete the remainder of the line

Delete lines 7691 through 7693

In line 7694, delete "other purposes"

In line 7712, after "(3)" delete the remainder of the line

Delete lines 7713 through 7719

In line 7720, delete "(4)"

In line 7728, delete "$15,500,000" and insert "$12,000,000"; delete "$3,500,000" and insert "$0"

In line 7736, delete " reappropriated" and insert "reappropriated"

Delete lines 7737 through 7745

In line 7749, after "**Section 9.**" insert "The Director of Budget and Management shall pay one million dollars by December 31, 2012, to the municipal corporation or township in which each commercial racetrack is located, including a municipal corporation or township to which a racetrack is to relocate as specified in the memorandum of understanding of February 17, 2012, between the Office of the Governor, State of Ohio, and Penn National Gaming, Inc., pertaining to racing permit transfers, but excluding the previous municipal corporation or township of each moved track and excluding a municipal corporation or township in a county with a population between 1,100,000 and 1,200,000 in the most recent federal decennial census. The Director shall transfer these payments, totaling six million dollars, from the Casino Operator Settlement Fund created in section 3772.34 of the Revised Code. The Director shall pay an additional one million dollars by June 30, 2013, to each of these municipal corporations and townships, and shall transfer these payments, totaling six million dollars, from the Casino Operator Settlement Fund. These expenditures are hereby appropriated. Each municipal corporation or township receiving such a payment shall use at least fifty per cent of the funds received for infrastructure or capital improvements.

Section 10."

In line 7762, delete "**10**" and insert "**11**"

In line 7871, delete "**11**" and insert "**12**"

In line 7880, delete "**12**" and insert "**13**"

In line 7907, delete "**13**" and insert "**14**"

In line 7913, delete "**14**" and insert "**15**"

In line 7922, delete "**15**" and insert "**16**"

Managers on the Part of the House of Representatives		Managers on the Part of the Senate	
/S/	/S/LOUIS W. BLESSING, JR. /S/LOUIS W. BLESSING, JR.	/S/	/S/WILLIAM P. COLEY, II /S/WILLIAM P. COLEY, II
/S/	/S/MATT HUFFMAN /S/MATT HUFFMAN	/S/	/S/KEITH FABER /S/KEITH FABER
/S/	/S/RONALD V. GERBERRY /S/RONALD V. GERBERRY	/S/	/S/SHIRLEY A. SMITH /S/SHIRLEY A. SMITH

The question being, "Shall the emergency clause stand as part of the report of the committee of Conference?"

The yeas and nays were taken and resulted - yeas 71, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Antonio	Ashford	Baker
Barnes	Beck	Blessing	Boyce
Boyd	Brenner	Bubp	Budish
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	Derickson	Driehaus	Duffey
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goodwin
Goyal	Grossman	Hackett	Hagan, R.
Heard	Henne	Huffman	Kozlowski
Letson	Luckie	Lundy	Lynch
Maag	McGregor	Milkovich	Murray
O'Brien	Okey	Pelanda	Phillips
Pillich	Ramos	Reece	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Stautberg	Stebelton
Stinziano	Sykes	Terhar	Uecker
Williams	Winburn		Yuko-71.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Anielski	DeVitis
Dovilla	Hagan, C.	Hall	Hayes
Hill	Hottinger	Johnson	Landis

Martin	McClain	Newbold	Patmon
Roegner	Slaby M.	Sprague	Szollosi
Thompson	Wachtmann		Young-23.

Having received the required Constitutional majority, the emergency clause stood as part of the report of the committee of Conference.

The question being, "Shall the report of the committee of Conference be agreed to as an emergency measure?"

The yeas and nays were taken and resulted - yeas 71, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Anielski	Antonio	Ashford
Baker	Barnes	Beck	Blessing
Boyce	Boyd	Brenner	Budish
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	Derickson	Driehaus	Duffey
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goodwin
Goyal	Grossman	Hackett	Hagan, R.
Heard	Henne	Huffman	Kozlowski
Letson	Luckie	Lundy	Lynch
Maag	Martin	McGregor	Milkovich
Murray	O'Brien	Okey	Pelanda
Phillips	Pillich	Ramos	Reece
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slesnick	Smith	Stautberg
Stinziano	Sykes	Terhar	Uecker
Williams	Winburn		Yuko-71.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Bubp	DeVitis
Dovilla	Hagan, C.	Hall	Hayes
Hill	Hottinger	Johnson	Landis
McClain	Newbold	Patmon	Roegner
Slaby M.	Sprague	Stebelton	Szollosi
Thompson	Wachtmann		Young-23.

The report of the committee of Conference was agreed to as an emergency measure.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Yuko submitted the following report:

The standing committee on Commerce, Labor, and Technology to which was referred **H. B. No. 484**-Representative Duffey, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SHORT-TIME UNEMPLOYMENT COMPENSATION PROGRAM

JOSEPH W. UECKER
JOHN ADAMS
TERRY BLAIR
CRAIG NEWBOLD
LOUIS TERHAR
RON YOUNG
RICHARD ADAMS
ROSS MCGREGOR
KRISTINA ROEGNER
LYNN R. WACHTMANN

The following members voted "NO"

NICKIE ANTONIO
ROBERT F. HAGAN
DAN RAMOS
KENNY YUKO
KEVIN BOYCE
DENNIS MURRAY
MATT SZOLLOSI

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Yuko submitted the following report:

The standing committee on Commerce, Labor, and Technology to which was referred **Sub. S. B. No. 193**-Senator Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCRAP METAL DEALERS-PHOTOGRAPH PERSON SELLING/GIVING ARTICLE

JOSEPH W. UECKER
JOHN ADAMS
NICKIE ANTONIO
KEVIN BOYCE
ROSS MCGREGOR
CRAIG NEWBOLD
MATT SZOLLOSI
LOUIS TERHAR
RON YOUNG
RICHARD ADAMS
TERRY BLAIR
ROBERT F. HAGAN
DENNIS MURRAY
DAN RAMOS
KENNY YUKO

The following members voted "NO"

KRISTINA ROEGNER LYNN R. WACHTMANN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Luckie submitted the following report:

The standing committee on Education to which was referred **Sub. S. B. No. 316**-Senator Lehner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MID-TERM BUDGET REVIEW-EDUCATION/TYPE B FAMILY DAY-CARE HOMES-REVISE LAW

Representative Stebelton moved to amend the title as follows:

Add the names: "Representatives Stebelton, Roegner, Newbold."

GERALD L. STEBELTON
NAN BAKER
TIMOTHY DERICKSON
MATT HUFFMAN
RON MAAG
KRISTINA ROEGNER
ANDY THOMPSON
BILL PATMON
MIKE DOVILLA
JIM BUTLER
BILL HAYES
CASEY KOZLOWSKI
CRAIG NEWBOLD
RYAN SMITH
TERESA FEDOR

The following members voted "NO"

NICKIE ANTONIO
DENISE DRIEHAUS
DEBBIE PHILLIPS
TED CELESTE
RON GERBERRY
DAN RAMOS

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

H.B. No. 558 - Representative Beck
TO MAKE VARIOUS CHANGES TO THE ADMINISTRATION OF THE NEW MARKETS TAX CREDIT, INCLUDING THE ACCELERATION OF THE RECEIPT OF NEW MARKETS TAX CREDIT INSTALLMENTS, ALLOWING COMMUNITY DEVELOPMENT ENTITIES TO MAKE CREDIT-ELIGIBLE INVESTMENTS IN A LOW-INCOME COMMUNITY BUSINESS THAT DERIVES 15% OR MORE OF ITS ANNUAL REVENUE FROM RENTING OR SELLING REAL ESTATE,

ELIMINATING THE REQUIREMENT TO CALCULATE ADJUSTED PURCHASE PRICE OF INVESTMENTS IN CALCULATING THE AMOUNT OF THE CREDIT, PERMITTING ENTITIES TO IDENTIFY QUALIFYING EQUITY INVESTMENTS FROM ANY COMMUNITY DEVELOPMENT ENTITY, AND CLARIFYING THAT THE MAXIMUM ALLOWABLE CREDIT FOR EACH INVESTOR IS $1 MILLION.
To the committee on Ways and Means

H.B. No. 559 - Representatives Landis and C. Hagan
TO REQUIRE OPERATORS AND PIPELINE COMPANIES TO DISCLOSE THE COUNTRY IN WHICH OIL COUNTRY TUBULAR GOODS STEEL PRODUCTS WERE MANUFACTURED.
To the committee on Agriculture and Natural Resources

LOUIS W. BLESSING
ANDREW BRENNER
CHERYL GROSSMAN
ARMOND BUDISH
MATT SZOLLOSI
JOHN ADAMS
ANNE GONZALES
DOROTHY PELANDA
DEBBIE PHILLIPS

Representative Blessing moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 403 - Representative Heard
Honoring the St. Charles Preparatory School JETS team as the 2011 Division III National Champion.

H.R. No. 404 - Representative Heard
Honoring the St. Charles Preparatory School robotics team as the 2012 Rookie All-Star Award recipient.

/s/LOUIS BLESSING
Louis Blessing, Chair

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, May 22, 2012, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Tuesday, May 22, 2012, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 543-Representative Anielski.
Cosponsors: Representatives Grossman, Okey, Antonio, Baker, Stinziano, Patmon, Milkovich, Sears, Pillich, Brenner, Stebelton, Roegner, Wachtmann, O'Brien, Gonzales, Fende, Duffey, Garland, Hackett, Ramos, Smith, Yuko.

To amend section 3319.073 of the Revised Code to enact the "Jason Flatt Act" to require public schools to train staff in youth suicide awareness and prevention, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Murray

Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-97.

The bill passed.

Representative Anielski moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Ashford, Barnes, Beck, Blair, Blessing, Boyce, Boyd, Bubp, Buchy, Budish, Carney, Celebrezze, Celeste, Clyde, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gardner, Gerberry, Goodwin, Goyal, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Martin, McClain, McGregor, Newbold, Pelanda, Phillips, Reece, Rosenberger, Ruhl, Scherer, Schuring, Slaby, M., Slesnick, Sprague, Stautberg, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 524-Representatives McGregor, Heard.
Cosponsors: Representatives Williams, Sears, Garland, Driehaus, Brenner, Fedor, Yuko, Winburn, Antonio, Phillips, Letson, Conditt.

To amend sections 109.57, 109.572, 109.578, 2151.356, 2152.02, 2152.18, 2152.26, 2705.031, 2907.24, 2913.02, 2923.122, 2925.14, 2925.38, 2947.23, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 2967.191, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5502.011, and 5743.99, and to enact sections 2925.141, 2953.25, 4776.021, and 4776.10 of the Revised Code to exclude most juvenile proceedings and adjudications from criminal records checks; to ensure that persons sentenced to confinement receive credit for time served in juvenile facilities; to expand eligibility for the sealing of criminal records and to eliminate the prohibition of the sealing of juvenile records in certain cases; to make the use or possession with purpose to use drug

paraphernalia with marihuana a minor misdemeanor; to provide that a court's failure to warn an offender at sentencing about the possibility that the court may order community service if the offender fails to pay the costs of prosecution does not negate or limit the authority of the court to so order community service; to permit an individual subject to civil sanctions as a result of a conviction of or plea of guilty to a criminal offense to file a petition for relief from the sanctions and establish a procedure for the review of such petitions; to permit the court of common pleas of the individual's county of residence to issue a certificate of qualification for employment; to permit decision-makers to consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or employment opportunity to an offender who has been issued such a certificate regardless of the offender's possession of the certificate and without reconsidering or rejecting any finding made by the issuing court; to provide for the revocation of a certificate of qualification for employment; to increase from eighteen to twenty-one the age at which certain offenders may be held in places not authorized for the confinement of children; to increase the juvenile court's jurisdiction over certain specified cases solely for the purpose of detaining a person while the person's case is heard in adult court; to create a process by which a prosecutor may file a motion in juvenile court to request that a person be held in a place other than those specified for the placement for children while the person's case is heard in adult court; to amend the law governing child support; to modify the penalty for driving under suspension if the suspension was imposed as part of the penalty for certain violations that do not directly involve the operation of a motor vehicle; to make changes in certain other driver's license suspension provisions; to require the Department of Public Safety to study the advisability and feasibility of a one-time amnesty program for drivers who have not paid fees or fines owed by them for motor vehicle offenses and driver's license suspensions; to define the terms moral turpitude and disqualifying offense as applied to certain employment; to provide for criminal records checks and a license issuance restriction regarding applicants for a trainee license for a profession or occupation; to require the Casino Control Commission to notify each applicant for a license from the Commission who is denied the license of the reasons for the denial and to provide an annual report to the General Assembly and Governor that specifies the number of license applications denied in the year and the reasons for the denial; to add an ex-offender appointed by the Director of Rehabilitation and Correction to the Ex-offender Reentry Coalition; and to prohibit the preclusion of individuals from obtaining or renewing certain licenses, certifications, or permits due to any past criminal history unless the individual had committed a crime of moral turpitude or a disqualifying offense, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 91, after "109.578," insert "307.932,"

In line 92, after "2152.02," insert "2152.12, 2152.121,"; after "2152.26," insert "2152.52, 2152.56, 2152.59, 2301.27, 2301.271,"; after "2913.02," insert "2921.331,"; after "2923.122," insert "2925.03, 2925.04,"

In line 93, after "2925.38," insert "2929.14, 2929.19, 2929.26, 2929.41,"; after "2949.08," insert "2951.022, 2953.08,"

In line 94, after "2953.36," insert "2961.22,"; after "2967.191," insert "2967.193, 2967.26,"

In line 100, after "5120.07," insert "5149.311,"

Between lines 1224 and 1225, insert:

"**Sec. 307.932.** (A) As used in this section:

(1) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

(2) "Eligible offender" means, in relation to a particular community alternative sentencing center or district community alternative sentencing center established and operated under division (E) of this section, an offender who has been convicted of or pleaded guilty to a qualifying misdemeanor offense, for whom no provision of the Revised Code or ordinance of a municipal corporation other than section 4511.19 of the Revised Code, both section 4510.14 and 4511.19 of the Revised Code, or an ordinance or ordinances of a municipal corporation that provide the penalties for a municipal OVI offense or for both a municipal OVI ordinance and a municipal DUS ordinance of the municipal corporation requires the imposition of a mandatory jail term for that qualifying misdemeanor offense, and who is eligible to be sentenced directly to that center and admitted to it under rules adopted under division (G) of this section by the board of county commissioners or affiliated group of boards of county commissioners that established and operates that center.

(3) "Municipal OVI offense" has the same meaning as in section 4511.181 of the Revised Code.

(4) "OVI term of confinement" means a term of confinement imposed for a violation of section 4511.19 of the Revised Code or for a municipal OVI offense, including any mandatory jail term or mandatory term of local incarceration imposed for that violation or offense.

(5) "Community residential sanction" means a community residential sanction imposed under section 2929.26 of the Revised Code for a misdemeanor violation of a section of the Revised Code or a term of confinement imposed for a misdemeanor violation of a municipal ordinance that is not a jail term.

(6) "Qualifying misdemeanor offense" means a violation of any section of the Revised Code that is a misdemeanor or a violation of any ordinance of a

municipal corporation located in the county that is a misdemeanor.

(7) "Municipal DUS offense" means a violation of a municipal ordinance that is substantially equivalent to section 4510.14 of the Revised Code.

(B)(1) The board of county commissioners of any county, in consultation with the sheriff of the county, may formulate a proposal for a community alternative sentencing center that, upon implementation by the county or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in the county pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than sixty days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. A board that formulates a proposal pursuant to this division shall do so by resolution.

(2) The boards of county commissioners of two or more adjoining or neighboring counties, in consultation with the sheriffs of each of those counties, may affiliate and formulate by resolution adopted by each of them a proposal for a district community alternative sentencing center that, upon implementation by the counties or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in any of those counties pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than sixty days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. Each board that affiliates with one or more other boards to formulate a proposal pursuant to this division shall formulate the proposal by resolution.

(C) Each proposal for a community alternative sentencing center or a district community alternative sentencing center that is formulated under division (B)(1) or (2) of this section shall include proposals for operation of the center and for criteria to define which offenders are eligible to be sentenced directly to the center and admitted to it. At a minimum, the proposed criteria that define which offenders are eligible to be sentenced directly to the center and admitted to it shall provide all of the following:

(1) That an offender is eligible to be sentenced directly to the center and admitted to it if the offender has been convicted of or pleaded guilty to a qualifying misdemeanor offense and is sentenced directly to the center for the qualifying misdemeanor offense pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than sixty days by a court that is located in the county or one of the counties served by the board of county commissioners or by any of the affiliated group of boards of county commissioners that submits the proposal;

(2) That, except as otherwise provided in this division, no offender is eligible to be sentenced directly to the center or admitted to it if, in addition to the community residential sanction or OVI term of confinement described in

division (C)(1) of this section, the offender is serving or has been sentenced to serve any other jail term, prison term, or community residential sanction. A mandatory jail term or electronic monitoring imposed in lieu of a mandatory jail term for a violation of section 4511.19 of the Revised Code, for a municipal OVI offense, or for either such offense and a similar offense that exceeds sixty days of confinement shall not disqualify the offender from serving sixty days of the mandatory jail term at the center.

(D) If a proposal for a community alternative sentencing center or a district community alternative sentencing center that is formulated under division (B)(1) or (2) of this section contemplates the use of an existing facility, or a part of an existing facility, as the center, nothing in this section limits, restricts, or precludes the use of the facility, the part of the facility, or any other part of the facility for any purpose other than as a community alternative sentencing center or district community alternative sentencing center.

(E) The establishment and operation of a community alternative sentencing center or district community alternative sentencing center may be done by subcontracting with a nonprofit organization for the operation of the center.

If a board of county commissioners or an affiliated group of boards of county commissioners establishes and operates a community alternative sentencing center or district community alternative sentencing center under this division, except as otherwise provided in this division, the center is not a minimum security jail under section 341.14, section 753.21, or any other provision of the Revised Code, is not a jail or alternative residential facility as defined in section 2929.01 of the Revised Code, is not required to satisfy or comply with minimum standards for minimum security jails or other jails that are promulgated under division (A) of section 5120.10 of the Revised Code, is not a local detention facility as defined in section 2929.36 of the Revised Code, and is not a residential unit as defined in section 2950.01 of the Revised Code. The center is a detention facility as defined in sections 2921.01 and 2923.124 of the Revised Code, and an eligible offender confined in the center is under detention as defined in section 2921.01 of the Revised Code. Regarding persons sentenced directly to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense, the center shall be considered a "jail" or "local correctional facility" for purposes of any provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation that requires a mandatory jail term or mandatory term of local incarceration for the violation of section 4511.19 of the Revised Code, the violation of both section 4510.14 and 4511.19 of the Revised Code, the municipal OVI offense, or the municipal OVI offense and the municipal DUS offense, and a direct sentence of a person to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense shall be considered to be a sentence to a "jail" or "local correctional facility" for

purposes of any such provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation.

(F)(1) If the board of county commissioners of a county that is being served by a community alternative sentencing center established pursuant to division (E) of this section determines that it no longer wants to be served by the center, the board may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

(2) If the boards of county commissioners of all of the counties served by any district community alternative sentencing center established pursuant to division (E) of this section determine that they no longer want to be served by the center, the boards may dissolve the center by adopting in each county a resolution evidencing the determination to dissolve the center.

(3) If at least one, but not all, of the boards of county commissioners of the counties being served by any district community alternative sentencing center established pursuant to division (E) of this section determines that it no longer wants to be served by the center, the board may terminate its involvement with the center by adopting a resolution evidencing the determination to terminate its involvement with the center. If at least one, but not all, of the boards of county commissioners of the counties being served by any community alternative sentencing center terminates its involvement with the center in accordance with this division, the other boards of county commissioners of the counties being served by the center may continue to be served by the center.

(G) Prior to establishing or operating a community alternative sentencing center or a district community alternative sentencing center, the board of county commissioners or the affiliated group of boards of county commissioners that formulated the proposal shall adopt rules for the operation of the center. The rules shall include criteria that define which offenders are eligible to be sentenced directly to the center and admitted to it.

(H) If a board of county commissioners establishes and operates a community alternative sentencing center under division (E) of this section, or an affiliated group of boards of county commissioners establishes and operates a district community alternative sentencing center under that division, all of the following apply:

(1) Any court located within the county served by the board that establishes and operates a community ~~correctional~~ alternative sentencing center may directly sentence eligible offenders to the center pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement, a combination of an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code, or confinement for a municipal DUS offense of not more than sixty days. Any court located within a county served by any of the boards that establishes and operates a district community ~~correctional~~ alternative sentencing center may directly sentence eligible offenders to the center pursuant to a community residential sanction of

not more than thirty days or pursuant to an OVI term of confinement , a combination of an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code, or confinement for a municipal DUS offense of not more than ~~thirty~~ sixty days.

(2) Each eligible offender who is sentenced to the center as described in division (H)(1) of this section and admitted to it shall be offered during the eligible offender's confinement at the center educational and vocational services and reentry planning and may be offered any other treatment and rehabilitative services that are available and that the court that sentenced the particular eligible offender to the center and the administrator of the center determine are appropriate based upon the offense for which the eligible offender was sentenced to the community residential sanction and the length of the sanction.

(3) Before accepting an eligible offender sentenced to the center by a court, the board or the affiliated group of boards shall enter into an agreement with a political subdivision that operates that court that addresses the cost and payment of medical treatment or services received by eligible offenders sentenced by that court while they are confined in the center. The agreement may provide for the payment of the costs by the particular eligible offender who receives the treatment or services, as described in division (I) of this section.

