

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 337**

**Senators Seitz, Smith**

**Cosponsors: Senators Wagoner, Lehner**

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**A B I L L**

To amend sections 109.572, 109.578, 149.43, 2151.356, 1  
2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2  
2913.02, 2923.122, 2925.14, 2949.08, 2953.31, 3  
2953.32, 2953.34, 2953.36, 2967.01, 2967.04, 4  
2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 5  
3772.07, 4301.99, 4501.02, 4503.233, 4503.234, 6  
4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 7  
4510.11, 4510.111, 4510.16, 4510.161, 4510.41, 8  
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 9  
4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 10  
4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 11  
4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 12  
4749.06, 5120.07, 5502.011, and 5743.99, and to 13  
enact sections 2953.25, 3123.582, and 4776.10 of 14  
the Revised Code to exclude juvenile proceedings 15  
and adjudications from criminal records checks; to 16  
exclude from the definition of "public record" all 17  
records pertaining to an alleged or adjudicated 18  
unruly or delinquent child or juvenile traffic 19  
offender; to ensure that persons sentenced to 20  
confinement receive credit for time served in 21  
juvenile facilities; to expand eligibility for the 22  
sealing of criminal records and to eliminate the 23

prohibition of the sealing of juvenile records in 24  
certain cases; to define "indigent" for purposes 25  
related to the payment of fines, costs, or fees; 26  
to make the use or possession with purpose to use 27  
drug paraphernalia with marihuana a minor 28  
misdemeanor; to provide for the destruction of the 29  
criminal records and the removal of disabilities 30  
of a person who is pardoned; to permit an 31  
individual subject to civil sanctions as a result 32  
of a conviction of or plea of guilty to a criminal 33  
offense to file a petition for relief from the 34  
sanctions, to establish a procedure for the review 35  
of such petitions; to permit the sentencing court 36  
to issue an order of limited relief; to permit 37  
decision-makers to consider on a case-by-case 38  
basis whether it is appropriate to grant or deny 39  
the issuance or restoration of an occupational 40  
license or employment opportunity; to provide for 41  
the revocation of an order of limited relief; to 42  
increase from eighteen to twenty-one the age at 43  
which certain offenders may be held in places not 44  
authorized for the confinement of children; to 45  
increase the juvenile court's jurisdiction over 46  
certain specified cases solely for the purpose of 47  
detaining a person while the person's case is 48  
heard in adult court; to create a process by which 49  
a prosecutor may file a motion in juvenile court 50  
to request that a person be held in a place other 51  
than those specified for the placement for 52  
children while the person's case is heard in adult 53  
court; to amend the law governing child support; 54  
to reduce the penalty for driving under suspension 55  
if the suspension was imposed as part of the 56

penalty for certain violations that do not 57  
directly involve the operation of a motor vehicle; 58  
to make changes in certain other driver's license 59  
suspension provisions; to require the Bureau of 60  
Motor Vehicles to study the advisability and 61  
feasibility of a one-time amnesty program for 62  
drivers who have not paid fees or fines owed by 63  
them for motor vehicle offenses and driver's 64  
license suspensions; to define the terms moral 65  
turpitude and disqualifying offense as applied to 66  
certain employment; to add an ex-offender 67  
appointed by the Director of Rehabilitation and 68  
Correction to the Ex-offender Reentry Coalition; 69  
and to prohibit the preclusion of individuals from 70  
obtaining or renewing certain licenses, 71  
certifications, or permits due to any past 72  
criminal history unless the individual had 73  
committed a crime of moral turpitude or a 74  
disqualifying offense. 75