(4) If a court sentences an eligible offender to a center under authority of division (H)(1) of this section, immediately after the sentence is imposed, the eligible offender shall be taken to the probation department that serves the court. The department shall handle any preliminary matters regarding the admission of the eligible offender to the center, including a determination as to whether the eligible offender may be admitted to the center under the criteria included in the rules adopted under division (G) of this section that define which offenders are eligible to be sentenced and admitted to the center. If the eligible offender is accepted for admission to the center, the department shall schedule the eligible offender for the admission and shall provide for the transportation of the offender to the center. If an eligible offender who is sentenced to the center under a community residential sanction is not accepted for admission to the center for any reason, the nonacceptance shall be considered a violation of a condition of the community residential sanction, the eligible offender shall be taken before the court that imposed the sentence, and the court may proceed as specified in division (C)(2) of section 2929.25 of the Revised Code based on the violation or as provided by ordinance of the municipal corporation based on the violation, whichever is applicable. If an eligible offender who is sentenced to the center under an OVI term of confinement is not accepted for admission to the center for any reason, the eligible offender shall be taken before the court that imposed the sentence, and the court shall determine the place at which the offender is to serve the term of confinement. If the eligible offender is admitted to the center, all of the following apply:

(a) The admission shall be under the terms and conditions established by the court and the administrator of the center, and the court and the administrator of the center shall provide for the confinement of the eligible offender and

supervise the eligible offender as provided in divisions (H)(4)(b) to (f) of this section.

(b) The eligible offender shall be confined in the center during any period of time that the eligible offender is not actually working at the eligible offender's approved work release described in division (H)(4)(c) of this section, engaged in community service activities described in division (H)(4)(d) of this section, engaged in authorized vocational training or another authorized educational program, engaged in another program designated by the administrator of the center, or engaged in other activities approved by the court and the administrator of the center.

(c) If the court and the administrator of the center determine that work release is appropriate based upon the offense for which the eligible offender was sentenced to the community residential sanction or OVI term of confinement and the length of the sanction or term, the eligible offender may be offered work release from confinement at the center and be released from confinement while engaged in the work release.

(d) If the administrator of the center determines that community service is appropriate and if the eligible offender will be confined for more than ten days at the center, the eligible offender may be required to participate in community service activities approved by the political subdivision served by the court. Community service activities that may be required under this division may take place in facilities of the political subdivision that operates the court, in the community, or in both such locales. The eligible offender shall be released from confinement while engaged in the community service activities. Community service activities required under this division shall be supervised by the court or an official designated by the board of county commissioners or affiliated group of boards of county commissioners that established and is operating the center. Community service activities required under this division shall not exceed in duration the period for which the eligible offender will be confined at the center under the community residential sanction or the OVI term of confinement.

(e) The confinement of the eligible offender in the center shall be considered for purposes of this division and division (H)(4)(f) of this section as including any period of time described in division (H)(4)(b) of this section when the eligible offender may be outside of the center and shall continue until the expiration of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal DUS ordinance that the eligible offender is serving upon admission to the center.

(f) After the admission and until the expiration of the community residential sanction or OVI term of confinement that the eligible offender is serving upon admission to the center, the eligible offender shall be considered for purposes of any provision in Title XXIX of the Revised Code to be serving the community residential sanction or OVI term of confinement.

(5) The administrator of the center, or the administrator's designee, shall post a sign as described in division (A)(4) of section 2923.1212 of the Revised Code in a conspicuous location at the center.

(I) The board of county commissioners that establishes and operates a community alternative sentencing center under division (E) of this section, or the affiliated group of boards of county commissioners that establishes and operates a district community alternative sentencing center under that division, may require an eligible offender who is sentenced directly to the center and admitted to it to pay to the county served by the board or the counties served by the affiliated group of boards or the entity operating the center the reasonable expenses incurred by the county or counties, whichever is applicable, in supervising or confining the eligible offender after being sentenced to the center and admitted. Inability to pay those reasonable expenses shall not be grounds for refusing to admit an otherwise eligible offender to the center.

(J)(1) If an eligible offender who is directly sentenced to a community alternative sentencing center or district community alternative sentencing center and admitted to the center successfully completes the service of the community residential sanction in the center, the administrator of the center shall notify the court that imposed the sentence, and the court shall enter into the journal that the eligible offender successfully completed the service of the sanction.

(2) If an eligible offender who is directly sentenced to a community alternative sentencing center or district community alternative sentencing center and admitted to the center violates any rule established under this section by the board of county commissioners or the affiliated group of boards of county commissioners that establishes and operates the center, violates any condition of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal OVI ordinance imposed by the sentencing court, or otherwise does not successfully complete the service of the community residential sanction or OVI term of confinement in the center, the administrator of the center shall report the violation or failure to successfully complete the sanction or term directly to the court or to the probation department or probation officer with general control and supervision over the eligible offender. A failure to successfully complete the service of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal OVI ordinance in the center shall be considered a violation of a condition of the community residential sanction or the OVI term of confinement. If the administrator reports the violation to the probation department or probation officer, the department or officer shall report the violation to the court. Upon its receipt under this division of a report of a violation or failure to complete the sanction by a person sentenced to the center under a community residential sanction, the court may proceed as specified in division (C)(2) of section 2929.25 of the Revised Code based on the violation or as provided by ordinance

of the municipal corporation based on the violation, whichever is applicable. Upon its receipt under this division of a report of a violation or failure to complete the term by a person sentenced to the center under an OVI term of confinement, the court shall determine the place at which the offender is to serve the remainder of the term of confinement. The eligible offender shall receive credit towards completing the eligible offender's sentence for the time spent in the center after admission to it."

Between lines 1582 and 1583, insert:

"**Sec. 2152.12.** (A)(1)(a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:

(i) The child was sixteen or seventeen years of age at the time of the act charged and there is probable cause to believe that the child committed the act charged.

(ii) The child was fourteen or fifteen years of age at the time of the act charged, section 2152.10 of the Revised Code provides that the child is eligible for mandatory transfer, and there is probable cause to believe that the child committed the act charged.

(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time of the act charged and either of the following applies:

(i) Division (A)(2)(a) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.

(ii) Division (A)(2)(b) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.

(2) The juvenile court also shall transfer a case in the circumstances described in division (C)(5) of section 2152.02 of the Revised Code or if either of the following applies:

(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.

(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult

under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.

(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.

(B) Except as provided in division (A) of this section, after a complaint has been filed alleging that a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court at a hearing may transfer the case if the court finds all of the following:

(1) The child was fourteen years of age or older at the time of the act charged.

(2) There is probable cause to believe that the child committed the act charged.

(3) The child is not amenable to care or rehabilitation within the juvenile system, and the safety of the community may require that the child be subject to adult sanctions. In making its decision under this division, the court shall consider whether the applicable factors under division (D) of this section indicating that the case should be transferred outweigh the applicable factors under division (E) of this section indicating that the case should not be transferred. The record shall indicate the specific factors that were applicable and that the court weighed.

(C) Before considering a transfer under division (B) of this section, the juvenile court shall order an investigation into the child's social history, education, family situation, and any other factor bearing on whether the child is amenable to juvenile rehabilitation, including a mental examination of the child by a public or private agency or a person qualified to make the examination. The investigation shall be completed and a report on the investigation shall be submitted to the court as soon as possible but not more than forty-five calendar days after the court orders the investigation. The court may grant one or more extensions for a reasonable length of time. The child may waive the examination required by this division if the court finds that the waiver is competently and intelligently made. Refusal to submit to a mental examination by the child constitutes a waiver of the examination.

(D) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, in favor of a transfer under that division:

(1) The victim of the act charged suffered physical or psychological harm, or serious economic harm, as a result of the alleged act.

(2) The physical or psychological harm suffered by the victim due to the

alleged act of the child was exacerbated because of the physical or psychological vulnerability or the age of the victim.

(3) The child's relationship with the victim facilitated the act charged.

(4) The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity.

(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.

(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.

(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.

(8) The child is emotionally, physically, or psychologically mature enough for the transfer.

(9) There is not sufficient time to rehabilitate the child within the juvenile system.

(E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:

(1) The victim induced or facilitated the act charged.

(2) The child acted under provocation in allegedly committing the act charged.

(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.

(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.

(5) The child previously has not been adjudicated a delinquent child.

(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.

(7) The child has a mental illness or is a mentally retarded person.

(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.

(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred for, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:

(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.

(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A) of this section, the court is not required to consider any factor specified in division (D) or (E) of this section or to conduct an investigation under division (C) of this section.

(3) If the court determines that division (A) of this section does not require that the case or cases involving one or more of the acts charged be transferred, the court shall decide in accordance with division (B) of this section whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division.

(4) No report on an investigation conducted pursuant to division (C) of this section shall include details of the alleged offense as reported by the child.

(G) The court shall give notice in writing of the time, place, and purpose of any hearing held pursuant to division (A) or (B) of this section to the child's parents, guardian, or other custodian and to the child's counsel at least three days prior to the hearing.

(H) No person, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense committed prior to becoming eighteen years of age, unless the person has been transferred as provided in division (A) or (B) of this section or unless division (J) of this section applies. Any prosecution that is had in a criminal court on the mistaken belief that the person who is the subject of the case was eighteen years of age or older at the time of the commission of the offense shall be deemed a nullity, and the person shall not be considered to have been in jeopardy on the offense.

(I) Upon the transfer of a case under division (A) or (B) of this section, the juvenile court shall state the reasons for the transfer on the record, and shall order the child to enter into a recognizance with good and sufficient surety for

the child's appearance before the appropriate court for any disposition that the court is authorized to make for a similar act committed by an adult. The transfer abates the jurisdiction of the juvenile court with respect to the delinquent acts alleged in the complaint, and, upon the transfer, all further proceedings pertaining to the act charged shall be discontinued in the juvenile court, and the case then shall be within the jurisdiction of the court to which it is transferred as described in division (H) of section 2151.23 of the Revised Code.

(J) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of this section do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case as it has in other criminal cases in that court.

Sec. 2152.121. (A) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, the juvenile court that transferred the case shall retain jurisdiction for purposes of making disposition of the child when required under division (B) of this section.

(B) If a complaint is filed against a child alleging that the child is a delinquent child, if the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined as follows:

(1) The court in which the child is convicted of or pleads guilty to the offense shall determine whether, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would have required mandatory transfer of the case or division (B) of that section would have allowed discretionary transfer of the case. The court shall not consider the factor specified in division (B)(3) of section 2152.12 of the Revised Code in making its determination under this division.

(2) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required mandatory

transfer of the case, and division (B) of that section would not have allowed discretionary transfer of the case, the court shall transfer jurisdiction of the case back to the juvenile court that initially transferred the case, the court and all other agencies that have any record of the conviction of the child or the child's guilty plea shall expunge the conviction or guilty plea and all records of it, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have never occurred, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have been a delinquent child adjudication of the child, and the juvenile court shall impose one or more traditional juvenile dispositions upon the child under sections 2152.19 and 2152.20 of the Revised Code.

(3) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required mandatory transfer of the case but division (B) of that section would have allowed discretionary transfer of the case, the court shall determine the sentence it believes should be imposed upon the child under Chapter 2929. of the Revised Code, shall impose that sentence upon the child, and shall stay that sentence pending completion of the procedures specified in this division. Upon imposition and staying of the sentence, the court shall transfer jurisdiction of the case back to the juvenile court that initially transferred the case and the juvenile court shall proceed in accordance with this division. In no case may the child waive a right to a hearing of the type described in division (B)(3)(b) of this section, regarding a motion filed as described in that division by the prosecuting attorney in the case. Upon transfer of jurisdiction of the case back to the juvenile court, both of the following apply:

(a) Except as otherwise provided in division (B)(3)(b) of this section, the juvenile court shall impose a serious youthful offender dispositional sentence upon the child under division (D)(1) of section 2152.13 of the Revised Code. In imposing the adult portion of that sentence, the juvenile court shall consider and give preference to the sentence imposed upon the child by the court in which the child was convicted of or pleaded guilty to the offense. Upon imposing a serious youthful offender dispositional sentence upon the child as described in this division, the juvenile court shall notify the court in which the child was convicted of or pleaded guilty to the offense, the sentence imposed upon the child by that court shall terminate, the court and all other agencies that have any record of the conviction of the child or the child's guilty plea shall expunge the conviction or guilty plea and all records of it, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have never occurred, and the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have been a delinquent child adjudication of the child.

(b) ~~Upon~~ Within fourteen days after the filing of the journal entry

regarding the transfer, the prosecuting attorney in the case may file a motion in the juvenile court that objects to the imposition of a serious youthful offender dispositional sentence upon the child and requests that the sentence imposed upon the child by the court in which the child was convicted of or pleaded guilty to the offense be invoked. Upon the filing of a motion under this division, the juvenile court shall hold a hearing to determine whether the child is not amenable to care or rehabilitation within the juvenile system and whether the safety of the community may require that the child be subject solely to adult sanctions. If the juvenile court at the hearing finds that the child is not amenable to care or rehabilitation within the juvenile system or that the safety of the community may require that the child be subject solely to adult sanctions, the court shall grant the motion. Absent such a finding, the juvenile court shall deny the motion. In making its decision under this division, the juvenile court shall consider the factors listed in division (D) of section 2152.12 of the Revised Code as factors indicating that the motion should be granted, shall consider the factors listed in division (E) of that section as factors indicating that the motion should not be granted, and shall consider whether the applicable factors listed in division (D) of that section outweigh the applicable factors listed in division (E) of that section.

If the juvenile court grants the motion of the prosecuting attorney under this division, the juvenile court shall transfer jurisdiction of the case back to the court in which the child was convicted of or pleaded guilty to the offense, and the sentence imposed by that court shall be invoked. If the juvenile court denies the motion of the prosecuting attorney under this section, the juvenile court shall impose a serious youthful offender dispositional sentence upon the child in accordance with division (B)(3)(a) of this section.

(4) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would have required mandatory transfer of the case, the court shall impose sentence upon the child under Chapter 2929. of the Revised Code."

Between lines 1915 and 1916, insert:

"**Sec. 2152.52.** (A)(1) In any proceeding under this chapter other than a proceeding alleging that a child is an unruly child or a juvenile traffic offender, any party or the court may move for a determination regarding the child's competency to participate in the proceeding.

(2) In any proceeding under this chapter other than a proceeding alleging that a child is an unruly child or a juvenile traffic offender, if the child who is the subject of the proceeding is fourteen years of age or older and if the child is not otherwise found to be mentally ill, intellectually disabled, or developmentally disabled, it is rebuttably presumed that the child does not have a lack of mental capacity. This presumption applies only in making a determination as to whether

the child has a lack of mental capacity and shall not be used or applicable for any other purpose.

(B) The court may find a child incompetent to proceed without ordering an evaluation of the child's competency or holding a hearing to determine the child's competency if either of the following applies:

(1) The prosecuting attorney, the child's attorney, and at least one of the child's parents, guardians, or custodians agree to the determination.

(2) The court relies on a prior court determination that the child was incompetent and could not attain competency even if the child were to participate in competency attainment services.

Sec. 2152.56. (A) Upon completing an evaluation ordered pursuant to section 2152.53 of the Revised Code, an evaluator shall submit to the court a written competency assessment report. The report shall include the evaluator's opinion as to whether the child, due to mental illness, intellectual disability, or developmental disability, or otherwise due to a lack of mental capacity, is ~~presently~~ currently incapable of understanding the nature and objective of the proceedings against the child or of assisting in the child's defense. The report shall not include any opinion as to the child's sanity at the time of the alleged offense, details of the alleged offense as reported by the child, or an opinion as to whether the child actually committed the offense or could have been culpable for committing the offense.

(B) A competency assessment report shall address the child's capacity to do all of the following:

(1) Comprehend and appreciate the charges or allegations against the child;

(2) Understand the adversarial nature of the proceedings, including the role of the judge, defense counsel, prosecuting attorney, guardian ad litem or court-appointed special assistant, and witnesses;

(3) Assist in the child's defense and communicate with counsel;

(4) Comprehend and appreciate the consequences that may be imposed or result from the proceedings.

(C) A competency assessment report shall include the evaluator's opinion regarding the extent to which the child's competency may be impaired by the child's failure to meet one or more of the criteria listed in division (B) of this section. If the evaluator concludes that the child's competency is impaired but that the child may be enabled to understand the nature and objectives of the proceeding against the child and to assist in the child's defense with reasonable accommodations, the report shall include recommendations for those reasonable accommodations that the court might make. If the evaluator concludes that the child's competency is so impaired that the child would not be able to understand the nature and objectives of the proceeding against the child ~~and~~ or to assist in the child's defense, the report shall include an opinion as to the likelihood that

the child could attain competency within the periods set forth in division (D)(2) of section 2152.59 of the Revised Code.

(D) If the evaluator concludes that the child could likely attain competency within the periods set forth in division (D)(2) of section 2152.59 of the Revised Code, the competency assessment report shall include both of the following:

(1) A recommendation as to the least restrictive setting for child competency attainment services that is consistent with the child's ability to attain competency and the safety of both the child and the community;

(2) A list of the providers of child competency attainment services known to the evaluator that are located most closely to the child's current residence.

(E) If the evaluator is unable, within the maximum allowable time for submission of a competency assessment report under division (A) of section 2152.57 of the Revised Code, to form an opinion regarding the extent to which the child's competency may be impaired by the child's failure to meet one or more of the criteria listed in division (B) of this section, the evaluator shall so state in the report. The evaluator shall also include recommendations for services to support the safety of the child or the community.

Sec. 2152.59. (A) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that a child is competent, the court shall proceed with the delinquent child's proceeding as provided by law. No statement that a child makes during an evaluation or hearing conducted under sections 2152.51 through 2152.59 of the Revised Code shall be used against the child on the issue of responsibility or guilt in any child or adult proceeding.

(B) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that the child is not competent and cannot attain competency within the period of time applicable under division (D)(2) of this section, the court shall dismiss the charges without prejudice, except that the court may delay dismissal for up to ninety calendar days and do either of the following:

(1) Refer the matter to a public children services agency and request that agency determine whether to file an action in accordance with section 2151.27 of the Revised Code alleging that the child is a dependent, neglected, or abused child;

(2) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of mental health or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquent child or other criminal charges.

(C) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that a child is not competent but could likely attain competency by participating in services specifically designed to help the child

develop competency, the court may order the child to participate in services specifically designed to help the child develop competency at county expense. The court shall name a reliable provider to deliver the competency attainment services and shall order the child's parent, guardian, or custodian to contact that provider by a specified date to arrange for services.

(D) The competency attainment services provided to a child shall be based on a competency attainment plan described in division (E)(2) of this section and approved by the court. Services are subject to the following conditions and time periods measured from the date the court approves the plan:

(1) Services shall be provided in the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community. If the child has been released on temporary or interim orders and refuses or fails to cooperate with the service provider, the court may reassess the orders and amend them to require a more appropriate setting.

(2) No child shall be required to participate in competency attainment services for longer than is required for the child to attain competency. The following maximum periods of participation apply:

(a) If a child is ordered to participate in competency attainment services that are provided outside of a residential setting, the child shall not participate in those services for a period exceeding three months if the child is charged with an act that would be a misdemeanor if committed by an adult, six months if the child is charged with an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, or one year if the child is charged with an act that would be a felony of the first or second degree, aggravated murder , or murder if committed by an adult.

(b) If a child is ordered to receive competency attainment services that are provided in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall not participate in those services for a period exceeding forty-five calendar days if the child is charged with an act that would be a misdemeanor if committed by an adult, three months if the child is charged with an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, six months if the child is charged with an act that would be a felony of the first or second degree if committed by an adult, or one year if the child is charged with an act that would be aggravated murder or murder if committed by an adult.

(c) If a child is ordered into a residential, detention, or other secured setting for reasons other than to participate in competency attainment services and is also ordered to participate in competency attainment services concurrently, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(a) of this section.

(d) If a child is ordered to participate in competency attainment services that require the child to live for some but not all of the duration of the services in

a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(b) of this section. For the purpose of calculating a time period under division (D)(2)(d) of this section, two days of participation in a nonresidential setting shall equal one day of participation in a residential setting.

(3) A child who receives competency attainment services in a residential setting that is operated solely or partly for the purpose of providing competency attainment services is in detention for purposes of section 2921.34 and division (B) of section 2152.18 of the Revised Code during the time that the child resides in the residential setting.

(E)(1) Within ten business days after the court names the provider responsible for the child's competency attainment services under division (D) of this section, the court shall deliver to that provider a copy of each competency assessment report it has received for review. The provider shall return the copies of the reports to the court upon the termination of the services.

(2) Not later than thirty calendar days after the child contacts the competency attainment services provider under division (C) of this section, the provider shall submit to the court a plan for the child to attain competency. The court shall provide copies of the plan to the prosecuting attorney, the child's attorney, the child's guardian ad litem, if any, and the child's parents, guardian, or custodian.

(F) The provider that provides the child's competency attainment services pursuant to the competency attainment plan shall submit reports to the court on the following schedule:

(1) A report on the child's progress every thirty calendar days and on the termination of services ~~;~~ . The report shall not include any details of the alleged offense as reported by the child.

(2) If the provider determines that the child is not cooperating to a degree that would allow the services to be effective to help the child attain competency, a report informing the court of the determination within three business days after making the determination;

(3) If the provider determines that the current setting is no longer the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community, a report informing the court of the determination within three business days after making the determination;

(4) If the provider determines that the child has achieved the goals of the plan and would be able to understand the nature and objectives of the proceeding against the child and to assist in the child's defense, with or without reasonable accommodations to meet the criteria set forth in division (B) of section 2152.56 of the Revised Code, a report informing the court of that determination within

three business days after making the determination. If the provider believes that accommodations would be necessary or desirable, the report shall include recommendations for accommodations.

(5) If the provider determines that the child will not achieve the goals of the plan within the applicable period of time under division (D)(2) of this section, a report informing the court of the determination within three business days after making the determination. The report shall include recommendations for services for the child that would support the safety of the child or the community.

(G) The court shall provide copies of any report made under division (F) of this section to the prosecuting attorney, the child's attorney, and the child's guardian ad litem, if any. The court shall provide copies of any report made under division (F) of this section to the child's parents, guardian, or custodian unless the court finds that doing so is not in the best interest of the child.

(H)(1) Within fifteen business days after receiving a report under division (F) of this section, the court may hold a hearing to determine if a new order is necessary. To assist in making a determination under division (H) of this section, the court may order a new competency evaluation in accordance with section 2152.53 of the Revised Code. Until a new order is issued or the required period of participation expires, the child shall continue to participate in competency attainment services.

(2) If after a hearing held under division (H)(1) of this section the court determines that the child is not making progress toward competency or is so uncooperative that attainment services cannot be effective, the court may order a change in setting or services that would help the child attain competency within the relevant period of time under division (D)(2) of this section.

(3) If after a hearing held under division (H)(1) of this section the court determines that the child has not or will not attain competency within the relevant period of time under division (D)(2) of this section, the court shall dismiss the delinquency complaint without prejudice, except that the court may delay dismissal for up to ninety calendar days and do either of the following:

(a) Refer the matter to a public children services agency and request that agency determine whether to file an action in accordance with section 2151.27 of the Revised Code alleging that the child is a dependent, neglected, or abused child;

(b) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of mental health or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquency or other criminal charges.

(4) A dismissal under division (H)(3) of this section does not preclude a future delinquent child proceeding or criminal prosecution as provided under

section 2151.23 of the Revised Code if the child eventually attains competency.

(5) If after a hearing held under division (H)(1) of this section the court determines that the child has attained competency, the court shall proceed with the delinquent child's proceeding in accordance with division (A) of this section.

(6) A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the complaint.

Sec. 2301.27. (A)(1)(a) The court of common pleas may establish a county department of probation. The establishment of the department shall be entered upon the journal of the court, and the clerk of the court of common pleas shall certify a copy of the journal entry establishing the department to each elective officer and board of the county. The department shall consist of a chief probation officer and the number of other probation officers and employees, clerks, and stenographers that is fixed from time to time by the court. The court shall appoint those individuals, fix their salaries, and supervise their work.

(b) When appointing a chief probation officer, the court shall do all of the following:

(i) Publicly advertise the position on the court's web site, including, but not limited to, the job description, qualifications for the position, and the application requirements;

(ii) Conduct a competitive hiring process that adheres to state and federal equal employment opportunity laws;

(iii) Review applicants who meet the posted qualifications and comply with the application requirements.

(c) The court shall not appoint as a probation officer any person who does not possess the training, experience, and other qualifications prescribed by the adult parole authority created by section 5149.02 of the Revised Code or the department of youth services, as applicable. Probation officers have all the powers of regular police officers and shall perform any duties that are designated by the judge or judges of the court. All positions within the department of probation , except positions held by probation officers in the juvenile division of a court of common pleas, shall be in the classified service of the civil service of the county.

(2) If two or more counties desire to jointly establish a probation department for those counties, the judges of the courts of common pleas of those counties may establish a probation department for those counties. If a probation department is established pursuant to division (A)(2) of this section to serve more than one county, the judges of the courts of common pleas that established the department shall designate the county treasurer of one of the counties served by the department as the treasurer to whom probation fees paid under section 2951.021 of the Revised Code are to be appropriated and transferred under division (A)(2) of section 321.44 of the Revised Code for deposit into the multicounty probation services fund established under division (B) of section

321.44 of the Revised Code.

The cost of the administration and operation of a probation department established for two or more counties shall be prorated to the respective counties on the basis of population.

(3) Probation officers shall receive, in addition to their respective salaries, their necessary and reasonable travel and other expenses incurred in the performance of their duties. Their salaries and expenses shall be paid monthly from the county treasury in the manner provided for the payment of the compensation of other appointees of the court.

(4) ~~Probation~~ Adult probation officers shall be trained in accordance with a set of minimum standards that are established by the adult parole authority of the department of rehabilitation and correction. Probation officers in the juvenile division of a court of common pleas shall be trained in accordance with a set of minimum standards that are established by the department of youth services.

(B)(1) (a) In lieu of establishing a county department of probation under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the court of common pleas may request the board of county commissioners to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority or the department of youth services, as applicable. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county.

(b) A court of common pleas that has established a county probation department or has entered into an agreement with the adult parole authority as described in division (A) or (B) of section 2301.32 of the Revised Code may request the board of county commissioners to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services, including the preparation of presentence investigation reports to supplement the probation services and supervisory services provided by the county probation department or adult parole authority, as applicable. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county. A nonprofit, public or private agency, association, or organization providing probation services or supervisory services under this division is hereby designated a criminal justice agency in the provision of those services, and as such is authorized by this state

to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(2) (a) In lieu of establishing a county department of probation under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the courts of common pleas of two or more adjoining counties jointly may request the boards of county commissioners of those counties to contract with, and upon that request the boards of county commissioners of two or more adjoining counties jointly may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions for those counties. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority or the department of youth services, as applicable. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of any of those counties.

(b) The courts of common pleas of two or more adjoining counties that have jointly established a probation department for those counties or have entered into an agreement with the adult parole authority as described in division (A) or (B) of section 2301.32 of the Revised Code may jointly request the board of county commissioners of each county to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services, including the preparation of presentence investigation reports to supplement the probation services and supervisory services provided by the probation department or adult parole authority, as applicable. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county. A nonprofit, public or private agency, association, or organization providing probation services or supervisory services under this division is hereby designated a criminal justice agency in the provision of those services, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(C) The chief probation officer may grant permission to a probation officer to carry firearms when required in the discharge of official duties if the probation officer has successfully completed a basic firearm training program that is approved by the executive director of the Ohio peace officer training

commission. A probation officer who has been granted permission to carry a firearm in the discharge of official duties, annually shall successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code.

(D) As used in this section and sections 2301.28 to 2301.32 of the Revised Code, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 2301.271. (A) The adult parole authority of the department of rehabilitation and correction shall develop minimum standards for the training of adult probation officers as provided by section 2301.27 of the Revised Code. The adult parole authority shall consult and collaborate with the supreme court in developing the standards. The department of youth services shall develop minimum standards for the training of probation officers who supervise juvenile offenders.

(B) Within six months after ~~the effective date of this section~~ September 30, 2011, the department of rehabilitation and correction and, within six months after the effective date of this amendment, the department of youth services shall make available a copy of the minimum standards developed by the department, as applicable, to the following entities:

(1) Every municipal court, county court, and court of common pleas;

(2) Every probation department."

Between lines 2142 and 2143, insert:

"**Sec. 2921.331.** (A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C)(1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (5) of this section, a violation of division (B) of this section is a misdemeanor of the first degree.

(4) Except as provided in division (C)(5) of this section, a violation of division (B) of this section is a felony of the fourth degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5)(a) A violation of division (B) of this section is a felony of the third degree if the jury or judge as trier of fact finds any of the following by proof

beyond a reasonable doubt:

(i) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in sections 2929.12 and 2929.13 of the Revised Code that are required to be considered, all of the following:

(i) The duration of the pursuit;

(ii) The distance of the pursuit;

(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;

(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;

(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;

(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;

(vii) Whether the offender committed a moving violation during the pursuit;

(viii) The number of moving violations the offender committed during the pursuit;

(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(D) If an offender is sentenced pursuant to division (C)(4) or (5) of this section for a violation of division (B) of this section, and if the offender is sentenced to a prison term for that violation, the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.

(E) In addition to any other sanction imposed for a felony violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of section 4510.02 of the Revised Code. In addition to any other sanction imposed for a violation of division (A) of this section or a misdemeanor violation of division (B) of this section, the court shall impose a class five suspension from the range specified in division (A)(5) of section 4510.02 of the Revised Code. If the offender previously has been found

guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court shall not grant limited driving privileges to the offender on a suspension imposed for a felony violation of this section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in section 4510.021 of the Revised Code. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(F) As used in this section:

(1) "Moving violation" has the same meaning as in section 2743.70 of the Revised Code.

(2) "Police officer" has the same meaning as in section 4511.01 of the Revised Code."

Between lines 2272 and 2273, insert:

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

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

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

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

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

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

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

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

(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, cocaine, L.S.D., heroin, and hashish, whoever violates division (A) of this section is guilty of aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs 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.

(b) Except as otherwise provided in division (C)(1)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs 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.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs 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. 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, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(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, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the

vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs 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.

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

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division ~~(C)~~ (B) 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)(2)(c), (d), or (e) of this section, 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 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 the bulk amount but is less than five times the bulk amount, trafficking in drugs 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 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 one of the prison terms prescribed for a felony of the second degree. 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 one of the prison terms prescribed for a felony of the first degree.

(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 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)(3)(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 marihuana 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.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana 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. 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 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in 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. 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 marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and 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 marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the

drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight 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 marihuana 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.

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

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

(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 trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division ~~(C)~~ (B) 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)(4)(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 cocaine 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 five grams but is less than ten grams of cocaine, trafficking in 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 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 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 ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in 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. 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 second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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 first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether 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 first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether 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 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.

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

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the fifth degree, and division ~~(C)~~ (B) 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)(5)(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 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.

(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 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, trafficking in L.S.D. 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 L.S.D. 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 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, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. 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. 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 L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug 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, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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 L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug 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 and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug 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 and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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 the maximum prison term prescribed for a felony of the first degree.

(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 trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division ~~(C)~~ (B) 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)(6)(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 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.

(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 heroin 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 heroin 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 fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin 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 heroin 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 one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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 heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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 the maximum prison term prescribed for a felony of the first degree.

(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 trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish 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) Except as otherwise provided in division (C)(7)(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 hashish 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.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. 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 hashish 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. 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 hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and 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 hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form , trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight 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 hashish 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.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish 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.

(8) If the drug involved in the violation is 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a compound, mixture, preparation, or substance containing 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, whoever violates division (A) of this section is guilty of trafficking in spice. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b) of this section, trafficking in spice 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) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in spice 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.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 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 shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section 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. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. 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 of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine

imposed under division (H)(1) of this section.

(2) The court shall suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section.

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

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

(F)(1) Notwithstanding any contrary provision of section 3719.21 of the Revised Code and except as provided in division (H) of this section, the clerk of the court shall pay any mandatory fine imposed pursuant to division (D)(1) of this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to division (A) or (B)(5) of section 2929.18 of the Revised Code to the county, township, municipal corporation, park district, as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a mandatory fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy under division (F)(2) of this section that addresses the use of the fine moneys that it receives. Each agency shall use the mandatory fines so paid to subsidize the agency's law enforcement efforts that pertain to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under division (F)(2) of this section.

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

(b) Each law enforcement agency that receives in any calendar year any fine moneys under division (F)(1) of this section or division (B) of section 2925.42 of the Revised Code shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (F)(2)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

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

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

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

(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to

the forfeiture of property in connection with the offense as prescribed in Chapter 2981. 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 impose upon the offender an additional fine specified for the offense in division (B)(4) of section 2929.18 of the Revised Code. A fine imposed under division (H)(1) of this section is not subject to division (F) of this section and shall be used solely for the support of one or more eligible alcohol and drug addiction programs in accordance with divisions (H)(2) and (3) of this section.

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible alcohol and drug addiction programs for the support of which the fine money is to be used. No alcohol and drug addiction program shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the program is specified in the judgment that imposes the fine. No alcohol and drug addiction program shall be specified in the judgment unless the program is an eligible alcohol and drug addiction program and, except as otherwise provided in division (H)(2) of this section, unless the program is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible alcohol and drug addiction program is located in any of those counties, the judgment may specify an eligible alcohol and drug addiction program that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible alcohol and drug addiction program specified pursuant to division (H)(2) of this section in the judgment. The eligible alcohol and drug addiction program that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol and drug addiction services by the alcohol and drug addiction program specified in the judgment.

(4) Each alcohol and drug addiction program that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program is located, with the court of common pleas and the board of county commissioners of each county from which the program received the moneys if that county is different from the county in which the program is located, and with the attorney general. The alcohol and drug addiction program shall file the report no later than the first day of March in the calendar year following the calendar year in which the program received the fine moneys. The report shall include statistics on the number of persons served by the alcohol and drug addiction program, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were

used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the alcohol and drug addiction program. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

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

(a) "Alcohol and drug addiction program" and "alcohol and drug addiction services" have the same meanings as in section 3793.01 of the Revised Code.

(b) "Eligible alcohol and drug addiction program" means an alcohol and drug addiction program that is certified under section 3793.06 of the Revised Code or licensed under section 3793.11 of the Revised Code by the department of alcohol and drug addiction services.

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

Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

(B) This section does not apply to any person listed in division (B)(1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C)(1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.

(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, and if the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation of division (A) of this section is methamphetamine, the penalty for the violation shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B)(6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than five years.

(b) If the drug involved in the violation is methamphetamine and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than four years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B)(6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than five years.

(4) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

(5) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), or (f) of this section, illegal cultivation of marihuana is a minor misdemeanor or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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.

(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

(f) Except as otherwise provided in this division, if the amount of marihuana involved equals or exceeds twenty thousand grams, illegal cultivation of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds twenty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal cultivation of marihuana 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.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 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 shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section 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. 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. 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 as if the forfeited bail were a fine imposed for a

violation of this section.

(2) The court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B)(3) ~~(a)~~ of section 2929.14 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge under this section for a fifth degree felony violation of illegal cultivation of marihuana that the marihuana 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 or cultivated under any other circumstances that indicate that the marihuana was solely for personal use.

Notwithstanding any contrary provision of division (F) of this section, if, in accordance with section 2901.05 of the Revised Code, a person who is charged with a violation of illegal cultivation of marihuana that is a felony of the fifth degree 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 person may be prosecuted for and may be convicted of or plead guilty to a misdemeanor violation of illegal cultivation of marihuana.

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

Between lines 2465 and 2466, insert:

"**Sec. 2929.14.** (A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), (H), or (J) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to

an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, ten, or eleven years.

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.

(3)(a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the Revised Code or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

(b) For a felony of the third degree that is not an offense for which division (A)(3)(a) of this section applies, the prison term shall be nine, twelve, eighteen, twenty-four, thirty, or thirty-six months.

(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.

(B)(1)(a) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony;

(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while

committing the felony.

(b) If a court imposes a prison term on an offender under division (B)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2967.19, section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. Except as provided in division (B)(1)(g) of this section, a court shall not impose more than one prison term on an offender under division (B)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (B)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (B)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (B)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described

in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. 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 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.

(2)(a) If division (B)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the offense that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant to division ~~(D)~~ (B)(2)(a)(iii) of this section and, if applicable, division ~~(D)~~ (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division ~~(D)~~ (B)(2)(a)(iii) of this section and, if applicable, division ~~(D)~~ (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(c) For purposes of division (B)(2)(b) of this section, two or more offenses committed at the same time or as part of the same act or event shall be considered one offense, and that one offense shall be the offense with the greatest penalty.

(d) A sentence imposed under division (B)(2)(a) or (b) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, or section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under this section consecutively to and prior to the prison term imposed for the underlying offense.

(e) When imposing a sentence pursuant to division (B)(2)(a) or (b) of this section, the court shall state its findings explaining the imposed sentence.

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender ~~and requires the imposition of a ten-year prison term on the offender~~, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a

specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ~~ten-year~~ mandatory prison term of the maximum prison term prescribed for a felony of the first degree that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division ~~(D)~~ (B)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local incarceration, the court may impose a prison term as described in division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is

convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B)(5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B)(6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(6) of this section for felonies committed as part of the same act.

(7)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than ten years;

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B)(7)(a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation.

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (B)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (B)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(c) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or

mandatory prison term previously or subsequently imposed upon the offender.

(d) If a mandatory prison term is imposed upon an offender pursuant to division (B)(7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of division (A)(1) or (2) of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that

consecutive sentences are necessary to protect the public from future crime by the offender.

(5) If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (B)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (B)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) When consecutive prison terms are imposed pursuant to division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) of this section, the term to be served is the aggregate of all of the terms so imposed.

(D)(1) If a court imposes a prison term 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 not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person, 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 that division. 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.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D)(1) of this section, 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 that division, if the parole board determines that a period of post-release control is necessary. 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.

~~(3) If a court imposes a prison term on or after the effective date of this~~

~~amendment for a felony, it shall include in the sentence a statement notifying the offender that the offender may be eligible to earn days of credit under the circumstances specified in section 2967.193 of the Revised Code. The statement also shall notify the offender that days of credit are not automatically awarded under that section, but that they must be earned in the manner specified in that section. If a court fails to include the statement in the sentence, the failure does not affect the eligibility of the offender under section 2967.193 of the Revised Code to earn any days of credit as a deduction from the offender's stated prison term or otherwise render any part of that section or any action taken under that section void or voidable. The failure of a court to include in a sentence the statement described in this division does not constitute grounds for setting aside the offender's conviction or sentence or for granting postconviction relief to the offender.~~

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(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 a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H)(2)(a) of this section. A sanction imposed under this division shall commence

on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(I) ~~(1)~~ At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an 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.

~~(I)~~ (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.

Sec. 2929.19. (A) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term;

(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a term imposed for any such offense that is a risk reduction sentence, as defined in section 2967.28

of the Revised Code. If a court imposes a sentence including a prison term of a type described in division (B)(2)(c) of this section on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(c) of this section that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the mandatory period of supervision 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 division (B)(2)(c) of this section and failed to notify the offender pursuant to division (B)(2)(c) of this section regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence a statement regarding post-release control.

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(2)(c) of this section. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a term imposed for any such offense that is a risk reduction sentence, as defined in 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 division (B)(2)(d) of this section and failed to notify the offender pursuant to division (B)(2)(d) of this section regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence a statement regarding post-release control.

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(2)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(e) of this section that the parole board may impose a prison term as described in division (B)(2)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(2)(e) of this section regarding the possibility of the parole board imposing a

prison term for a violation of supervision or a condition of post-release control.

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(g) ~~Include in the offender's sentence a statement notifying the offender of the information described in division (F)(3) of section 2929.14 of the Revised Code regarding earned credits under section 2967.193 of the Revised Code.~~

(i) Determine, notify the offender of, and include in the sentencing entry the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and by which the department of rehabilitation and correction must reduce the stated prison term under section 2967.191 of the Revised Code. The court's calculation shall not include the number of days, if any, that the offender previously served in the custody of the department of rehabilitation and correction arising out of the offense for which the prisoner was convicted and sentenced.

(ii) In making a determination under division (B)(2)(g)(i) of this section, the court shall consider the arguments of the parties and conduct a hearing if one is requested.

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for 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.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific prison term that may be imposed as a sanction for the violation, as selected by the court from the range of prison terms for the offense pursuant to section 2929.14 of the Revised Code.

(5) Before imposing a financial sanction under section 2929.18 of the Revised Code or a fine under section 2929.32 of the Revised Code, the court shall consider the offender's present and future ability to pay the amount of the sanction or fine.

(6) If the sentencing court sentences the offender to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a local detention facility, as defined in section 2929.36 of the Revised Code, and if the local detention facility is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the

Revised Code, both of the following apply:

(a) The court shall specify both of the following as part of the sentence:

(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section.

(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A)(1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14

of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.26. (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this section. Community residential sanctions include, but are not limited to, the following:

(1) A term of up to one hundred eighty days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house for use of the facility for misdemeanor offenders;

(2) ~~A term of up to one hundred eighty days in an alternative residential facility or a term in an alternative residential facility not to exceed the longest jail term available for the offense, whichever is shorter. The court may specify the level of security in the alternative residential facility that is needed for the offender.~~

~~(3)~~ If the offender is an eligible offender, as defined in section 307.932 of the Revised Code, a term of up to sixty days in a community alternative sentencing center or district community alternative sentencing center established and operated in accordance with that section, in the circumstances specified in that section, with one of the conditions of the sanction being that the offender complete in the center the entire term imposed.

(B) A sentence to a community residential sanction under division (A)(3) of this section shall be in accordance with section 307.932 of the Revised Code. In all other cases, the court that sentences an offender to a community residential sanction under this section may do either or both of the following:

(1) Permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family;

(2) Authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of the release.

(C) The court may order that a reasonable portion of the income earned

by the offender upon a release pursuant to division (B) of this section be applied to any financial sanction imposed under section 2929.28 of the Revised Code.

(D) No court shall sentence any person to a prison term for a misdemeanor or minor misdemeanor or to a jail term for a minor misdemeanor.

(E) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, ~~alternative residential facility,~~ community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the halfway house, ~~alternative residential facility,~~ community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, ~~alternative residential facility,~~ community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, ~~alternative residential facility,~~ community alternative sentencing center, district community alternative sentencing center, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(F) A political subdivision may enter into a contract with a halfway house for use of the halfway house to house misdemeanor offenders under a sanction imposed under division (A)(1) of this section.

Sec. 2929.41. (A) Except as provided in division (B) of this section, division ~~(E)~~ (C) of section 2929.14, or division (D) or (E) of section 2971.03 of the Revised Code, a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this state, another state, or the United States. Except as provided in division (B)(3) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a state or federal correctional institution.

(B)(1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of section 2907.322, 2921.34, or 2923.131 of the Revised Code.

When consecutive sentences are imposed for misdemeanor under this division, the term to be served is the aggregate of the consecutive terms imposed,

except that the aggregate term to be served shall not exceed eighteen months.