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

**Section 1.** That sections 109.572, 109.578, 149.43, 2151.356, 76  
2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2913.02, 2923.122, 77  
2925.14, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 2967.01, 78  
2967.04, 2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 3772.07, 79  
4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 80  
4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.41, 81  
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 82  
4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 83  
4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 84  
5120.07, 5502.011, and 5743.99 be amended, and sections 2953.25, 85  
3123.582, and 4776.10 of the Revised Code be enacted to read as 86

follows: 87

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 88  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 89  
a completed form prescribed pursuant to division (C)(1) of this 90  
section, and a set of fingerprint impressions obtained in the 91  
manner described in division (C)(2) of this section, the 92  
superintendent of the bureau of criminal identification and 93  
investigation shall conduct a criminal records check in the manner 94  
described in division (B) of this section to determine whether any 95  
information exists that indicates that the person who is the 96  
subject of the request previously has been convicted of or pleaded 97  
guilty to any of the following: 98

(a) A violation of section 2903.01, 2903.02, 2903.03, 99  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 100  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 101  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 102  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 103  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 104  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 105  
2925.06, or 3716.11 of the Revised Code, felonious sexual 106  
penetration in violation of former section 2907.12 of the Revised 107  
Code, a violation of section 2905.04 of the Revised Code as it 108  
existed prior to July 1, 1996, a violation of section 2919.23 of 109  
the Revised Code that would have been a violation of section 110  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 111  
had the violation been committed prior to that date, or a 112  
violation of section 2925.11 of the Revised Code that is not a 113  
minor drug possession offense; 114

(b) A violation of an existing or former law of this state, 115  
any other state, or the United States that is substantially 116  
equivalent to any of the offenses listed in division (A)(1)(a) of 117

this section. 118

(2) On receipt of a request pursuant to section 5123.081 of 119  
the Revised Code with respect to an applicant for employment in 120  
any position with the department of developmental disabilities, 121  
pursuant to section 5126.28 of the Revised Code with respect to an 122  
applicant for employment in any position with a county board of 123  
developmental disabilities, or pursuant to section 5126.281 of the 124  
Revised Code with respect to an applicant for employment in a 125  
direct services position with an entity contracting with a county 126  
board for employment, a completed form prescribed pursuant to 127  
division (C)(1) of this section, and a set of fingerprint 128  
impressions obtained in the manner described in division (C)(2) of 129  
this section, the superintendent of the bureau of criminal 130  
identification and investigation shall conduct a criminal records 131  
check. The superintendent shall conduct the criminal records check 132  
in the manner described in division (B) of this section to 133  
determine whether any information exists that indicates that the 134  
person who is the subject of the request has been convicted of or 135  
pleaded guilty to any of the following: 136

(a) A violation of section 2903.01, 2903.02, 2903.03, 137  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 138  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 139  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 140  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 141  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 142  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 143  
2925.03, or 3716.11 of the Revised Code; 144

(b) An existing or former municipal ordinance or law of this 145  
state, any other state, or the United States that is substantially 146  
equivalent to any of the offenses listed in division (A)(2)(a) of 147  
this section. 148

(3) On receipt of a request pursuant to section 173.27, 149

173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau

of criminal identification and investigation shall conduct a 182  
criminal records check. The superintendent shall conduct the 183  
criminal records check in the manner described in division (B) of 184  
this section to determine whether any information exists that 185  
indicates that the person who is the subject of the request 186  
previously has been convicted of or pleaded guilty to any of the 187  
following: 188

(a) A violation of section 2903.01, 2903.02, 2903.03, 189  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 190  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 191  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 192  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 193  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 194  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 195  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 196  
violation of section 2925.11 of the Revised Code that is not a 197  
minor drug possession offense; 198

(b) An existing or former law of this state, any other state, 199  
or the United States that is substantially equivalent to any of 200  
the offenses listed in division (A)(4)(a) of this section. 201