(2) If a court of this state imposes a prison term upon the offender for the commission of a felony and a court of another state or the United States also has imposed a prison term upon the offender for the commission of a felony, the court of this state may order that the offender serve the prison term it imposes consecutively to any prison term imposed upon the offender by the court of another state or the United States.

(3) A jail term or sentence of imprisonment imposed for a misdemeanor violation of section 4510.11, 4510.14, 4510.16, 4510.21, or 4511.19 of the Revised Code shall be served consecutively to a prison term that is imposed for a felony violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of the Revised Code or a felony violation of section 2903.04 of the Revised Code involving the operation of a motor vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively.

When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor."

Between lines 2587 and 2588, insert:

"**Sec. 2951.022.** (A) As used in this section:

(1) "Concurrent supervision offender" means any offender who has been sentenced to community control for one or more misdemeanor violations or has been placed under a community control sanction pursuant to section 2929.16, 2929.17, 2929.18, or 2929.20 of the Revised Code and who is simultaneously subject to supervision by any of the following:

(a) Two or more municipal courts or county courts in this state;

(b) Two or more courts of common pleas in this state;

(c) One or more courts of common pleas in this state and one or more municipal courts or county courts in this state.

"Concurrent supervision offender" does not include a parolee or releasee.

(2) "Parolee" and "releasee" have the same meanings as in section 2967.01 of the Revised Code.

(B)(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, a concurrent supervision offender shall be supervised by the court <u>of conviction</u> that imposed the longest possible sentence <u>of incarceration</u> and shall not be supervised by any other court.

(2) In the case of a concurrent supervision offender subject to supervision by two or more municipal or county courts in the same county, the municipal or

county court in the territorial jurisdiction in which the offender resides shall supervise the offender. In the case of a concurrent supervision offender subject to supervision by a municipal court or county court and a court of common pleas for two or more equal possible sentences, the municipal or county court shall supervise the offender. In the case of a concurrent supervision offender subject to supervision by two or more courts of common pleas in separate counties in this state, the court that lies within the same territorial jurisdiction in which the offender resides shall supervise the offender.

(3) Separate courts within the same county may enter into an agreement or adopt local rules of procedure specifying, generally, that concurrent supervision offenders will be supervised in a manner other than that provided for in divisions (B)(1) and (2) of this section. The judges of the various courts of this state having authority to supervise a concurrent supervision offender may by local rule authorize the chief probation officer of that court to manage concurrent supervision offenders under such terms and guidelines as are consistent with division (C) of this section.

(4)(a) The judges of the various courts of this state having jurisdiction over a concurrent supervision offender may agree by journal entry to transfer jurisdiction over a concurrent supervision offender from one court to another court in any manner the courts consider appropriate, if the offender is supervised by only a single supervising authority at all times. An agreement to transfer supervision of an offender under division (B)(4)(a) of this section shall not take effect until approved by every court having authority to supervise the offender and may provide for the transfer of supervision to the offender's jurisdiction of residence whether or not the offender was subject to supervision in that jurisdiction prior to transfer. In the case of a subsequent conviction in a court other than the supervising court, the supervising court may agree to accept a transfer of jurisdiction from the court of conviction prior to sentencing and proceed to sentence the offender according to law.

(b) If the judges of the various courts of this state having authority to supervise a concurrent supervision offender cannot reach agreement with respect to the supervision of the offender, the offender may be subject to concurrent supervision in the interest of justice upon the courts' consideration of the provisions set forth in division (C) of this section.

(C) In determining whether a court maintains authority to supervise an offender or transfers authority to supervise the offender pursuant to division (B)(3) or (4) of this section, the court shall consider all of the following:

(1) The safety of the community;

(2) The risk that the offender might reoffend;

(3) The nature of the offenses committed by the offender;

(4) The likelihood that the offender will remain in the jurisdiction;

(5) The ability of the offender to travel to and from the offender's

residence and place of employment or school to the offices of the supervising authority;

(6) The resources for residential and nonresidential sanctions or rehabilitative treatment available to the various courts having supervising authority;

(7) Any other factors consistent with the purposes of sentencing.

(D) The court having sole authority over a concurrent supervision offender pursuant to this section shall have complete authority for enforcement of any financial obligations imposed by any other court, shall set a payment schedule consistent with the offender's ability to pay, and shall cause payments of the offender's financial obligations to be directed to the sentencing court in proportion to the total amounts ordered by all sentencing courts, or as otherwise agreed by the sentencing courts. Financial obligations include financial sanctions imposed pursuant to sections 2929.18 and 2929.28 of the Revised Code, court costs, and any other financial order or fee imposed by a sentencing court. A supervision fee may be charged only by the agency providing supervision of the case.

(E) Unless the local residential sanction is suspended, the offender shall complete any local residential sanction before jurisdiction is transferred in accordance with this section. The supervising court shall respect all conditions of supervision established by a sentencing court, but any conflicting or inconsistent order of the supervising court shall supersede any other order of a sentencing court. In the case of a concurrent supervision offender, the supervising court shall determine when supervision will be terminated but shall not terminate supervision until all financial obligations are paid or otherwise resolved. Any unpaid financial obligation is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor pursuant to sections 2929.18 and 2929.28 of the Revised Code.

(F) The adult parole authority and one or more courts may enter into an agreement whereby a releasee or parolee who is simultaneously under the supervision of the adult parole authority and the court or courts is supervised exclusively by either the authority or a court.

Sec. 2953.08. (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the maximum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances:

(a) The sentence was imposed for only one offense.

(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum prison term for the offense of the highest degree.

(2) The sentence consisted of or included a prison term, the offense for which it was imposed is a felony of the fourth or fifth degree or is a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, and the court did not specify at sentencing that it found one or more factors specified in divisions (B) ~~(1)~~ (2)(a) to (i) of section 2929.13 of the Revised Code to apply relative to the defendant. If the court specifies that it found one or more of those factors to apply relative to the defendant, the defendant is not entitled under this division to appeal as a matter of right the sentence imposed upon the offender.

(3) The person was convicted of or pleaded guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A)(3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of terms listed in section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (B)(2)(a) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B)(3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a presumption favoring a prison term for the offense for which it was imposed, as set forth in section 2929.13 or Chapter 2925. of the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of the Revised Code of a sentence that was imposed for a felony of the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave to appeal a sentence imposed upon the defendant on the basis that the sentencing judge has imposed consecutive sentences under division (C)(3) of section 2929.14 of the Revised Code and that the consecutive sentences exceed the maximum prison term allowed by division (A) of that section for the most serious offense of which the defendant was convicted. Upon the filing of a motion under this division, the court of appeals may grant leave to appeal the sentence if the court determines that the allegation included as the basis of the motion is true.

(2) A defendant may seek leave to appeal an additional sentence imposed upon the defendant pursuant to division (B)(2)(a) or (b) of section 2929.14 of the Revised Code if the additional sentence is for a definite prison term that is longer than five years.

(D)(1) A sentence imposed upon a defendant is not subject to review under this section if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.

(2) Except as provided in division (C)(2) of this section, a sentence imposed upon a defendant is not subject to review under this section if the sentence is imposed pursuant to division (B)(2)(b) of section 2929.14 of the Revised Code. Except as otherwise provided in this division, a defendant retains all rights to appeal as provided under this chapter or any other provision of the Revised Code. A defendant has the right to appeal under this chapter or any other provision of the Revised Code the court's application of division (B)(2)(c) of section 2929.14 of the Revised Code.

(3) A sentence imposed for aggravated murder or murder pursuant to sections 2929.02 to 2929.06 of the Revised Code is not subject to review under this section.

(E) A defendant, prosecuting attorney, city director of law, village solicitor, or chief municipal legal officer shall file an appeal of a sentence under this section to a court of appeals within the time limits specified in Rule 4(B) of the Rules of Appellate Procedure, provided that if the appeal is pursuant to division (B)(3) of this section, the time limits specified in that rule shall not commence running until the court grants the motion that makes the sentence modification in question. A sentence appeal under this section shall be consolidated with any other appeal in the case. If no other appeal is filed, the court of appeals may review only the portions of the trial record that pertain to sentencing.

(F) On the appeal of a sentence under this section, the record to be reviewed shall include all of the following, as applicable:

(1) Any presentence, psychiatric, or other investigative report that was submitted to the court in writing before the sentence was imposed. An appellate court that reviews a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in connection with the appeal of a sentence under this section shall comply with division (D)(3) of section 2951.03 of the Revised Code when the appellate court is not using the presentence investigation report, and the appellate court's use of a presentence investigation report of that nature in connection with the appeal of a sentence under this section does not affect the otherwise confidential character of the contents of that report as described in division (D)(1) of section 2951.03 of the Revised Code and does not cause that report to become a public record, as defined in section 149.43 of the Revised Code, following the appellate court's use of the report.

(2) The trial record in the case in which the sentence was imposed;

(3) Any oral or written statements made to or by the court at the sentencing hearing at which the sentence was imposed;

(4) Any written findings that the court was required to make in connection with the modification of the sentence pursuant to a judicial release under division (I) of section 2929.20 of the Revised Code.

(G)(1) If the sentencing court was required to make the findings required by division (B) or (D) of section 2929.13 or division (I) of section 2929.20 of the Revised Code, or to state the findings of the trier of fact required by division (B)(2)(e) of section 2929.14 of the Revised Code, relative to the imposition or modification of the sentence, and if the sentencing court failed to state the required findings on the record, the court hearing an appeal under division (A), (B), or (C) of this section shall remand the case to the sentencing court and instruct the sentencing court to state, on the record, the required findings.

(2) The court hearing an appeal under division (A), (B), or (C) of this section shall review the record, including the findings underlying the sentence or modification given by the sentencing court.

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section

may be appealed, by leave of court, to the supreme court.

(I)(1) There is hereby established the felony sentence appeal cost oversight committee, consisting of eight members. One member shall be the chief justice of the supreme court or a representative of the court designated by the chief justice, one member shall be a member of the senate appointed by the president of the senate, one member shall be a member of the house of representatives appointed by the speaker of the house of representatives, one member shall be the director of budget and management or a representative of the office of budget and management designated by the director, one member shall be a judge of a court of appeals, court of common pleas, municipal court, or county court appointed by the chief justice of the supreme court, one member shall be the state public defender or a representative of the office of the state public defender designated by the state public defender, one member shall be a prosecuting attorney appointed by the Ohio prosecuting attorneys association, and one member shall be a county commissioner appointed by the county commissioners association of Ohio. No more than three of the appointed members of the committee may be members of the same political party.

The president of the senate, the speaker of the house of representatives, the chief justice of the supreme court, the Ohio prosecuting attorneys association, and the county commissioners association of Ohio shall make the initial appointments to the committee of the appointed members no later than ninety days after July 1, 1996. Of those initial appointments to the committee, the members appointed by the speaker of the house of representatives and the Ohio prosecuting attorneys association shall serve a term ending two years after July 1, 1996, the member appointed by the chief justice of the supreme court shall serve a term ending three years after July 1, 1996, and the members appointed by the president of the senate and the county commissioners association of Ohio shall serve terms ending four years after July 1, 1996. Thereafter, terms of office of the appointed members shall be for four years, with each term ending on the same day of the same month as did the term that it succeeds. Members may be reappointed. Vacancies shall be filled in the same manner provided for original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall hold office as a member for the remainder of the predecessor's term. An appointed member shall continue in office subsequent to the expiration date of that member's term until that member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

If the chief justice of the supreme court, the director of the office of budget and management, or the state public defender serves as a member of the committee, that person's term of office as a member shall continue for as long as that person holds office as chief justice, director of the office of budget and management, or state public defender. If the chief justice of the supreme court designates a representative of the court to serve as a member, the director of budget and management designates a representative of the office of budget and management to serve as a member, or the state public defender designates a

representative of the office of the state public defender to serve as a member, the person so designated shall serve as a member of the commission for as long as the official who made the designation holds office as chief justice, director of the office of budget and management, or state public defender or until that official revokes the designation.

The chief justice of the supreme court or the representative of the supreme court appointed by the chief justice shall serve as chairperson of the committee. The committee shall meet within two weeks after all appointed members have been appointed and shall organize as necessary. Thereafter, the committee shall meet at least once every six months or more often upon the call of the chairperson or the written request of three or more members, provided that the committee shall not meet unless moneys have been appropriated to the judiciary budget administered by the supreme court specifically for the purpose of providing financial assistance to counties under division (I)(2) of this section and the moneys so appropriated then are available for that purpose.

The members of the committee shall serve without compensation, but, if moneys have been appropriated to the judiciary budget administered by the supreme court specifically for the purpose of providing financial assistance to counties under division (I)(2) of this section, each member shall be reimbursed out of the moneys so appropriated that then are available for actual and necessary expenses incurred in the performance of official duties as a committee member.

(2) The state criminal sentencing commission periodically shall provide to the felony sentence appeal cost oversight committee all data the commission collects pursuant to division (A)(5) of section 181.25 of the Revised Code. Upon receipt of the data from the state criminal sentencing commission, the felony sentence appeal cost oversight committee periodically shall review the data; determine whether any money has been appropriated to the judiciary budget administered by the supreme court specifically for the purpose of providing state financial assistance to counties in accordance with this division for the increase in expenses the counties experience as a result of the felony sentence appeal provisions set forth in this section or as a result of a postconviction relief proceeding brought under division (A)(2) of section 2953.21 of the Revised Code or an appeal of a judgment in that proceeding; if it determines that any money has been so appropriated, determine the total amount of moneys that have been so appropriated specifically for that purpose and that then are available for that purpose; and develop a recommended method of distributing those moneys to the counties. The committee shall send a copy of its recommendation to the supreme court. Upon receipt of the committee's recommendation, the supreme court shall distribute to the counties, based upon that recommendation, the moneys that have been so appropriated specifically for the purpose of providing state financial assistance to counties under this division and that then are available for that purpose."

In line 2795, delete " may" and insert " shall"

Between lines 3220 and 3221, insert:

"**Sec. 2961.22.** (A)(1) Any prisoner serving a prison term in a state correctional institution who satisfies all of the following is eligible to apply to the department of rehabilitation and correction at a time specified in division (A)(2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability:

(a) The prisoner has satisfactorily completed one or more in-prison vocational programs approved by rule by the department of rehabilitation and correction.

(b) The prisoner has demonstrated exemplary performance as determined by completion of one or more cognitive or behavioral improvement programs approved by rule by the department while incarcerated in a state correctional institution, while under supervision, or during both periods of time.

(c) The prisoner has completed community service hours.

(d) The prisoner shows other evidence of achievement and rehabilitation while under the jurisdiction of the department.

(2) An eligible prisoner may apply to the department of rehabilitation and correction under division (A)(1) of this section for a certificate of achievement and employability no earlier than one year prior to the date scheduled for the release of the prisoner from department custody and no later than the date of release of the prisoner.

(B)(1) Any prisoner who has been released from a state correctional institution, who is under supervision on parole or under a post-release control sanction, and who satisfies all of the criteria set forth in division (A)(1) of this section is eligible to apply to the adult parole authority at a time specified in division (B)(2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability.

(2) An eligible prisoner may apply to the adult parole authority under division (B)(1) of this section for a certificate of achievement and employability at any time while the prisoner is under supervision on parole or under a post-release control sanction.

(C)(1) An eligible prisoner may apply to the department of rehabilitation and correction or to the adult parole authority at a time specified in division (A) or (B) of this section, whichever is applicable, for a certificate of achievement and employability that grants the prisoner relief from one or more mandatory civil impacts that would affect a potential job within a field in which the prisoner trained as part of the prisoner's in-prison vocational program. The prisoner shall specify the mandatory civil impacts from which the prisoner is requesting relief under the certificate. Upon application by a prisoner in accordance with this division, if the mandatory civil impact of any licensing agency would be affected by the issuance of the certificate to the prisoner, the department or authority shall notify the licensing agency of the filing of the application, provide the licensing

agency with a copy of the application and all evidence that the department, authority, or court has regarding the prisoner, and afford the licensing agency with an opportunity to object in writing to the issuance of the certificate to the prisoner.

(2) Upon application by a prisoner in accordance with division (C)(1) of this section, the department of rehabilitation and correction or the adult parole authority, whichever is applicable, shall consider the application and all objections to the issuance of a certificate of achievement and employability to the prisoner, if any, that were made by a licensing agency under division (C)(1) of this section. If the department or authority determines that the prisoner is an eligible prisoner, that the application was filed at a time specified in division (B) of this section, and that any licensing agency objections to the issuance of the certificate to the prisoner are not sufficient to deny the issuance of the certificate to the prisoner, subject to division (C)(3) of this section, the department or authority shall issue the prisoner a certificate of achievement and employability that grants the prisoner relief from the mandatory civil impacts that are specified in the prisoner's application and that would affect a potential job within a field in which the prisoner trained as part of the prisoner's in-prison vocational program.

(3) The mandatory civil impacts identified in division (A)(1) of section 2961.01 and in division (B) of section 2961.02 of the Revised Code shall not be affected by any certificate of achievement and employability issued under this section. No certificate of achievement and employability issued to a prisoner under this section grants the prisoner relief from the mandatory civil impacts identified in division (A)(1) of section 2961.01 and in division (B) of section 2961.02 of the Revised Code.

~~(E)~~ (D) The department of rehabilitation and correction shall adopt rules that define in-prison vocational programs and cognitive or behavioral improvement programs that a prisoner may complete to satisfy the criteria described in divisions (A)(1)(a) and (b) of this section.

(E) The department of rehabilitation and correction and the adult parole authority shall not be liable for any claim for damages arising from the department's or authority's issuance, denial, or revocation of a certificate of achievement and employability or for the department's or authority's failure to revoke a certificate of achievement and employability under the circumstances described in section 2961.24 of the Revised Code.

Sec. 2967.03. The adult parole authority may exercise its functions and duties in relation to the pardon, commutation of sentence, or reprieve of a convict upon direction of the governor or upon its own initiative. It may exercise its functions and duties in relation to the parole of a prisoner who is eligible for parole upon the initiative of the head of the institution in which the prisoner is confined or upon its own initiative. When a prisoner becomes eligible for parole, the head of the institution in which the prisoner is confined shall notify the authority in the manner prescribed by the authority. The authority may investigate and examine, or cause the investigation and examination of, prisoners

confined in state correctional institutions concerning their conduct in the institutions, their mental and moral qualities and characteristics, their knowledge of a trade or profession, their former means of livelihood, their family relationships, and any other matters affecting their fitness to be at liberty without being a threat to society.

The authority may recommend to the governor the pardon, commutation of sentence, ~~medical release,~~ or reprieve of any convict or prisoner or grant a parole to any prisoner for whom parole is authorized, if in its judgment there is reasonable ground to believe that granting a pardon, commutation, ~~medical release,~~ or reprieve to the convict or paroling the prisoner would further the interests of justice and be consistent with the welfare and security of society. However, the authority shall not recommend a pardon ~~,~~ or commutation of sentence, ~~or medical release of,~~ or grant a parole to, any convict or prisoner until the authority has complied with the applicable notice requirements of sections 2930.16 and 2967.12 of the Revised Code and until it has considered any statement made by a victim or a victim's representative that is relevant to the convict's or prisoner's case and that was sent to the authority pursuant to section 2930.17 of the Revised Code, any other statement made by a victim or a victim's representative that is relevant to the convict's or prisoner's case and that was received by the authority after it provided notice of the pendency of the action under sections 2930.16 and 2967.12 of the Revised Code, and any written statement of any person submitted to the court pursuant to division (G) of section 2967.12 of the Revised Code. If a victim, victim's representative, or the victim's spouse, parent, sibling, or child appears at a full board hearing of the parole board and gives testimony as authorized by section 5149.101 of the Revised Code, the authority shall consider the testimony in determining whether to grant a parole. The trial judge and prosecuting attorney of the trial court in which a person was convicted shall furnish to the authority, at the request of the authority, a summarized statement of the facts proved at the trial and of all other facts having reference to the propriety of recommending a pardon ~~,~~ or commutation ~~, or medical release,~~ or granting a parole, together with a recommendation for or against a pardon, commutation, ~~medical release,~~ or parole, and the reasons for the recommendation. The trial judge, the prosecuting attorney, specified law enforcement agency members, and a representative of the prisoner may appear at a full board hearing of the parole board and give testimony in regard to the grant of a parole to the prisoner as authorized by section 5149.101 of the Revised Code. All state and local officials shall furnish information to the authority, when so requested by it in the performance of its duties.

The adult parole authority shall exercise its functions and duties in relation to the release of prisoners who are serving a stated prison term in accordance with section 2967.28 of the Revised Code."

In line 3232, after "term" insert " , as determined by the sentencing court under division (B)(2)(g)(i) of section 2929.19 of the Revised Code,"; after " facility" insert " . The department of rehabilitation and correction also shall

reduce the stated prison term of a prisoner or, if the prisoner is serving a term for which there is parole eligibility, the minimum and maximum term or the parole eligibility date of the prisoner by the total number of days, if any, that the prisoner previously served in the custody of the department of rehabilitation and correction arising out of the offense for which the prisoner was convicted and sentenced"

Between lines 3232 and 3233, insert:

"**Sec. 2967.193.** (A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(2) of this section, a person confined in a state correctional institution may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term for each completed month during which the person productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific standards for performance by prisoners. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(2) of this section, a person so confined who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a prisoner productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the prisoner provisionally earned in that calendar month. If the prisoner violates prison rules, the department may deny the prisoner a credit that otherwise could have been provisionally awarded to the prisoner or may withdraw one or more credits previously provisionally earned by the prisoner. Days of credit provisionally earned by a prisoner shall be finalized and awarded by the department subject to administrative review by the department of the prisoner's conduct.

(2) The aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and

the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules.