(5) On receipt of a request pursuant to section 5111.032, 202  
5111.033, or 5111.034 of the Revised Code, a completed form 203  
prescribed pursuant to division (C)(1) of this section, and a set 204  
of fingerprint impressions obtained in the manner described in 205  
division (C)(2) of this section, the superintendent of the bureau 206  
of criminal identification and investigation shall conduct a 207  
criminal records check. The superintendent shall conduct the 208  
criminal records check in the manner described in division (B) of 209  
this section to determine whether any information exists that 210  
indicates that the person who is the subject of the request 211  
previously has been convicted of, has pleaded guilty to, or has 212  
been found eligible for intervention in lieu of conviction for any 213

of the following, regardless of the date of the conviction, the 214  
date of entry of the guilty plea, or the date the person was found 215  
eligible for intervention in lieu of conviction: 216

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 217  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 218  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 219  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 220  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 221  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 222  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 223  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 224  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 225  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 226  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 227  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 228  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 229  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 230  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 231  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 232  
penetration in violation of former section 2907.12 of the Revised 233  
Code, a violation of section 2905.04 of the Revised Code as it 234  
existed prior to July 1, 1996, a violation of section 2919.23 of 235  
the Revised Code that would have been a violation of section 236  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 237  
had the violation been committed prior to that date; 238

(b) A violation of an existing or former municipal ordinance 239  
or law of this state, any other state, or the United States that 240  
is substantially equivalent to any of the offenses listed in 241  
division (A)(5)(a) of this section. 242

(6) On receipt of a request pursuant to section 3701.881 of 243  
the Revised Code with respect to an applicant for employment with 244  
a home health agency in a position that involves providing direct 245

care to an older adult, a completed form prescribed pursuant to 246  
division (C)(1) of this section, and a set of fingerprint 247  
impressions obtained in the manner described in division (C)(2) of 248  
this section, the superintendent of the bureau of criminal 249  
identification and investigation shall conduct a criminal records 250  
check. The superintendent shall conduct the criminal records check 251  
in the manner described in division (B) of this section to 252  
determine whether any information exists that indicates that the 253  
person who is the subject of the request previously has been 254  
convicted of or pleaded guilty to any of the following: 255

(a) A violation of section 2903.01, 2903.02, 2903.03, 256  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 257  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 258  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 259  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 260  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 261  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 262  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 263  
2925.22, 2925.23, or 3716.11 of the Revised Code; 264

(b) An existing or former law of this state, any other state, 265  
or the United States that is substantially equivalent to any of 266  
the offenses listed in division (A)(6)(a) of this section. 267

(7) When conducting a criminal records check upon a request 268  
pursuant to section 3319.39 of the Revised Code for an applicant 269  
who is a teacher, in addition to the determination made under 270  
division (A)(1) of this section, the superintendent shall 271  
determine whether any information exists that indicates that the 272  
person who is the subject of the request previously has been 273  
convicted of or pleaded guilty to any offense specified in section 274  
3319.31 of the Revised Code. 275

(8) On receipt of a request pursuant to section 2151.86 of 276  
the Revised Code, a completed form prescribed pursuant to division 277

(C)(1) of this section, and a set of fingerprint impressions 278  
obtained in the manner described in division (C)(2) of this 279  
section, the superintendent of the bureau of criminal 280  
identification and investigation shall conduct a criminal records 281  
check in the manner described in division (B) of this section to 282  
determine whether any information exists that indicates that the 283  
person who is the subject of the request previously has been 284  
convicted of or pleaded guilty to any of the following: 285

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 286  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 287  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 288  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 289  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 290  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 291  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 292  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 293  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 294  
of the Revised Code, a violation of section 2905.04 of the Revised 295  
Code as it existed prior to July 1, 1996, a violation of section 296  
2919.23 of the Revised Code that would have been a violation of 297  
section 2905.04 of the Revised Code as it existed prior to July 1, 298  
1996, had the violation been committed prior to that date, a 299  
violation of section 2925.11 of the Revised Code that is not a 300  
minor drug possession offense, two or more OVI or OVUAC violations 301  
committed within the three years immediately preceding the 302  
submission of the application or petition that is the basis of the 303  
request, or felonious sexual penetration in violation of former 304  
section 2907.12 of the Revised Code; 305

(b) A violation of an existing or former law of this state, 306  
any other state, or the United States that is substantially 307  
equivalent to any of the offenses listed in division (A)(8)(a) of 308  
this section. 309

(9) Upon receipt of a request pursuant to section 5104.012 or 310  
5104.013 of the Revised Code, a completed form prescribed pursuant 311  
to division (C)(1) of this section, and a set of fingerprint 312  
impressions obtained in the manner described in division (C)(2) of 313  
this section, the superintendent of the bureau of criminal 314  
identification and investigation shall conduct a criminal records 315  
check in the manner described in division (B) of this section to 316  
determine whether any information exists that indicates that the 317  
person who is the subject of the request has been convicted of or 318  
pleaded guilty to any of the following: 319

(a) A violation of section 2903.01, 2903.02, 2903.03, 320  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 321  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 322  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 323  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 324  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 325  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 326  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 327  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 328  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 329  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 330  
3716.11 of the Revised Code, felonious sexual penetration in 331  
violation of former section 2907.12 of the Revised Code, a 332  
violation of section 2905.04 of the Revised Code as it existed 333  
prior to July 1, 1996, a violation of section 2919.23 of the 334  
Revised Code that would have been a violation of section 2905.04 335  
of the Revised Code as it existed prior to July 1, 1996, had the 336  
violation been committed prior to that date, a violation of 337  
section 2925.11 of the Revised Code that is not a minor drug 338  
possession offense, a violation of section 2923.02 or 2923.03 of 339  
the Revised Code that relates to a crime specified in this 340  
division, or a second violation of section 4511.19 of the Revised 341  
Code within five years of the date of application for licensure or 342

certification. 343

(b) A violation of an existing or former law of this state, 344  
any other state, or the United States that is substantially 345  
equivalent to any of the offenses or violations described in 346  
division (A)(9)(a) of this section. 347

(10) Upon receipt of a request pursuant to section 5153.111 348  
of the Revised Code, a completed form prescribed pursuant to 349  
division (C)(1) of this section, and a set of fingerprint 350  
impressions obtained in the manner described in division (C)(2) of 351  
this section, the superintendent of the bureau of criminal 352  
identification and investigation shall conduct a criminal records 353  
check in the manner described in division (B) of this section to 354  
determine whether any information exists that indicates that the 355  
person who is the subject of the request previously has been 356  
convicted of or pleaded guilty to any of the following: 357

(a) A violation of section 2903.01, 2903.02, 2903.03, 358  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 359  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 360  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 361  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 362  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 363  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 364  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 365  
felonious sexual penetration in violation of former section 366  
2907.12 of the Revised Code, a violation of section 2905.04 of the 367  
Revised Code as it existed prior to July 1, 1996, a violation of 368  
section 2919.23 of the Revised Code that would have been a 369  
violation of section 2905.04 of the Revised Code as it existed 370  
prior to July 1, 1996, had the violation been committed prior to 371  
that date, or a violation of section 2925.11 of the Revised Code 372  
that is not a minor drug possession offense; 373

(b) A violation of an existing or former law of this state, 374

any other state, or the United States that is substantially 375  
equivalent to any of the offenses listed in division (A)(10)(a) of 376  
this section. 377

(11) On receipt of a request for a criminal records check 378  
from an individual pursuant to section 4749.03 or 4749.06 of the 379  
Revised Code, accompanied by a completed copy of the form 380  
prescribed in division (C)(1) of this section and a set of 381  
fingerprint impressions obtained in a manner described in division 382  
(C)(2) of this section, the superintendent of the bureau of 383  
criminal identification and investigation shall conduct a criminal 384  
records check in the manner described in division (B) of this 385  
section to determine whether any information exists indicating 386  
that the person who is the subject of the request has been 387  
convicted of or pleaded guilty to a felony in this state or in any 388  
other state. If the individual indicates that a firearm will be 389  
carried in the course of business, the superintendent shall 390  
require information from the federal bureau of investigation as 391  
described in division (B)(2) of this section. The superintendent 392  
shall report the findings of the criminal records check and any 393  
information the federal bureau of investigation provides to the 394  
director of public safety. 395