(C) No person confined in a state correctional institution to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this ~~Chapter~~ chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after ~~the effective date of this amendment~~ September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually

oriented offense that the offender committed prior to ~~the effective date of this amendment~~ September 30, 2011.

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to ~~the effective date of this amendment~~ September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after ~~the effective date of this amendment~~ September 30, 2011.

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D)(2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to ~~the effective date of this amendment~~ September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after ~~the effective date of this amendment~~ September 30, 2011.

(E) ~~If a court imposes a sentence including a prison term on or after the effective date of this amendment for a felony, and if the court is required to include notice of the type described in division (F)(3) of section 2929.14 of the Revised Code in the offender's sentence, the failure of the court to include the notice does not affect the eligibility of the offender under this section to earn any days of credit as a deduction from the offender's stated prison term or otherwise render any part of this section or any action taken under this section void or voidable and does not constitute grounds for setting aside the offender's conviction or sentence or for granting postconviction relief to the offender.~~

~~(F)~~ The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

~~(G)~~ (F) As used in this section, "sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

Sec. 2967.26. (A)(1) The department of rehabilitation and correction, by rule, may establish a transitional control program for the purpose of closely

monitoring a prisoner's adjustment to community supervision during the final one hundred eighty days of the prisoner's confinement. If the department establishes a transitional control program under this division, the ~~adult parole authority~~ division of parole and community services of the department of rehabilitation and correction may transfer eligible prisoners to transitional control status under the program during the final one hundred eighty days of their confinement and under the terms and conditions established by the department, shall provide for the confinement as provided in this division of each eligible prisoner so transferred, and shall supervise each eligible prisoner so transferred in one or more community control sanctions. Each eligible prisoner who is transferred to transitional control status under the program shall be confined in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code, or shall be confined in a residence the department has approved for this purpose and be monitored pursuant to an electronic monitoring device, as defined in section 2929.01 of the Revised Code. If the department establishes a transitional control program under this division, the rules establishing the program shall include criteria that define which prisoners are eligible for the program, criteria that must be satisfied to be approved as a residence that may be used for confinement under the program of a prisoner that is transferred to it and procedures for the department to approve residences that satisfy those criteria, and provisions of the type described in division (C) of this section. At a minimum, the criteria that define which prisoners are eligible for the program shall provide all of the following:

(a) That a prisoner is eligible for the program if the prisoner is serving a prison term or term of imprisonment for an offense committed prior to March 17, 1998, and if, at the time at which eligibility is being determined, the prisoner would have been eligible for a furlough under this section as it existed immediately prior to March 17, 1998, or would have been eligible for conditional release under former section 2967.23 of the Revised Code as that section existed immediately prior to March 17, 1998;

(b) That no prisoner who is serving a mandatory prison term is eligible for the program until after expiration of the mandatory term;

(c) That no prisoner who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code is eligible for the program.

(2) At least three weeks prior to transferring to transitional control under this section a prisoner who is serving a term of imprisonment or prison term for an offense committed on or after July 1, 1996, the ~~adult~~ division of parole ~~authority~~ and community services shall give notice of the pendency of the transfer to transitional control to the court of common pleas of the county in which the indictment against the prisoner was found and of the fact that the court may disapprove the transfer of the prisoner to transitional control and shall include a report prepared by the head of the state correctional institution in which the prisoner is confined. The head of the state correctional institution in which the prisoner is confined, upon the request of the ~~adult parole authority~~

division of parole and community services, shall provide to the ~~authority~~ division for inclusion in the notice sent to the court under this division a report on the prisoner's conduct in the institution and in any institution from which the prisoner may have been transferred. The report shall cover the prisoner's participation in school, vocational training, work, treatment, and other rehabilitative activities and any disciplinary action taken against the prisoner. If the court disapproves of the transfer of the prisoner to transitional control, the court shall notify the ~~authority~~ division of the disapproval within thirty days after receipt of the notice. If the court timely disapproves the transfer of the prisoner to transitional control, the ~~authority~~ division shall not proceed with the transfer. If the court does not timely disapprove the transfer of the prisoner to transitional control, the ~~authority~~ division may transfer the prisoner to transitional control.

(3) If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address, the ~~adult parole authority~~ division of parole and community services, at least three weeks prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the ~~authority~~ division regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the ~~authority~~ division, the ~~authority~~ division shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(4) The department of rehabilitation and correction, at least three weeks prior to transferring a prisoner to transitional control pursuant to this section, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the prisoner's name and all of the information specified in division (A)(1)(c)(iv) of that section. In addition to and independent of the right of a victim to submit a statement as described in division (A)(3) of this section or to otherwise make a statement and in addition to and independent of any other right or duty of a person to present information or make a statement, any person may send to the ~~adult parole authority~~ division of parole and community services at any time prior to the ~~authority's~~ division's transfer of the prisoner to transitional control a written statement regarding the transfer of the prisoner to transitional control. In addition to the information, reports, and statements it considers under divisions (A)(2) and (3) of this section or that it otherwise considers, the ~~authority~~ division shall consider each statement submitted in accordance with this division in deciding whether to transfer the prisoner to transitional control.

(B) Each prisoner transferred to transitional control under this section shall be confined in the manner described in division (A) of this section during any period of time that the prisoner is not actually working at the prisoner's approved employment, engaged in a vocational training or another educational program, engaged in another program designated by the director, or engaged in other activities approved by the department.

(C) The department of rehabilitation and correction shall adopt rules for transferring eligible prisoners to transitional control, supervising and confining prisoners so transferred, administering the transitional control program in accordance with this section, and using the moneys deposited into the transitional control fund established under division (E) of this section.

(D) The department of rehabilitation and correction may adopt rules for the issuance of passes for the limited purposes described in this division to prisoners who are transferred to transitional control under this section. If the department adopts rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division shall be for a maximum of forty-eight hours and may be issued only for the following purposes:

(1) To visit a relative in imminent danger of death;

(2) To have a private viewing of the body of a deceased relative;

(3) To visit with family;

(4) To otherwise aid in the rehabilitation of the prisoner.

(E) The ~~adult parole authority~~ division of parole and community services may require a prisoner who is transferred to transitional control to pay to the division ~~of parole and community services~~ the reasonable expenses incurred by the division in supervising or confining the prisoner while under transitional control. Inability to pay those reasonable expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division shall be deposited into the transitional control fund, which is hereby created in the state treasury and which hereby replaces and succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on March 17, 1998, shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

(F) A prisoner who violates any rule established by the department of rehabilitation and correction under division (A), (C), or (D) of this section may be transferred to a state correctional institution pursuant to rules adopted under division (A), (C), or (D) of this section, but the prisoner shall receive credit towards completing the prisoner's sentence for the time spent under transitional control.

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code."

Between lines 8542 and 8543, insert:

"**Sec. 5149.311.** (A) The department of rehabilitation and correction shall establish and administer the probation improvement grant and the probation incentive grant for ~~court of~~ common pleas , municipal, and county court probation departments that supervise ~~felony~~ offenders.

(B)(1) The probation improvement grant shall provide funding to ~~court of~~ common pleas , municipal, and county court probation departments to adopt policies and practices based on the latest research on how to reduce the number of ~~felony~~ offenders on probation supervision who violate the conditions of their supervision.

(2) The department shall adopt rules for the distribution of the probation improvement grant, including the formula for the allocation of the subsidy based on the number of ~~felony~~ offenders placed on probation annually in each jurisdiction.

(C)(1) The probation incentive grant shall provide a performance-based level of funding to ~~court of~~ common pleas , municipal, and county court probation departments that are successful in reducing the number of ~~felony~~ offenders on probation supervision whose terms of supervision are revoked.

(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each ~~county~~ jurisdiction served by the probation department eligible for a grant under this section and be based on the difference from fiscal year 2010 and the fiscal year under examination.

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to ~~court of~~ common pleas , municipal, and county court probation departments that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, ~~courts of~~ common pleas , municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised

Code ~~and, except~~ . Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section.

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the ~~court of~~ common pleas , municipal, or county court probation departments utilize with the programs of subsidies established under this section and establish means of measuring their effectiveness.

(4) The department shall specify the policies, practices, and programs for which ~~court of~~ common pleas , municipal, or county court probation departments may use the program subsidy and shall establish minimum standards of quality and efficiency that recipients of the subsidy must follow. The department shall give priority to supporting evidence-based policies and practices, as defined by the department."

In line 8668, after "109.578," insert "307.932,"

In line 8669, after "2152.02," insert "2152.12, 2152.121,"; after "2152.26," insert "2152.52, 2152.56, 2152.59, 2301.27, 2301.271,"; after "2913.02," insert "2921.331,"

In line 8670, after "2923.122," insert "2925.03, 2925.04,"; after "2925.38," insert "2929.14, 2929.19, 2929.26, 2929.41,"; after "2949.08," insert "2951.022, 2953.08,"

In line 8671, after "2953.36," insert "2961.22,"; after "2967.191," insert "2967.193, 2967.26,"

In line 8677, after "5120.07," insert "5149.311,"

Between lines 8707 and 8708, insert:

"Section 2925.03 of the Revised Code as amended by both Sub. H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly."

After line 8714, insert:

"**Section 6.** That Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly be amended to read as follows:

Sec. 5. (A) The Ohio Interagency Task Force on Mental Health and Juvenile Justice is hereby established to investigate and make recommendations on how to most effectively treat delinquent youth who suffer from serious mental illness or emotional and behavioral disorders, while giving attention to the needs of Ohio's economy. The Task Force shall consist of the following

members:

(1) The Director of Youth Services;

(2) The Director of Mental Health;

(3) The Director of the Governor's Office of Health Transformation;

(4) The Superintendent of Public Instruction;

(5) A justice of the Supreme Court or a designee appointed by the justices of the Supreme Court who has experience in juvenile law or mental health issues;

(6) A designee appointed by the President of the Ohio Association of Juvenile Court Judges;

(7) A board-certified child and adolescent psychiatrist appointed by the Director of the Department of Mental Health;

(8) A licensed child and adolescent psychologist appointed by the President of the State Board of Psychology;

(9) Up to ten members with expertise in child and adolescent development, mental health, or juvenile justice appointed by the Governor, including, but not limited to, members representing the Ohio chapter of the National Alliance on Mental Illness, the Ohio Federation for Children's Mental Health, an academic research institution with expertise in juvenile justice and child and adolescent development, and a provider of children's community-based mental health services;

(10) Two members of the General Assembly, one from the majority party and one from the minority party, jointly appointed by the Speaker of the House of Representatives and the President of the Senate;

(11) A member of the public jointly appointed by the Speaker of the House of Representatives and the President of the Senate;

(12) A representative of the Ohio Prosecuting Attorneys Association designated by the Association;

(13) The State Public Defender;

(14) A representative of the Ohio Judicial Conference.

(B) Members of the Task Force shall be appointed by September 30, 2011. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation.

(C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson.

(D) The duties of the Task Force shall include all of the following:

(1) Reviewing the current staff training and protocols and procedures for treating mentally ill and seriously mentally ill youth committed to the

Department of Youth Services;

(2) Reviewing the current funding, roles, and responsibilities of the Department of Youth Services, Department of Mental Health, Department of Education, and other Departments providing services to youth, as the funding, roles, and responsibilities pertain to youth with serious mental illness, or severe emotional and behavioral disorders;

(3) Conducting a review of literature related to the best practices in the treatment of youth with mental illness and seriously mentally ill youth who are adjudicated to be a delinquent child and committed to the Department of Youth Services;

(4) Investigating mental health treatment models for youth involved in the juvenile justice system of other states and jurisdictions, and other relevant data and information, in order to identify potential model programs, protocols, and best practices;

(5) Conducting at least one visit to a Department of Youth Services mental health unit and completing a comprehensive data review of the mentally ill and seriously mentally ill youth currently committed to the Department of Youth Services to develop a profile of such youth currently committed to the Department of Youth Services.

(E) The members of the Task Force shall make findings and recommendations, based on the results of the Task Force's duties, regarding all of the following:

(1) Best practices in the field of treatment for youth with mental illness or serious mental illness who are involved in the juvenile justice system;

(2) Guiding principles for the treatment of youth with mental illness or serious mental illness who are involved in the juvenile justice system;

(3) The infrastructure, roles, and responsibilities of and other departments providing services to youth, in relation to effectively meeting the multiple needs of youth with mental illness or serious mental illness who are involved in the juvenile justice system;

(4) Funding strategies that maximize public, private, state, and federal resources and that create incentives for high performance and innovative treatment;

(5) Changes to administrative, court, and legislative rules that would support the recommendations of the Task Force.

The members of the Task Force may make other recommendations related to effectively treating delinquent youth who suffer from mental illness and serious mental health illness, including mentally ill youth who also have special education needs, as determined to be relevant by the chairperson of the Task Force.

(F) Not later than ~~March 31~~ September 30, 2012, the Task Force shall issue a report of the Task Force's findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. Upon the issuance of the report by the Task Force, the Task Force shall cease to exist.

Section 7. That existing Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly is hereby repealed."

In line 1 of the title, after "109.578," insert "307.932,"

In line 2 of the title, after "2152.02," insert "2152.12, 2152.121,"; after "2152.26," insert "2152.52, 2152.56, 2152.59, 2301.27, 2301.271,"

In line 3 of the title, after "2913.02," insert "2921.331,"; after "2923.122," insert "2925.03, 2925.04,"; after "2925.38," insert "2929.14, 2929.19, 2929.26, 2929.41,"

In line 4 of the title, after "2949.08," insert "2951.022, 2953.08,"; after "2953.36," insert "2961.22,"

In line 5 of the title, after "2967.191," insert "2967.193, 2967.26,"

In line 14 of the title, after "5120.07," insert "5149.311,"

In line 16 of the title, after "Code" insert "and to amend Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly"

In line 85 of the title, after the semicolon insert "to increase the time limit for a prosecutor to file a motion in juvenile court that objects to the imposition of a serious youthful offender dispositional sentence; to prohibit competency attainment reports and juvenile bindover evaluation reports from including details of the alleged offense as reported by the child; to require juvenile bindover evaluation reports to be completed within forty-five days unless an extension is granted; to require the Department of Youth Services to develop minimum standards for training of juvenile offender probation officers; to extend the deadline for the Ohio Interagency Task Force on Mental Health and Juvenile Justice to issue a report of its findings and recommendations; to revise the penalties for certain fifth degree felony drug offenses to generally favor not imposing a prison term; to permit the judges of the various courts of the state that supervise a concurrent supervision offender to authorize the chief probation officer to manage concurrent supervision offenders; to expand the availability of the probation improvement and incentive grants to municipal and county courts; to transfer control of the transitional control program from the Adult Parole Authority to the Division of Parole and Community Services; to amend the penalty for failure to comply with an order or signal of a police officer; to eliminate the requirement that a court sentencing a felony offender provide notice of possible eligibility for earning days of credit;"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-97.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer

Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-96.

Representative Goodwin voted in the negative-1.

The bill passed.

Representative McGregor moved to amend the title as follows:

Add the names: "Amstutz, Barnes, Beck, Blair, Boyd, Bubp, Butler, Celeste, Combs, DeVitis, Dovilla, Foley, Hagan, C., Hagan, R., Hayes, Hill, Johnson, Luckie, McClain, Milkovich, Murray, O'Brien, Patmon, Pillich, Ramos, Reece, Ruhl, Slaby, M., Sprague, Stebelton, Stinziano, Sykes, Thompson, Uecker, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 484-Representative Duffey.
Cosponsors: Representatives Kozlowski, Newbold, Terhar, Johnson, Hagan, R., Foley, Young, Grossman, Blessing, Schuring, Peterson, Wachtmann, Baker, Sprague, Hagan, C., Brenner, Stebelton, Stinziano, Antonio.

To amend section 4141.01 and to enact sections 4141.50 to 4141.55 of the Revised Code to create the SharedWork Ohio Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Antonio moved to amend as follows:

In line 934, after the underlined period insert " <u>If an employee the employer covers under the plan is subject to a collective bargaining agreement, the employer shall have the employee's collective bargaining agent approve the plan in writing, and the employer shall submit that approval to the director with the employer's proposed plan.</u>"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Butler

Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gardner
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Lynch	Maag
Martin	McClain	McGregor	Newbold
Pelanda	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Slesnick	Stinziano
Sykes	Szollosi	Williams	Winburn
			Yuko-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 81, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Blair
Blessing	Boyce	Brenner	Bubp
Buchy	Budish	Butler	Carney
Celeste	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Gardner	Gerberry	Gonzales	Goodwin
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Luckie	Lynch
Maag	Martin	McClain	McGregor
Murray	Newbold	O'Brien	Patmon
Pelanda	Pillich	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
			Batchelder-81.

Those who voted in the negative were: Representatives

Antonio	Boyd	Celebrezze	Cera
Foley	Garland	Hagan, R.	Letson
Lundy	Milkovich	Okey	Phillips
Ramos	Sykes		Yuko-15.

The bill passed.

Representative Duffey moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Beck, Blair, Bubp, Buchy, Combs, Conditt, Derickson, DeVitis, Dovilla, Hackett, Hall, Hayes, Henne, Hill, Hottinger, Huffman, Lynch, Martin, McClain, Scherer, Sears, Smith, Thompson, Uecker, Batchelder."

Remove the names: "Antonio, Foley, Hagan, R., Stinziano."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 461-Representative Stebelton.
Cosponsors: Representatives Adams, R., Gonzales, Grossman, Henne, McGregor, Okey, Yuko, Bubp.

To amend section 3105.64 and to enact sections 3105.41, 3105.42, 3105.43, 3105.44, 3105.45, 3105.46, 3105.47, 3105.48, 3105.49, 3105.50, 3105.51, 3105.52, 3105.53, 3105.54, and 3105.55 of the Revised Code to establish a statutory collaborative family law process to aid in the resolution of family law disputes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boyce	Boyd
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Lynch
Maag	Martin	McClain	McGregor

Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Phillips
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

The bill passed.

Representative Stebelton moved to amend the title as follows:

Add the names: "Antonio, Boyd, Celeste, Combs, Huffman, Letson, Milkovich, Murray, O'Brien, Pillich, Reece, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 420-Representatives Peterson, Stinziano.
Cosponsors: Representatives McClain, Grossman, Henne, McGregor, Ruhl, Combs, Hagan, C., Hill, Stebelton, Garland, Roegner, Clyde, Buchy.

To enact section 1531.40 of the Revised Code to require commercial nuisance wild animal control operators that provide nuisance wild animal removal or control services to be licensed by the Chief of the Division of Wildlife, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 74, nays 22, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Anielski	Antonio	Baker
Barnes	Blessing	Boyce	Boyd
Buchy	Budish	Butler	Carney
Celebrezze	Celeste	Cera	Clyde
Conditt	Damschroder	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
McClain	McGregor	Milkovich	Murray
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Rosenberger	Ruhl	Scherer	Schuring

Sears	Slaby M.	Slesnick	Smith
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Uecker	Williams	Young
Yuko			Batchelder-74.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Beck	Blair
Brenner	Bubp	Combs	DeVitis
Foley	Goodwin	Hagan, R.	Henne
Lynch	Maag	Martin	Newbold
Roegner	Sprague	Terhar	Thompson
Wachtmann			Winburn-22.

The bill passed.

Representative Stinziano moved to amend the title as follows:

Add the names: "Hall, Heard, Kozlowski, Letson, Luckie."

Remove the name: "Roegner."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 259-Representatives Adams, J., Yuko.
Cosponsors: Representatives Wachtmann, Buchy, Antonio, Hall, Goodwin, Hagan, R.

To amend section 4759.02 and to enact sections 4783.01 to 4783.05 of the Revised Code regarding the provision of complementary or alternative health services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 66, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Antonio	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Celebrezze	Celeste	Clyde	Combs
Damschroder	DeVitis	Driehaus	Fedor
Fende	Foley	Gerberry	Goyal
Hagan, C.	Hagan, R.	Hall	Heard
Hill	Landis	Letson	Luckie
Lundy	Maag	Martin	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Scherer	Schuring	Slaby M.	Slesnick

Smith	Sprague	Stebelton	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-66.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Anielski	Butler
Carney	Cera	Conditt	Derickson
Dovilla	Duffey	Gardner	Garland
Gonzales	Goodwin	Grossman	Hackett
Hayes	Henne	Hottinger	Huffman
Johnson	Kozlowski	Lynch	McClain
McGregor	Ruhl	Sears	Stautberg
			Stinziano-29.

The bill passed.

Representative Adams, J. moved to amend the title as follows:

Add the names: "Barnes, Boyd, Celeste, Clyde, Fedor, Goyal, Heard, Martin, Milkovich, O'Brien, Pelanda, Phillips."

Remove the name: "Goodwin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. R. No. 305-Representatives Dovilla, Adams, J.
Cosponsors: Representatives Terhar, Hall, Ruhl, Rosenberger, Derickson, Huffman, Adams, R., Hackett, Newbold, Hill, Grossman, Baker, Thompson, Boose, Buchy, Damschroder, Hagan, C., Scherer.

To urge the Administration of President Barack Obama to allow oil and natural gas production off the northern coast of Alaska, to grant permits for oil and natural gas exploration in the Gulf of Mexico on a timely basis, and to grant a presidential permit to allow the construction of the Keystone XL pipeline project, was taken up for consideration the third time.

The question being, "Shall the resolution be adopted?"

Representative Dovilla moved to amend the title as follows:

Add the names: "Anielski, Beck, Blair, Brenner, Combs, Conditt, Duffey, Gardner, Goodwin, Hayes, Henne, Hottinger, Johnson, Kozlowski, Lynch, Maag, Martin, Sears, Sprague, Stautberg, Uecker, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 60, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Butler
Cera	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Goodwin	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Lynch
Maag	Martin	McClain	McGregor
Newbold	Okey	Pelanda	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Clyde	Driehaus	Fedor	Fende
Foley	Garland	Gerberry	Goyal
Hagan, R.	Heard	Letson	Luckie
Lundy	Milkovich	Murray	O'Brien
Patmon	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Sykes
Szollosi	Williams	Winburn	Yuko-36.

The resolution was adopted.

Sub. S. B. No. 315-Senator Jones.
Cosponsors: Senators Coley, Bacon, Balderson, Beagle, Eklund, Lehner, Niehaus, Peterson, Schaffer. Representative Stautberg.

To amend sections 122.075, 123.011, 125.836, 131.50, 133.06, 156.01, 156.02, 156.03, 156.04, 303.213, 905.40, 1509.01, 1509.02, 1509.03, 1509.04, 1509.06, 1509.07, 1509.10, 1509.11, 1509.22, 1509.221, 1509.222, 1509.223, 1509.23, 1509.28, 1509.33, 1509.99, 1514.01, 1514.02, 1514.021, 1514.03, 1514.05, 3706.27, 4905.03, 4905.90, 4905.91, 4905.95, 4906.01, 4906.03, 4906.05, 4906.06, 4906.07, 4906.10, 4906.20, 4928.01, 4928.02, 4928.2314, 4928.61, 4928.62, 4928.64, 4928.66, 4935.04, 5703.21, and 5751.01; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 905.461 (905.411); and to enact sections 905.41, 3737.832, 4905.911, 4928.111, 4928.70, 4928.71, 4928.72, and 6301.12 of the Revised Code to make changes to the energy and natural resources laws and related programs of the state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Stautberg moved to amend as follows:

In line 4985, after " ~~"Renewable~~" begin a new paragraph

In line 6774, delete the second "**Section**" and insert "**Sections**"

In line 6775, delete "amendment" and insert "amendments"

In line 6776, delete "Sections 601.10, 601.11, and" and insert "Section"

The question being, "Shall the motion to amend be agreed to?"

The motion was agreed to without objection and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Okey moved to amend as follows:

In line 21, after "1509.02," insert "1509.022,"

In line 22, after "1509.23," insert "1509.24, 1509.25,"; after "1509.28," insert "1509.31,"

In line 29, after "905.41," insert "1509.081, 1509.311, 1509.312,"

In line 1234, after " 1509.28," insert " 1509.311, 1509.312,"

Between lines 1263 and 1264, insert:

"**Sec. 1509.022.** (A) Except as provided in section 1509.021 of the Revised Code, the surface location of a new well that will be drilled using directional drilling may be located on a parcel of land that is not in the drilling unit of the well.

(B) On and after the effective date of this amendment, the surface location of a new horizontal well shall not be within seven hundred fifty feet from the property line of a parcel of land that is not in the drilling unit of the horizontal well if the parcel of land is not located in an urbanized area.

(C) On and after the effective date of this amendment, no portion of a lateral line of a horizontal well shall be within seven hundred fifty feet from the property line of a parcel of land that is not in the drilling unit of the horizontal well."

In line 1550, after "(12)" insert " For an application for a permit to drill a new horizontal well, both of the following:

(a) A copy of an affidavit signed by the owner certifying that the owner will pay royalty interest in accordance with the requirements established in division (C) of section 1509.081 of the Revised Code to the lessor of each oil and gas lease that is necessary for the formation of the drilling unit on which the proposed horizontal well will be located;

(b) A copy of an affidavit signed by the owner certifying that the owner will comply with the terms of every oil and gas lease that is necessary for the formation of the drilling unit on which the proposed horizontal well will be

located.

(13)"

In line 1623, after "if" insert " either of"; after "the" insert " following applies:

(1) The owner failed to include with the application the affidavits required in division (A)(12) of this section, if applicable.

(2) The"

In line 1632, strike through "The" and insert:

" The"

Between lines 1811 and 1812, insert:

" **Sec. 1509.081.** (A) On and after the effective date of this section, an oil or gas lease that is necessary for the formation of a drilling unit in which is or will be located a horizontal well shall include at a minimum all of the following:

(1) A requirement that written notice be provided to the lessor by the lessee immediately after the recording of a declared pooled unit in the office of the applicable county recorder that the property or mineral rights, as applicable, that are the subject of the lease are a part of a drilling unit;

(2) A requirement that ground water testing be conducted prior to commencement of the drilling of the horizontal well and after stimulation of the horizontal well. The ground water testing shall be conducted by the department of natural resources, the board of health of the health district in which the proposed horizontal well or horizontal well is to be or is located, or a person who has received a registration certificate from the chief of the division of oil and gas resources management under section 1509.312 of the Revised Code. In addition, the person who conducts the ground water testing shall provide written results of the testing to the lessor and to the chief. The lessee shall pay the costs of the ground water testing required by this division.

(3) A provision that holds the lessor harmless against any claims, losses, including, but not limited to, court costs and attorney fees reasonably incurred, or damages arising from the lessee's actions or operations on the applicable property;

(4) A provision that allows the lessor annually to request a written audit of the lessee's production. The audit shall be conducted by an auditor who is independent of the lessee. The lessee shall pay the costs of the audit.

(5) A provision that allows the lessor of the property on which the surface facilities of a horizontal well will be or are located to receive a lump sum payment in lieu of free gas to the house or other dwelling that is located on the leased property. The amount of money to be paid in full shall not be less than three thousand dollars.

(6) A requirement that a lessee timely provide written notice to the lessor of the property on which the surface facilities of a horizontal well will be or are located of all serious injuries to or death of a person that occurred on the property and of any damage to the property resulting from the lessee's operations on the property;

(7) A requirement that whenever the lessee assigns or otherwise transfers the lessee's interest of the oil or gas lease, the assignor or transferor notify in writing the lessor of the assignment or transfer not later than thirty days after the date of the assignment or transfer.

(B) On and after the effective date of this section and notwithstanding section 5301.08 of the Revised Code, an oil or gas lease that is necessary for the formation of a drilling unit in which is or will be located a horizontal well shall be lawfully executed and properly recorded. In addition, such a lease shall be valid only if the lease is signed by the lessor and lessee before a notary public.

(C) On and after the effective date of this section, the minimum rate of a royalty interest for a horizontal well shall not be less than fifteen per cent of the gross revenue from the sale of oil, liquid natural gas, dry gas, and their constituents for that horizontal well. In calculating the gross revenue, no costs or expenses shall be deducted.

(D) On and after the effective date of this section, the owner of a horizontal well shall notify in writing all owners of property of any diminution to or contamination of their drinking water supply as a result of the activities of the owner of the well."

Between lines 2582 and 2583, insert:

"**Sec. 1509.24.** (A) ~~The~~ Except as otherwise provided in division (C) of this section, the chief of the division of oil and gas resources management, with the approval of the technical advisory council on oil and gas created in section 1509.38 of the Revised Code, may adopt, amend, or rescind rules relative to minimum acreage requirements for drilling units and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, and other wells for the purpose of conserving oil and gas reserves. The rules relative to minimum acreage requirements for drilling units shall require a drilling unit to be compact and composed of contiguous land.

(B) Rules adopted under this section and special orders made under section 1509.25 of the Revised Code shall apply only to new wells to be drilled or existing wells to be deepened, plugged back, or reopened to a source of supply different from the existing pool for the purpose of extracting oil or gas in their natural state.

(C) On and after the effective date of this amendment, the maximum acreage of a drilling unit for a horizontal well shall not exceed one thousand two hundred eighty acres. The drilling unit shall be compact and composed of

contiguous land. The chief may adopt rules for the administration of this division.

Sec. 1509.25. The chief of the division of oil and gas resources management, upon the chief's own motion or upon application of an owner, may hold a hearing to consider the need or desirability of adopting a special order for drilling unit requirements in a particular pool different from those established under division (A) of section 1509.24 of the Revised Code. The chief shall notify every owner of land within the area proposed to be included within the order, of the date, time, and place of the hearing and the nature of the order being considered at least thirty days prior to the date of the hearing. Each application for such an order shall be accompanied by such information as the chief may request. If the chief finds that the pool can be defined with reasonable certainty, that the pool is in the initial state of development, and that the establishment of such different requirements for drilling a well on a tract or drilling unit in the pool is reasonably necessary to protect correlative rights or to provide effective development, use, or conservation of oil and gas, the chief, with the written approval of the technical advisory council on oil and gas created in section 1509.38 of the Revised Code, shall make a special order designating the area covered by the order, and specifying the acreage requirements for drilling a well on a tract or drilling unit in the area, which acreage requirements shall be uniform for the entire pool. The order shall specify minimum distances from the boundary of the tract or drilling unit for the drilling of wells and minimum distances from other wells and allow exceptions for wells drilled or drilling in a particular pool at the time of the filing of the application. The chief may exempt the discovery well from minimum acreage and distance requirements in the order. After the date of the notice for a hearing called to make the order, no additional well shall be commenced in the pool for a period of sixty days or until an order has been made pursuant to the application, whichever is earlier. The chief, upon the chief's own motion or upon application of an owner, after a hearing and with the approval of the technical advisory council on oil and gas, may include additional lands determined to be underlaid by a particular pool or to exclude lands determined not to be underlaid by a particular pool, and may modify the spacing and acreage requirements of the order.

Nothing in this section permits the chief to establish drilling units in a pool by requiring the use of a survey grid coordinate system with fixed or established unit boundaries."

Between lines 2700 and 2701, insert:

"**Sec. 1509.31.** (A) Whenever the entire interest of an oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and, if a well or wells exist on the lease, the division of oil and gas resources management, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer. When notice of any such assignment or transfer is required to be provided to the division, it shall be

provided on a form prescribed and provided by the division and verified by both the assignor or transferor and by the assignee or transferee and shall be accompanied by a nonrefundable fee of one hundred dollars for each well. The notice form applicable to assignments or transfers of a well to the owner of the surface estate of the tract on which the well is located shall contain a statement informing the landowner that the well may require periodic servicing to maintain its productivity; that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for compliance with the requirements of this chapter and rules adopted under it, including, without limitation, the proper disposal of brine obtained from the well, the plugging of the well when it becomes incapable of producing oil or gas, and the restoration of the well site; and that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for the costs of compliance with the requirements of this chapter and rules adopted under it and the costs for operating and servicing the well.

(B) When the entire interest of a well is proposed to be assigned or otherwise transferred to the landowner for use as an exempt domestic well, the owner who has been issued a permit under this chapter for the well shall submit to the chief of the division of oil and gas resources management an application for the assignment or transfer that contains all documents that the chief requires and a nonrefundable fee of one hundred dollars. The application for such an assignment or transfer shall be prescribed and provided by the chief. The chief may approve the application if the application is accompanied by a release of all of the oil and gas leases that are included in the applicable formation of the drilling unit, the release is in a form such that the well ownership merges with the fee simple interest of the surface tract, and the release is in a form that may be recorded. However, if the owner of the well does not release the oil and gas leases associated with the well that is proposed to be assigned or otherwise transferred or if the fee simple tract that results from the merger of the well ownership with the fee simple interest of the surface tract is less than five acres, the proposed exempt domestic well owner shall post a five thousand dollar bond with the division prior to the assignment or transfer of the well to ensure that the well will be properly plugged. The chief, for good cause, may modify the requirements of this section governing the assignment or transfer of the interests of a well to the landowner. Upon the assignment or transfer of the well, the owner of an exempt domestic well is not subject to the severance tax levied under section 5749.02 of the Revised Code, but is subject to all applicable fees established in this chapter.

(C) The owner holding a permit under section 1509.05 of the Revised Code is responsible for all obligations and liabilities imposed by this chapter and any rules, orders, and terms and conditions of a permit adopted or issued under it, and no assignment or transfer by the owner relieves the owner of the obligations and liabilities until and unless the assignee or transferee files with the division the information described in divisions (A)(1), (2), (3), (4), (5), (10), (11), ~~and~~ (12) , and (13) of section 1509.06 of the Revised Code; obtains liability insurance coverage required by section 1509.07 of the Revised Code, except

when none is required by that section; and executes and files a surety bond, negotiable certificates of deposit or irrevocable letters of credit, or cash, as described in that section. Instead of a bond, but only upon acceptance by the chief, the assignee or transferee may file proof of financial responsibility, described in section 1509.07 of the Revised Code. Section 1509.071 of the Revised Code applies to the surety bond, cash, and negotiable certificates of deposit and irrevocable letters of credit described in this section. Unless the chief approves a modification, each assignee or transferee shall operate in accordance with the plans and information filed by the permit holder pursuant to section 1509.06 of the Revised Code.

(D) If a mortgaged property that is being foreclosed is subject to an oil or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas and the lease, agreement, or other instrument was recorded subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the foreclosed property.

Sec. 1509.311. (A) As used in this section, "land professional" means a person who is engaged primarily in any of the following activities:

(1) Negotiating the acquisition or divestiture of mineral rights regarding the extraction of oil or gas, including wet gas;

(2) Negotiating business agreements that provide for the exploration for or development of oil or gas, including wet gas;

(3) Securing the pooling of interests in oil or gas, including wet gas.

"Land professional" includes a person colloquially known as a landman conducting the activities specified in divisions (A)(1) to (3) of this section.

(B) No person shall operate as a land professional in this state unless the person first registers with and obtains a registration certificate from the chief of the division of oil and gas resources management. A registration certificate issued under this section is valid for one year from the date of issuance and may be renewed annually.

(C) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish a registration form for an initial registration and a form for the renewal of a registration for purposes of division (B) of this section. The rules shall require each person registering or renewing a registration under this section to identify the counties of the state in which the person intends to operate as a land professional.

(2) Establish the amount of a fee for the issuance of an initial registration and a registration renewal. All fees collected under this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

(3) Provide for the assignment of a registration number to each land professional who is issued a registration certificate;

(4) Establish any other requirements and procedures that are necessary to implement this section.

(D) The chief shall publish on the division's web site the name of and other relevant information concerning each person registered under this section.

(E)(1) A land professional shall provide a copy of the applicable disclosure form established by division (F) or (G) of this section to a prospective lessor or prospective seller when initially approaching the landowner regarding any of the activities specified in division (A) of this section. The land professional shall explain thoroughly each item on the applicable disclosure form. In addition, the land professional shall obtain on duplicate forms the initials of the prospective lessor or prospective seller, as applicable, for each item on the disclosure form at the appropriate location as an acknowledgement that the land professional explained each item to the prospective lessor or prospective seller. The land professional and the prospective lessor or prospective seller, as applicable, each shall sign and date each copy of the applicable disclosure form. The land professional shall provide one copy of the initialed, signed, and dated disclosure form to the prospective lessor or prospective seller and may retain the other copy.

(2) No land professional shall fail to comply with division (E)(1) of this section.

(F) The disclosure form used by a land professional under division (E) of this section for negotiations with a prospective lessor shall be as follows:

" **Oil and Gas Lease Disclosure Form**

I, ...(printed name of registered land professional), on behalf of .....(name, address, and telephone number of the entity for which the land professional is an agent or by which the land professional is employed), am here to negotiate a lease of your mineral rights for the purpose of removing the oil or gas that may be under your property.

As a part of the negotiation, I am required by state law to thoroughly explain all of the following:

(Landowner/Lessor: please initial each item below that was thoroughly explained by the land professional)

.... 1. I acknowledge that I have received a thorough explanation of the company, organization, or entity that the land professional represents, is an agent of, or is employed by.

.... 2. I acknowledge that I have received a thorough explanation of how oil and gas drilling works, including a description of the equipment used in oil and gas drilling and how hydraulic fracturing is used to remove oil and gas from the ground.

.... 3. I acknowledge that I have received a thorough explanation of how a company obtains the right to drill an oil or gas well under Ohio laws, which means an oil or gas drilling permit.

.... 4. I acknowledge that I have received a thorough explanation of the lease for oil or gas rights, including an explanation of how long the lease may last and the minimum royalty required under Ohio law.

.... 5. I acknowledge that I have received a thorough explanation of all of the parts of the lease for my oil or gas mineral rights that may make the lease last longer, including an explanation of the longest time that the oil and gas lease would last.

.... 6. I acknowledge that I have received a thorough explanation that I have a right to request a separate land-use contract to use my property to drill a well.

.... 7. I acknowledge that I have received a thorough explanation that I have a right to request a no surface use lease, which means a lease that would not allow a well to be drilled on my property.

.... 8. I acknowledge that I have received a thorough explanation that I have a right to put in the lease a requirement to prevent the use of my property for anything that is not removal of oil or gas. That requirement in the lease also would prevent the use of my property to store equipment, to store wastes from drilling or from the removal of oil or gas, to dispose of wastes from drilling or from the removal of oil or gas, and to prevent the drilling of an injection well on my property to dispose of wastes from drilling or wastes from the removal of oil or gas.

.... 9. I acknowledge that I have received a thorough explanation that I have a right to put in the lease a requirement to stop the lessee from free use of oil, gas, and water from my property. I also acknowledge that I have received a thorough explanation that I have a right to put in the lease a requirement that I must be paid for the lessee's use of oil, gas, or water from my property.

.... 10. I acknowledge that I have received a thorough explanation that I have a right to put in the lease a requirement that the lessee must give me a list of all of the chemicals and other substances that will be used in any hydraulic fracturing of the well for which my property will be a part of the drilling unit.

.... 11. I acknowledge that I have received a thorough explanation that I have the right to speak to or meet with an attorney before signing a lease for the oil or gas mineral rights from my property. I also acknowledge that I have received a thorough explanation that I may have an attorney read the lease before I sign the lease and provide advice to me about the lease for the oil or gas mineral rights that I own.

....
Signature of landowner/lessor Date

.....
Printed name of landowner/lessor

....
Signature of land professional Date

.....
Registration number of land professional"

(G) The disclosure form used by a land professional under division (E) of this section for negotiations with a prospective seller shall be as follows:

"Mineral Purchase Disclosure Form

I, ...(printed name of registered land professional), on behalf of .....(name, address, and telephone number of the entity for which the land professional is an agent or by which the land professional is employed), am here to negotiate a land-purchase contract for the purchase of your mineral rights, including the purchase of the oil or gas that may be under your property.

As a part of the negotiation, I am required by state law to thoroughly explain all of the following:

(Landowner/Seller: please initial each item below that was thoroughly explained by the land professional)

.... 1. I acknowledge that I have received a thorough explanation of the company, organization, or entity that the land professional represents, is an agent of, or is employed by.

.... 2. I acknowledge that I have received a thorough explanation that a purchase of mineral rights is not the same as a lease of mineral rights.

.... 3. I acknowledge that I have received a thorough explanation that a purchase is the sale of my mineral rights whether my mineral rights are leased or my mineral rights are not leased.

.... 4. I acknowledge that I have received a thorough explanation that a mineral rights purchase is a sale of property that requires a transfer of rights through a deed.

.... 5. I acknowledge that I have received a thorough explanation that if my mineral rights have been leased, then a purchase of my mineral rights is the sale of my rights to receive royalty payments or other payments under the lease of my mineral rights.

.... 6. I acknowledge that I have received a thorough explanation that if my mineral rights have not been leased, then a purchase is the sale of my mineral rights and the buyer of my mineral rights may lease the mineral rights to any other person.

.... 7. I acknowledge that I have received a thorough explanation that the sale of my mineral rights may limit my right to use and enjoy the surface of my

property.

.... 8. I acknowledge that I have received a thorough explanation that the sale of my mineral rights may be for all minerals or only specific minerals.

.... 9. I acknowledge that I have received a thorough explanation that the sale of my mineral rights may be for all of my mineral rights or for a part of my mineral rights.

.... 10. I acknowledge that I have received a thorough explanation that the sale of my mineral rights may have tax consequences that may require tax advice before the sale of my mineral rights.

.... 11. I acknowledge that I have received a thorough explanation that I have the right to speak to or meet with an attorney before signing a land-purchase contract for the mineral rights from my property. I also acknowledge that I have received a thorough explanation that I may have an attorney read the contract before I sign the contract and provide advice to me about the contract to purchase the mineral rights that I own.

....
Signature of landowner/seller Date

.....
Printed name of landowner/seller

....
Signature of land professional Date

.....
Registration number of land professional"

(H) The chief shall post a copy of the disclosure forms established by division (F) and (G) of this section on the division's web site. The posting of the disclosure forms shall be in a format that may be downloaded or printed by a land professional for purposes of division (E) of this section.

Sec. 1509.312. (A) Except for ground water testing conducted by the department of natural resources or by the board of health of the health district in which a proposed horizontal well or horizontal well is to be or is located, no person shall test ground water for the purposes of division (A)(2) of section 1509.081 of the Revised Code unless the person first registers with and obtains a registration certificate from the chief of the division of oil and gas resources management. A registration certificate issued under this section is valid for one year from the date of issuance and may be renewed annually.

(B) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish a registration form for an initial registration and a form for the renewal of a registration for purposes of division (A) of this section;

(2) Establish the amount of a fee for the issuance of an initial registration and a registration renewal. All fees collected under this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

(3) Establish minimum qualifications that a person must meet in order for the person to test ground water for the purposes of division (A)(2) of section 1509.081 of the Revised Code;

(4) Establish any other requirements and procedures that are necessary to implement this section.

(C) The chief shall publish on the division's web site the name of and other relevant information concerning each person registered under this section."

In line 6692, after "1509.02," insert "1509.022,"

In line 6694, after "1509.23," insert "1509.24, 1509.25,"; after "1509.28," insert "1509.31,"

In line 3 of the title, after "1509.02," insert "1509.022,"

In line 5 of the title, after "1509.23," insert "1509.24, 1509.25,"; after "1509.28," insert "1509.31,"

In line 14 of the title, after "905.41," insert "1509.081, 1509.311, 1509.312,"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Butler
Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gardner
Gonzales	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	McClain	McGregor
Newbold	Pelanda	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby M.	Smith	Sprague	Stautberg
Stebelton	Terhar	Thompson	Uecker
			Wachtmann-53.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Hill
Letson	Lundy	Martin	Milkovich
Murray	O'Brien	Okey	Patmon

Phillips	Pillich	Ramos	Slesnick
Stinziano	Sykes	Szollosi	Winburn
Young			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Williams moved to amend as follows:

In line 4995, delete " have been" and insert " be included only if it was"

In line 4996, delete " or retrofitted before that date" and insert " between January 1, 2002, and December 31, 2004"

In line 5067 after " steam" insert " , provided that the facility was placed into service between January 1, 2002, and December 31, 2004"

In line 5579, delete " have been" and insert " be included only if it was"

In line 5580, delete " or retrofitted before that date" and insert " between January 1, 2002, and December 31, 2004"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 88, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Anielski	Antonio
Baker	Barnes	Beck	Blair
Boyce	Boyd	Brenner	Bubp
Buchy	Budish	Butler	Carney
Celebrezze	Celeste	Cera	Clyde
Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Fende	Foley	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Sykes	Szollosi	Thompson	Uecker
Williams	Winburn	Young	Yuko-88.

Representatives Gardner, Stinziano, Terhar, and Wachtmann voted in the negative-4.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative Ramos moved to amend as follows:

In line 29, after "4905.911," insert "4905.912,"

Between lines 4248 and 4249, insert:

" **Sec. 4905.912.** (A) As used in this section, "pipeline company" means a company engaged in the business of transporting gas by pipeline.

(B) On the first day of July and the first day of November of each year, each operator and pipeline company shall file with the commission a disclosure in quintuplicate that specifies the country in which each tubular steel product used by the operator or company in the exploration, gathering, or transportation of gas or hazardous liquids was manufactured. The public utilities commission may prescribe a disclosure form, and require its use, for the purpose of this section."

In line 15 of the title, after "4905.911," insert "4905.912,"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
Newbold	Pelanda	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
			Young-53.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Carney	Celebrezze	Celeste	Cera
Clyde	Driehaus	Fedor	Fende
Foley	Garland	Gerberry	Goyal
Hagan, R.	Heard	Letson	Luckie
Lundy	McGregor	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Roegner

Slesnick	Stinziano	Sykes	Szollosi
Williams	Winburn		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Hagan, R. moved to amend as follows:

In line 22, after "1509.28," insert "1509.31,"

In line 1268, after "rules" insert " shall include procedures and requirements for the enforcement of an affidavit required in division (A)(12) of section 1509.06 of the Revised Code. In addition, the rules"

In line 1550, after "(12)" insert " For an application for a permit to drill a new horizontal well, a copy of an affidavit signed by the owner certifying that not less than sixty per cent of the owner's full-time employees during all phases of construction of the horizontal well are residents of this state;

(13)"

Between lines 2700 and 2701, insert:

"**Sec. 1509.31.** (A) Whenever the entire interest of an oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and, if a well or wells exist on the lease, the division of oil and gas resources management, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer. When notice of any such assignment or transfer is required to be provided to the division, it shall be provided on a form prescribed and provided by the division and verified by both the assignor or transferor and by the assignee or transferee and shall be accompanied by a nonrefundable fee of one hundred dollars for each well. The notice form applicable to assignments or transfers of a well to the owner of the surface estate of the tract on which the well is located shall contain a statement informing the landowner that the well may require periodic servicing to maintain its productivity; that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for compliance with the requirements of this chapter and rules adopted under it, including, without limitation, the proper disposal of brine obtained from the well, the plugging of the well when it becomes incapable of producing oil or gas, and the restoration of the well site; and that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for the costs of compliance with the requirements of this chapter and rules adopted under it and the costs for operating and servicing the well.

(B) When the entire interest of a well is proposed to be assigned or otherwise transferred to the landowner for use as an exempt domestic well, the owner who has been issued a permit under this chapter for the well shall submit to the chief of the division of oil and gas resources management an application

for the assignment or transfer that contains all documents that the chief requires and a nonrefundable fee of one hundred dollars. The application for such an assignment or transfer shall be prescribed and provided by the chief. The chief may approve the application if the application is accompanied by a release of all of the oil and gas leases that are included in the applicable formation of the drilling unit, the release is in a form such that the well ownership merges with the fee simple interest of the surface tract, and the release is in a form that may be recorded. However, if the owner of the well does not release the oil and gas leases associated with the well that is proposed to be assigned or otherwise transferred or if the fee simple tract that results from the merger of the well ownership with the fee simple interest of the surface tract is less than five acres, the proposed exempt domestic well owner shall post a five thousand dollar bond with the division prior to the assignment or transfer of the well to ensure that the well will be properly plugged. The chief, for good cause, may modify the requirements of this section governing the assignment or transfer of the interests of a well to the landowner. Upon the assignment or transfer of the well, the owner of an exempt domestic well is not subject to the severance tax levied under section 5749.02 of the Revised Code, but is subject to all applicable fees established in this chapter.

(C) The owner holding a permit under section 1509.05 of the Revised Code is responsible for all obligations and liabilities imposed by this chapter and any rules, orders, and terms and conditions of a permit adopted or issued under it, and no assignment or transfer by the owner relieves the owner of the obligations and liabilities until and unless the assignee or transferee files with the division the information described in divisions (A)(1), (2), (3), (4), (5), (10), (11), ~~and~~ (12) , and (13) of section 1509.06 of the Revised Code; obtains liability insurance coverage required by section 1509.07 of the Revised Code, except when none is required by that section; and executes and files a surety bond, negotiable certificates of deposit or irrevocable letters of credit, or cash, as described in that section. Instead of a bond, but only upon acceptance by the chief, the assignee or transferee may file proof of financial responsibility, described in section 1509.07 of the Revised Code. Section 1509.071 of the Revised Code applies to the surety bond, cash, and negotiable certificates of deposit and irrevocable letters of credit described in this section. Unless the chief approves a modification, each assignee or transferee shall operate in accordance with the plans and information filed by the permit holder pursuant to section 1509.06 of the Revised Code.

(D) If a mortgaged property that is being foreclosed is subject to an oil or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas and the lease, agreement, or other instrument was recorded subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of

the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the foreclosed property."

In line 6694, after "1509.28," insert "1509.31,"

In line 5 of the title, after "1509.28," insert "1509.31,"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Newbold	Patmon	Pelanda
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Smith
Sprague	Stautberg	Terhar	Thompson
Uecker	Wachtmann		Young-55.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Luckie
Lundy	Milkovich	Murray	O'Brien
Okey	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Sykes
Szollosi	Williams	Winburn	Yuko-36.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Foley moved to amend as follows:

In line 22, after "1509.11," insert "1509.19,"

Between lines 2086 and 2087, insert:

"**Sec. 1509.19.** (A) No owner shall stimulate a well in this state unless all methane gas released as a result of the stimulation is captured by the owner or

the owner's authorized representative. Prior to well stimulation, the owner shall provide sufficient evidence to the chief of the division of oil and gas resources management that all such methane gas will be captured.

The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(1) Standards of evidence to be used by an owner for the purpose of showing that all methane gas that will be released as a result of the proposed stimulation of a well will be captured;

(2) Procedures for submitting the evidence required by division (A) of this section to the chief;

(3) Procedures to be utilized by the chief to verify that an owner is in compliance with division (A) of this section and rules adopted under it.

(B) An owner who complies with division (A) of this section and who elects to stimulate a well shall stimulate the well in a manner that will not endanger ~~underground sources of drinking~~ ground water. Not later than twenty-four hours before commencing the stimulation of a well, the owner or the owner's authorized representative shall notify an oil and gas resources inspector. If during the stimulation of a well damage to the production casing or cement occurs and results in the circulation of fluids from the annulus of the surface production casing, the owner shall immediately terminate the stimulation of the well and notify the chief ~~of the division of oil and gas resources management~~. If the chief determines that the casing and the cement may be remediated in a manner that isolates the oil and gas bearing zones of the well, the chief may authorize the completion of the stimulation of the well. If the chief determines that the stimulation of a well resulted in irreparable damage to the well, the chief shall order that the well be plugged and abandoned within thirty days of the issuance of the order.

For purposes of determining the integrity of the remediation of the casing or cement of a well that was damaged during the stimulation of the well, the chief may require the owner of the well to submit cement evaluation logs, temperature surveys, pressure tests, or a combination of such logs, surveys, and tests."

In line 6693, after "1509.11," insert "1509.19,"

In line 4 of the title, after "1509.11," insert "1509.19,"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Newbold	Pelanda	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann		Young-55.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Slesnick
Stinziano	Sykes	Szollosi	Williams
Winburn			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Pillich moved to amend as follows:

In line 2193, after " (3)" insert " Prior to the issuance of a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production, the chief shall send written notice of the permit application to the legislative authority of the municipal corporation or township in which the well that is the subject of the application is or is to be located. The chief shall provide the legislative authority with an opportunity to submit objections to the location or proposed location of the well for a period of fourteen days after the receipt of written notice by the legislative authority. If the legislative authority submits an objection to the chief within that time period, the chief shall consider those objections prior to the issuance of the permit and may deny the permit based on those objections. If the chief issues an order approving the permit after consideration of the legislative authority's objections, the legislative authority may appeal the order to the oil and gas commission. Any appeal by a legislative authority shall stay the chief's order issuing the permit pending the appeal.

(4)"

In line 2204, delete " (4)" and insert " (5)"

In line 2208, delete " (5)" and insert " (6)"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Blair	Brenner	Bubp
Buchy	Butler	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gardner	Gonzales	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	Newbold
Pelanda	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
			Young-53.

Those who voted in the negative were: Representatives

Anielski	Antonio	Barnes	Boyce
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Lynch	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
Williams	Winburn		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Cera moved to amend as follows:

In line 1538, after " (b)" insert " (i)"

In line 1545, after the second " or" delete the balance of the line

Delete lines 1546 through 1549 and insert " a copy of the written opinion and order rendered under division (A)(11)(b)(ii) of this section.

(ii) If an owner is unable to reach an agreement for purposes of division

(A)(11)(b)(i) of this section, the owner shall provide notice to the chief of the failure to reach agreement. The chief, not later than seven days after the receipt of the notice, shall appoint a qualified conciliator listed by the American arbitration association. The conciliator shall be a resident of this state.

The conciliator shall conduct an arbitration hearing not later than seven days after the conciliator is appointed by the chief. Not later than four days prior to the hearing, each party to the hearing shall submit to the conciliator, to the opposing parties, and to the chief a written report summarizing all unresolved issues, the party's final offer as to those issues, and the rationale for that offer. After receipt of the written reports and final offers, the chief shall determine if the conciliator shall issue a separate written opinion and order regarding each point of disagreement or issue one written opinion and order that resolves all points of disagreement in favor of one party.

At the hearing, the conciliator may administer oaths. The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing.

The conciliator shall resolve the disputes between the parties by taking into consideration other agreements between the parties, the interests and welfare of the public, the ability of the parties to finance and administer the issues in dispute, and any other factors as determined by the conciliator.

Not later than seven days after the hearing, the conciliator shall make written findings of fact and issue a written opinion and order with respect to the issues presented to the conciliator and the record made before the conciliator. The conciliator shall submit a true copy of the findings, opinion, and order to the chief.

The written opinion and order of the conciliator constitute a binding mandate to the parties to the arbitration. The owner shall take any actions necessary to implement the opinion and order, as applicable. The written opinion and order of the conciliator may be appealed to the court of common pleas of the county in which the well is proposed to be located.

The parties shall bear the costs of the arbitration hearing."

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall

Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Newbold	Pelanda	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann		Young-55.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Slesnick
Stinziano	Sykes	Szollosi	Williams
Winburn			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Pillich moved to amend as follows:

In line 29, after "905.41," insert "1509.023,"

Between lines 1263 and 1264, insert:

" **Sec. .** "Sec. 1509.023. Notwithstanding any other section in this chapter, the applicable inspector of the county, township, or municipal corporation having jurisdiction in the location in which is located a well for which a permit has been issued under section 1509.06 or 1509.22 of the Revised Code may conduct inspections of the surface facilities of the well, including compressor stations, buildings, and pipelines, for violations of the state fire code, nonresidential building code, or other applicable code or regulation by the department of public safety, fire department, state fire marshal, or other appropriate agency."

In line 14 of the title, after "905.41," insert "1509.023,"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Brenner	Bubp	Buchy

Butler	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Maag	Martin
McClain	McGregor	Newbold	Pelanda
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Uecker	Wachtmann	Young-52.

Those who voted in the negative were: Representatives

Anielski	Antonio	Barnes	Boyce
Boyd	Budish	Carney	Celebrezze
Celeste	Cera	Clyde	Driehaus
Fedor	Fende	Foley	Garland
Gerberry	Goyal	Hagan, R.	Heard
Letson	Luckie	Lundy	Lynch
Milkovich	Murray	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
Williams	Winburn		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Foley moved to amend as follows:

In line 1295, after the period delete the balance of the line

Delete line 1296

In line 1620, after "(E)" insert " <u>The chief shall approve an application for a permit under this section through the issuance of an order approving and issuing the permit.</u>"

In line 1632, strike through "The issuance of"

Strike through line 1633

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales

Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Newbold	Pelanda	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Slesnick
Stinziano	Sykes	Szollosi	Williams
Winburn			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Williams moved to amend as follows:

In line 6676, after " year" insert " , along with a separate breakdown of jobs created or retained for minorities based on race, ethnicity, and gender"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Gardner	Gonzales	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Lynch
Maag	Martin	McClain	McGregor
Newbold	Pelanda	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby M.	Smith	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
Young			Batchelder-54.

Those who voted in the negative were: Representatives

Antonio	Barnes	Boyce	Boyd
Carney	Celebrezze	Celeste	Cera
Clyde	Driehaus	Fedor	Fende
Foley	Garland	Gerberry	Goyal
Hagan, R.	Heard	Letson	Luckie
Lundy	Milkovich	Murray	O'Brien
Okey	Patmon	Phillips	Pillich
Ramos	Reece	Slesnick	Sprague
Stinziano	Sykes	Szollosi	Williams
Winburn			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 75, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Blair
Blessing	Boyd	Brenner	Bubp
Buchy	Butler	Celebrezze	Cera
Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gardner
Gerberry	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Newbold
O'Brien	Patmon	Pelanda	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young		Batchelder-75.

Those who voted in the negative were: Representatives

Antonio	Boyce	Budish	Carney
Celeste	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Goyal
Hagan, R.	Heard	Murray	Okey
Phillips	Pillich	Ramos	Yuko-20.

The bill passed.

Representative Stautberg moved to amend the title as follows:

Add the names: "Beck, Blair, Brenner, Bubp, Buchy, Combs, Conditt, Derickson, DeVitis, Grossman, Hackett, Hagan, C., Hall, Hayes, Hill,

Huffman, Johnson, Kozlowski, Landis, Luckie, Martin, McClain, McGregor, Patmon, Pelanda, Roegner, Sears, Smith, Sprague, Stebelton, Terhar, Thompson, Uecker, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 316-Senator Lehner.
Cosponsors: Senators Bacon, Eklund, Hite, Jones, LaRose, Niehaus, Sawyer, Turner, Wagoner. Representatives Stebelton, Roegner, Newbold.

To amend sections 124.38, 3301.04, 3301.079, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 3302.20, 3302.21, 3302.25, 3310.01, 3310.02, 3310.03, 3310.04, 3310.06, 3310.07, 3310.08, 3310.10, 3310.11, 3310.13, 3310.14, 3310.15, 3310.17, 3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 3313.843, 3313.845, 3313.978, 3314.012, 3314.015, 3314.016, 3314.02, 3314.03, 3314.05, 3314.08, 3314.17, 3314.18, 3317.01, 3317.03, 3317.11, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 3323.052, 3326.03, 3326.04, 3326.10, 3326.11, 3326.17, 3326.21, 3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 6301.10; to enact sections 3301.941, 3302.033, 3302.41, 3310.031, 3313.847, 3314.017, 3314.019, 3314.11, 3314.15, 3314.39, 3318.364, 3326.031, 3326.26, 4123.391, 4141.292, 5104.031, 5104.032, 5104.033, and 5123.022; and to repeal sections 3319.19 and 3324.08 of the Revised Code; to amend Sections 267.10.90 and 267.50.30 of Am. Sub. H.B. 153 of the 129th General Assembly; and to repeal Section 267.60.23 of Am. Sub. H.B. 153 of the 129th General Assembly and Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly to revise authorizations and conditions with respect to education, workforce development, and early childhood care; and to amend sections 109.57, 2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 5107.60, and 5153.175, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 5104.032 (5104.036), and 5104.033 (5104.037), to enact new sections 5104.032 and 5104.033 and sections 5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111,

5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14, and to repeal sections 5104.014 and 5104.11 of the Revised Code to revise the law governing type B family day-care homes on January 1, 2014, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Huffman moved that **Sub. S.B. 316**, be informally passed and retain its place on the calendar.The motion was agreed to.

On motion of Representative Huffman, the House recessed.

The House met pursuant to recess.

H. C. R. No. 44-Representative Beck.
Cosponsors: Representatives Johnson, Landis, Bubp, Butler, Hagan, C., Martin, Milkovich, Rosenberger, Young, Yuko.

To honor and commemorate veterans of the Vietnam War who served during the Mayaguez incident and the subsequent battle on Koh Tang Island that commenced on May 12, 1975, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Beck moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Baker, Barnes, Blair, Boyce, Brenner, Buchy, Celebrezze, Celeste, Cera, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Fende, Gardner, Garland, Grossman, Hackett, Hall, Hayes, Heard, Hill, Hottinger, Kozlowski, Letson, Lynch, Maag, McClain, McGregor, Murray, Newbold, O'Brien, Patmon, Phillips, Pillich, Ramos, Roegner, Ruhl, Scherer, Sears, Slaby, M., Smith, Sprague, Sykes, Szollosi, Terhar, Thompson, Uecker, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 87, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Boyce	Brenner	Bubp
Buchy	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland

Gonzales	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young		Batchelder-87.

The concurrent resolution was adopted.

S. C. R. No. 14-Senator Jones.
Cosponsors: Senators Gillmor, Seitz, Skindell, Wagoner, LaRose, Eklund, Turner, Brown, Tavares, Bacon, Balderson, Burke, Coley, Hite, Hughes, Jordan, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Widener. Representative Combs.

To recognize the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to Ohio and the United States and expressing support by designating the month of July 2012 as "World Choir Games Month", was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Maag moved to amend the title as follows:

Add the names: "Adams, J., Anielski, Antonio, Barnes, Beck, Blair, Boyce, Brenner, Bubp, Buchy, Celebrezze, Celeste, Conditt, Damschroder, Derickson, Driehaus, Fende, Foley, Gardner, Garland, Grossman, Hackett, Hagan, R., Hayes, Letson, Lynch, Maag, Martin, Milkovich, O'Brien, Patmon, Phillips, Pillich, Ramos, Reece, Sears, Stautberg, Terhar, Uecker, Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 86, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Amstutz	Anielski	Antonio
Baker	Barnes	Beck	Blair
Blessing	Boyce	Brenner	Bubp
Buchy	Butler	Carney	Celebrezze

Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Fedor	Fende
Foley	Gardner	Garland	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Johnson
Kozlowski	Landis	Letson	Lynch
Maag	Martin	McClain	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby M.	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-86.

The concurrent resolution was adopted.

Sub. S. B. No. 224-Senator Obhof.
Cosponsors: Senators Balderson, Grendell, LaRose, Lehner, Patton, Wagoner, Eklund, Bacon, Faber, Hite, Hughes, Jones, Jordan, Peterson, Schaffer, Seitz, Widener. Representative Bubp.

To amend section 2305.06 of the Revised Code to shorten the period of limitations for actions upon a contract in writing, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boyce	Brenner
Bubp	Buchy	Butler	Carney
Celebrezze	Celeste	Cera	Clyde
Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Johnson	Kozlowski
Landis	Letson	Lundy	Lynch
Maag	Martin	McClain	McGregor
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Phillips

Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

The bill passed.

Representative Bubp moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Beck, Blair, Blessing, Brenner, Buchy, Carney, Combs, Duffey, Grossman, Hackett, Hall, Hayes, Henne, Hill, Hottinger, Johnson, Kozlowski, Letson, Lynch, Martin, McClain, McGregor, Newbold, Roegner, Ruhl, Scherer, Schuring, Slaby, M., Smith, Sprague, Stautberg, Thompson, Uecker, Wachtmann, Young, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 305-Senator Hughes.
Cosponsors: Senators Patton, Turner, Bacon, Eklund, Jones.

To enact section 2923.241 of the Revised Code to prohibit designing, building, constructing, fabricating, modifying, or altering a vehicle to create or add a hidden compartment with the intent to facilitate the unlawful concealment or transportation of a controlled substance, prohibit operating, possessing, or using a vehicle with a hidden compartment with knowledge that the hidden compartment is used or intended to be used to facilitate the unlawful concealment or transportation of a controlled substance, and prohibit a person who has committed a first or second degree felony violation of aggravated trafficking in drugs from operating, possessing, or using a vehicle with a hidden compartment, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Sears moved that **Sub. S.B. 305**, be informally passed and retain its place on the calendar.The motion was agreed to.

Sub. S. B. No. 19-Senator Hughes.
Cosponsors: Senators Grendell, Kearney, Manning, Patton, Seitz, Wagoner, Bacon, Brown, Burke, Daniels, Eklund, Hite, Jones, Jordan, Lehner, Obhof.

To amend sections 4510.31 and 4510.311 of the Revised Code to permit a judge to elect to order the Registrar of Motor Vehicles not to suspend the probationary driver's license, restricted license, or temporary instruction permit of certain juvenile repeat traffic violators, to require the Director of

Public Safety to establish standards for advanced juvenile driver improvement programs, and to transfer authority to establish standards for juvenile driver improvement programs from the Registrar of Motor Vehicles to the Director of Public Safety, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Sears moved that **Sub. S.B. 19**, be informally passed and retain its place on the calendar.The motion was agreed to.

Sub. S. B. No. 196-Senator Wagoner.
Cosponsors: Senators Gillmor, Seitz, Bacon, Beagle, Coley, Daniels, Eklund, Hite, Hughes, Lehner, Obhof, Oelslager, Patton. Representative Letson.

To amend sections 1334.01, 1334.05, 1334.06, 1334.09, 1334.10, 1334.12, 1334.13, and 1334.15 of the Revised Code to make changes to Ohio's Business Opportunity Plan Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boyce	Boyd
Brenner	Bubp	Buchy	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Johnson	Kozlowski
Landis	Letson	Lundy	Lynch
Maag	Martin	McClain	McGregor
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Phillips
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

The bill passed.

Representative Bubp moved to amend the title as follows:

Add the names: "Adams, R., Blair, Buchy, Carney, Combs, Dovilla, Duffey, Fende, Gardner, Garland, Goyal, Hackett, Hall, Johnson, Kozlowski, Martin, McClain, Milkovich, Newbold, O'Brien, Scherer, Schuring, Slesnick, Wachtmann, Young, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 245-Senator Hughes.
Cosponsors: Senators Beagle, Hite, Sawyer, Bacon, Balderson, Daniels, Jordan, Oelslager, Patton. Representative Yuko.

To amend section 4517.05 of the Revised Code to establish mandatory training for used motor vehicle dealers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 63, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Antonio	Barnes	Blair
Blessing	Boyce	Brenner	Carney
Celebrezze	Celeste	Cera	Clyde
Derickson	Dovilla	Driehaus	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hottinger
Kozlowski	Landis	Lundy	Lynch
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Ramos	Reece
Ruhl	Scherer	Sears	Slaby M.
Slesnick	Stebelton	Stinziano	Sykes
Szollosi	Uecker	Williams	Winburn
Young	Yuko		Batchelder-63.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Anielski	Baker
Beck	Boyd	Bubp	Buchy
Butler	Combs	Conditt	Damschroder
DeVitis	Duffey	Hill	Johnson
Letson	Maag	Martin	Pillich
Roegner	Rosenberger	Schuring	Smith
Sprague	Stautberg	Terhar	Thompson
			Wachtmann-29.

The bill passed.

Representative Young moved to amend the title as follows:

Add the names: "Brenner, Celebrezze, Lundy, Murray."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 302-Senator Manning.
Cosponsors: Senators Coley, Patton, Seitz, Balderson, Beagle, Eklund, Faber, Hite, Jones, Lehner, Niehaus, Peterson, Schaffer.

To amend sections 3734.41 and 3734.42 of the Revised Code to revise requirements governing background investigations for purposes of the Solid, Hazardous, and Infectious Wastes Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boyce	Boyd
Brenner	Bubp	Buchy	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Johnson
Kozlowski	Landis	Letson	Lundy
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The bill passed.

Representative Hall moved to amend the title as follows:

Add the names: "Representatives Blair, Blessing, Buchy, Butler, Carney, Combs, Damschroder, Garland, Grossman, Hall, Kozlowski, Lundy, McClain, Milkovich, Newbold, Ramos, Thompson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 193-Senator Seitz.
Cosponsors: Senators Patton, Hughes, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schiavoni, Tavares, Turner, Wagoner.

To amend sections 4737.04, 4737.041, and 4737.99 and to enact sections 4737.012 and 4737.045 of the Revised Code to make changes to the law governing scrap metal dealers and bulk merchandise dealers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Sears moved that **Sub. S.B. 193**, be informally passed and retain its place on the calendar.The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 292 -Representative Gonzales
Cosponsors: Representatives Grossman, Stebelton, Reece, Dovilla, Gardner, Baker, Wachtmann, Fende, Antonio, Carney, Celeste, Duffey, Garland, Yuko, Beck, Blair, Boyd, Cera, Combs, Conditt, Damschroder, DeVitis, Hackett, Johnson, Maag, Milkovich, Pelanda, Ruhl, Sears, Slaby, Stinziano, Weddington, Winburn Senators Jones, Tavares

To amend sections 4731.07, 4731.19, 4731.22, 4731.222, 4731.224, 4731.24, 4731.25, and 4731.293 and to enact sections 4731.297, 4778.01, 4778.02, 4778.03, 4778.04, 4778.05, 4778.06, 4778.07, 4778.08, 4778.09, 4778.10, 4778.11, 4778.12, 4778.14, 4778.15, 4778.16, 4778.18, 4778.19, 4778.20, 4778.21, 4778.22, 4778.24, and 4778.99 of the Revised Code to establish licensure requirements for genetic counselors, to modify certain laws governing the State Medical Board, to specify requirements for obtaining and renewing a clinical research faculty certificate, to create a visiting clinical professional development certificate for certain physicians who are not licensed in Ohio, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

Topic: Clinical research faculty certificate

In line 15, delete the first "and"; after "4731.25" insert ", and 4731.293"

Between lines 1020 and 1021, insert:

"**Sec. 4731.293.** (A) The state medical board may issue, without examination, a ~~visiting medical~~ clinical research faculty certificate to any person who applies for the certificate and provides to the board all of the following:

(1) Evidence satisfactory to the board of all of the following:

(a) That the applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country ~~and~~ ;

(b) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association ;

(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory.

(2) An affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the medical school where the applicant's teaching and research activities will occur;

(3) A description from the medical school or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the medical school or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities. ~~Except as provided in division (E) of this section, the board shall not issue more than one visiting medical faculty certificate to any particular person.~~

(B) An applicant for ~~a visiting medical~~ an initial clinical research faculty certificate ~~shall submit evidence satisfactory to the board that the applicant meets the requirements of division (A) of this section. The applicant~~ shall pay a fee of three hundred seventy-five dollars. ~~The board shall maintain a register of all persons who hold a visiting medical faculty certificate.~~

(C) The holder of a ~~visiting medical~~ clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as

is incidental to the certificate holder's teaching or research duties at the medical school or ~~the~~ a teaching ~~hospitals~~ hospital affiliated with the school. The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder ~~of the certificate~~ has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(D) A ~~visiting medical~~ clinical research faculty certificate is valid for ~~the shorter of~~ three years ~~or the duration of~~ , except that the certificate ceases to be valid if the holder's appointment to the academic staff of the school is no longer valid or the certificate is revoked pursuant to division (C) of this section. ~~The certificate may not be renewed.~~

(E) ~~If a person was granted a visiting medical faculty certificate before the effective date of this amendment, the person may apply for a second visiting medical faculty certificate, unless the person's first certificate was revoked. The board may issue the second certificate if the applicant complies with division (B) of this section~~ (1) Three months before a clinical research faculty certificate expires, the board shall mail or cause to be mailed to the certificate holder a notice of renewal addressed to the certificate holder's last known address. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following:

(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;

(ii) That the applicant's initial appointment to serve in this state on the academic staff of a medical school is still valid or has been renewed;

(iii) That the applicant has completed one hundred fifty hours of continuing medical education that meet the requirements set forth in section 4731.281 of the Revised Code.

(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to the effective date of this amendment may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (E)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked.

(F) The board shall maintain a register of all persons who hold clinical research faculty certificates.

(G) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

In line 1981, delete "and"; after "4731.25" insert ", and 4731.293"

In line 1991, after "**4.**" insert "The amendments to section 4731.293 of the Revised Code made by this act are hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity is that swift enactment will allow several extraordinary doctors to renew their certificates and continue their work in Ohio without interruption. Otherwise, these doctors will not be permitted to work in Ohio and will leave the state. Therefore, the amendments to section 4731.293 of the Revised Code made by this act shall go into immediate effect.

Section 5."

In line 2 of the title, delete the first "and"; after "4731.25" insert ", and 4731.293"

In line 11 of the title, delete "and" and insert "to specify requirements for obtaining and renewing a clinical research faculty certificate,"

In line 13 of the title, after "Ohio" insert ", and to declare an emergency"

Attest: Vincent L. Keeran,
Clerk.

Pursuant to Joint Rule 16, Representative Sears moved that the Senate amendments to **Am. Sub. H. B. No. 292**-Representative Gonzales, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 292**-Representative Gonzales, et al., were taken up for consideration.

Am. Sub. H. B. No. 292-Representative Gonzales.
Cosponsors: Representatives Grossman, Stebelton, Reece, Dovilla, Gardner, Baker, Wachtmann, Fende, Antonio, Carney, Celeste, Duffey, Garland, Yuko, Beck, Blair, Boyd, Cera, Combs, Conditt, Damschroder, DeVitis, Hackett, Johnson, Maag, Milkovich, Pelanda, Ruhl, Sears, Slaby, Stinziano, Weddington, Winburn. Senators Jones, Tavares, Brown, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Oelslager, Sawyer.

To amend sections 4731.07, 4731.19, 4731.22, 4731.222, 4731.224, 4731.24, and 4731.25 and to enact sections 4731.297, 4778.01, 4778.02, 4778.03, 4778.04, 4778.05, 4778.06, 4778.07, 4778.08, 4778.09, 4778.10, 4778.11, 4778.12, 4778.14, 4778.15, 4778.16, 4778.18, 4778.19, 4778.20, 4778.21, 4778.22, 4778.24, and 4778.99 of the Revised Code to establish licensure requirements for genetic counselors, to modify certain laws governing the State Medical Board, and to create a visiting clinical professional development certificate for certain physicians who are not licensed in Ohio.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 80, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Antonio	Baker
Barnes	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Johnson	Kozlowski	Landis	Lundy
Lynch	Maag	McClain	McGregor
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Phillips
Pillich	Ramos	Reece	Roegner
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Terhar
Uecker	Wachtmann	Williams	Batchelder-80.

Representatives Adams J., Anielski, Beck, Martin, Rosenberger, Ruhl, Thompson, and Young voted in the negative-8.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boyce	Boyd
Brenner	Bubp	Buchy	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Johnson
Kozlowski	Landis	Letson	Lundy
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

Having received the required constitutional majority, the bill passed as an emergency measure.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 331 -Representatives Dovilla, Bubp
Cosponsors: Representatives Patmon, Adams, J., Boose, Butler, Rosenberger, Stinziano, Landis, Conditt, Newbold, Brenner, Stebelton, Henne, Grossman, Hagan, C., Terhar, Adams, R., Anielski, Antonio, Baker, Barnes, Beck, Blair, Blessing, Buchy, Carney, Combs, Damschroder, Derickson, Gardner, Garland, Gerberry, Hackett, Hall, Hayes, Hill, Johnson, Letson, Luckie, Mallory, Matheney, McClain, Milkovich, O'Brien, Peterson, Pillich, Roegner, Rose,

Sears, Slaby, Sprague, Szollosi, Uecker, Wachtmann, Winburn, Young, Speaker Batchelder Senators Schaffer, Balderson, Beagle, Burke, Coley, Faber, Hite, Hughes, Jones, Kearney, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Tavares, Turner, Wagoner

To enact section 121.92 of the Revised Code to create the Cybersecurity, Education, and Economic Development Council.

With the following additional amendments, in which the concurrence of the House is requested.

Between lines 49 and 50, insert:

" The council is a public body for purposes of section 121.22 of the Revised Code. In addition to the exceptions specified in division (G) of section 121.22 of the Revised Code, and in accordance with the procedures specified in that division, the council may hold an executive session for the sole purpose of considering details relative to the security arrangements and emergency response protocols for any state or local government entity, including state institutions of higher education, considered in the course of the council's duties."

In line 14, delete " or"

In line 15, delete " JobsOhio"

In line 59, delete " or JobsOhio"

In line 53, delete all after " (F)"

Delete lines 54 through 56

In line 57, delete " (2) If" and insert " As"; delete all after the second " the"

Delete line 58

In line 59 delete all before " shall" and insert " office of information security and privacy management within the department of administrative services"

In line 60, after " council" insert " as necessary"

Attest: Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 375 -Representative Butler
Cosponsors: Representatives Stebelton, Rosenberger, Henne, Gonzales, Uecker, Reece, Adams, J., Terhar, Thompson, Blessing, Hill, Huffman, Lynch, Martin, Ramos, Roegner, Speaker Batchelder

To amend section 3313.41 of the Revised Code to allow school districts to sell real property to private, nonprofit institutions of higher education.

With the following additional amendments, in which the concurrence of the House is requested.

In line 4, delete "of the Revised Code"

In line 5, after "amended" insert "and section 3313.412 of the Revised Code be enacted"

Between lines 153 and 154, insert:

" **Sec. 3313.412.** (A) As used in this section, "casino facility" has the same meaning as in section 3772.01 of the Revised Code.

(B) This section applies to any school district that enrolls more than thirty thousand students and was declared to be effective in the performance ratings issued under section 3302.03 of the Revised Code for the 2009-2010 and 2010-2011 school years.

(C) Notwithstanding the requirements of sections 3313.41 and 3313.411 of the Revised Code, the board of education of a school district to which this section applies, to support economic development within the territory of the district, may sell to any party any real property exceeding ten thousand dollars in value that the board owns in its corporate capacity and that is located within six-tenths of one mile from a casino facility."

In line 1 of the title, after "3313.41" insert "and to enact section 3313.412"; delete "to allow"

Delete line 2 of the title

In line 3 of the title, delete all before the period and insert "regarding the sale of real property by school districts"

Attest: Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 487-Representative Amstutz (By Request) - et al.

Attest: Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 408 -Representative Terhar
Cosponsors: Representatives Grossman, Blessing, Slaby, Thompson, Stautberg, Stebelton, Speaker Batchelder Senators Niehaus, Seitz

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities.

Attest: Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

S. B. No. 345 -Senators Niehaus, Kearney
Cosponsors: Senators Bacon, Coley, Hite, Jones, Lehner, Schiavoni, Seitz, Tavares

To amend sections 5505.01, 5505.03, 5505.15, 5505.174, 5505.28, and 5505.54 of the Revised Code to revise the law governing the State Highway Patrol Retirement System.

Attest: Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Am. Sub. S. B. No. 337-Senators Seitz, Smith
Cosponsors: Senators Wagoner, Lehner, LaRose, Turner, Brown, Burke, Hite, Niehaus, Sawyer, Schiavoni, Skindell, Tavares

To amend sections 109.57, 109.572, 109.578, 307.932, 2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2152.26, 2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2705.031, 2907.24, 2913.02, 2921.331, 2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 2929.14, 2929.19, 2929.26, 2929.41, 2947.23, 2949.08, 2951.022, 2953.08, 2953.31, 2953.32, 2953.34, 2953.36, 2961.22, 2967.191, 2967.193, 2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5149.311, 5502.011, and 5743.99, and to enact sections 2925.141, 2953.25, 4776.021, and 4776.10 of the Revised Code and to amend Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly to exclude most juvenile proceedings and adjudications from criminal records checks; to ensure that persons sentenced to confinement receive credit for time served in juvenile facilities; to expand eligibility for the sealing of criminal records and to eliminate the prohibition of the sealing of juvenile records in certain cases; to make the use or possession with purpose to use drug paraphernalia with marihuana a minor misdemeanor; to provide that a court's failure to warn an offender at sentencing about the possibility that the court may order community service if the offender fails to pay the costs of prosecution does not negate or limit the authority of the court to so order community service; to permit an individual subject to civil sanctions as a result of a conviction of or plea of guilty to a criminal offense to file a petition for relief from the

sanctions and establish a procedure for the review of such petitions; to permit the court of common pleas of the individual's county of residence to issue a certificate of qualification for employment; to permit decision-makers to consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or employment opportunity to an offender who has been issued such a certificate regardless of the offender's possession of the certificate and without reconsidering or rejecting any finding made by the issuing court; to provide for the revocation of a certificate of qualification for employment; to increase from eighteen to twenty-one the age at which certain offenders may be held in places not authorized for the confinement of children; to increase the juvenile court's jurisdiction over certain specified cases solely for the purpose of detaining a person while the person's case is heard in adult court; to create a process by which a prosecutor may file a motion in juvenile court to request that a person be held in a place other than those specified for the placement for children while the person's case is heard in adult court; to amend the law governing child support; to modify the penalty for driving under suspension if the suspension was imposed as part of the penalty for certain violations that do not directly involve the operation of a motor vehicle; to make changes in certain other driver's license suspension provisions; to require the Department of Public Safety to study the advisability and feasibility of a one-time amnesty program for drivers who have not paid fees or fines owed by them for motor vehicle offenses and driver's license suspensions; to define the terms moral turpitude and disqualifying offense as applied to certain employment; to provide for criminal records checks and a license issuance restriction regarding applicants for a trainee license for a profession or occupation; to require the Casino Control Commission to notify each applicant for a license from the Commission who is denied the license of the reasons for the denial and to provide an annual report to the General Assembly and Governor that specifies the number of license applications denied in the year and the reasons for the denial; to add an ex-offender appointed by the Director of Rehabilitation and Correction to the Ex-offender Reentry Coalition; to increase the time limit for a prosecutor to file a motion in juvenile court that objects to the imposition of a serious youthful offender dispositional sentence; to prohibit competency attainment reports and juvenile bindover evaluation reports from including details of the alleged offense as reported by the child; to require juvenile bindover evaluation reports to be completed within forty-five days unless an extension is granted; to require the Department of Youth Services to develop minimum standards for training of juvenile offender probation officers; to extend the deadline for the Ohio Interagency Task Force on Mental Health and Juvenile Justice to issue a report of its findings and recommendations; to revise the penalties for certain fifth degree felony drug offenses to generally favor not imposing a prison term; to permit the judges of the various courts of the state that supervise a concurrent supervision offender to authorize the chief probation officer to manage concurrent supervision offenders; to expand the availability of the probation improvement and incentive grants to municipal

and county courts; to transfer control of the transitional control program from the Adult Parole Authority to the Division of Parole and Community Services; to amend the penalty for failure to comply with an order or signal of a police officer; to eliminate the requirement that a court sentencing a felony offender provide notice of possible eligibility for earning days of credit; and to prohibit the preclusion of individuals from obtaining or renewing certain licenses, certifications, or permits due to any past criminal history unless the individual had committed a crime of moral turpitude or a disqualifying offense.

Attest: Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bills:

Sub. H. B. No. 327 -Representative Gonzales
Cosponsors: Representatives Baker, Brenner, Stebelton, Buchy, Amstutz, Antonio, Blessing, Boose, Bubp, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Garland, Hackett, Hagan, C., Hall, Henne, Huffman, Johnson, Luckie, Lynch, Maag, Mallory, Milkovich, Newbold, O'Brien, Pelanda, Ruhl, Sears, Sprague, Stautberg, Stinziano, Uecker, Wachtmann, Young, Speaker Batchelder Senators Schaffer, Beagle, Tavares, Bacon, Balderson, Hite, Jones, Oelslager, Peterson, Seitz

To amend section 122.17 of the Revised Code to authorize employers who meet certain wage and other requirements to receive a job creation tax credit for the employment of home-based employees and to require the Director of Development to issue a report on the credit after six years.

Am. H. B. No. 436 -Representatives Grossman, Anielski
Cosponsors: Representatives Thompson, Wachtmann, Combs, Landis, Terhar, Baker, Pelanda, Hagan, C., Buchy, Kozlowski, Henne, Newbold, Barnes, Adams, R., Amstutz, Antonio, Blair, Blessing, Boose, Carney, Celebrezze, Celeste, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Gardner, Garland, Hackett, Hall, Hayes, Heard, Hill, Huffman, Mallory, Matheney, McClain, Milkovich, O'Brien, Patmon, Phillips, Pillich, Reece, Roegner, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Stinziano, Uecker,

Williams, Yuko, Speaker Batchelder Senators Beagle, Burke, Faber, Hughes, Jones, Lehner, Obhof, Oelslager, Peterson, Wagoner, Widener

To enact sections 122.97 and 122.971 of the Revised Code to create the SiteOhio certification program within the Department of Development to certify and market eligible commercial, industrial, and manufacturing sites and facilities.

Attest: Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Am. Sub. S. B. No. 275 -Senator Hite - et al.

Sub. S. B. No. 294 -Senator Schaffer - et al.

Attest: Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 433-Representative Damschroder
Cosponsors: Representatives Blair, Boose, Combs, DeVitis, Newbold, Speaker Batchelder Senators Cafaro, Kearney, Obhof

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, and 1907.11 of the Revised Code to abolish the Sandusky County County Court, to create the Sandusky County Municipal Court, to provide that the judge of the Sandusky County Municipal Court shall be nominated by petition, to designate the clerk of courts of Sandusky County the clerk of the Sandusky County Municipal Court, to abolish the Trumbull County County Court, to create the Trumbull County Municipal Court, to create a full-time

judgeship for the Trumbull County Municipal Court, and to provide that the judge be nominated by petition and elected in 2017 for a six-year term.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Sub. H. B. No. 386 -Representative Blessing - et al.

Attest: Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Sub. S. B. No. 315 -Senator Jones - et al.

Attest: Vincent L. Keeran,
Clerk.

Message from the Speaker

The Speaker of the House of Representatives, on May 23, 2012, signed the following:

Sub. H.B. No. 322 - Representative Brenner - et al.

Sub. H.B. No. 326 - Representatives McClain, Hill - et al.

On motion of Representative Sears, the House adjourned until Wednesday, May 30, 2012 at 9:00 o'clock a.m.

Attest: THOMAS L. SHERMAN,
Deputy Clerk.