(12) On receipt of a request pursuant to section 1321.37, 396  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 397  
Code, a completed form prescribed pursuant to division (C)(1) of 398  
this section, and a set of fingerprint impressions obtained in the 399  
manner described in division (C)(2) of this section, the 400  
superintendent of the bureau of criminal identification and 401  
investigation shall conduct a criminal records check with respect 402  
to any person who has applied for a license, permit, or 403  
certification from the department of commerce or a division in the 404  
department. The superintendent shall conduct the criminal records 405  
check in the manner described in division (B) of this section to 406

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(13) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(14) On receipt of a request pursuant to section 1121.23, 440  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 441  
Code, a completed form prescribed pursuant to division (C)(1) of 442  
this section, and a set of fingerprint impressions obtained in the 443  
manner described in division (C)(2) of this section, the 444  
superintendent of the bureau of criminal identification and 445  
investigation shall conduct a criminal records check in the manner 446  
described in division (B) of this section to determine whether any 447  
information exists that indicates that the person who is the 448  
subject of the request previously has been convicted of or pleaded 449  
guilty to any criminal offense under any existing or former law of 450  
this state, any other state, or the United States. 451

(15) On receipt of a request for a criminal records check 452  
from an appointing or licensing authority under section 3772.07 of 453  
the Revised Code, a completed form prescribed under division 454  
(C)(1) of this section, and a set of fingerprint impressions 455  
obtained in the manner prescribed in division (C)(2) of this 456  
section, the superintendent of the bureau of criminal 457  
identification and investigation shall conduct a criminal records 458  
check in the manner described in division (B) of this section to 459  
determine whether any information exists that indicates that the 460  
person who is the subject of the request previously has been 461  
convicted of or pleaded guilty or no contest to any offense under 462  
any existing or former law of this state, any other state, or the 463  
United States that is a disqualifying offense as defined in 464  
section 3772.07 of the Revised Code or substantially equivalent to 465  
such an offense. 466

(16) Not later than thirty days after the date the 467  
superintendent receives a request of a type described in division 468  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 469  
(14), or (15) of this section, the completed form, and the 470  
fingerprint impressions, the superintendent shall send the person, 471

board, or entity that made the request any information, other than 472  
information the dissemination of which is prohibited by federal 473  
law, the superintendent determines exists with respect to the 474  
person who is the subject of the request that indicates that the 475  
person previously has been convicted of or pleaded guilty to any 476  
offense listed or described in division (A)(1), (2), (3), (4), 477  
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 478  
section, as appropriate. The superintendent shall send the person, 479  
board, or entity that made the request a copy of the list of 480  
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 481  
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 482  
appropriate. If the request was made under section 3701.881 of the 483  
Revised Code with regard to an applicant who may be both 484  
responsible for the care, custody, or control of a child and 485  
involved in providing direct care to an older adult, the 486  
superintendent shall provide a list of the offenses specified in 487  
divisions (A)(4) and (6) of this section. 488

Not later than thirty days after the superintendent receives 489  
a request for a criminal records check pursuant to section 113.041 490  
of the Revised Code, the completed form, and the fingerprint 491  
impressions, the superintendent shall send the treasurer of state 492  
any information, other than information the dissemination of which 493  
is prohibited by federal law, the superintendent determines exist 494  
with respect to the person who is the subject of the request that 495  
indicates that the person previously has been convicted of or 496  
pleaded guilty to any criminal offense in this state or any other 497  
state. 498

(B) The Subject to division (F) of this section, the 499  
superintendent shall conduct any criminal records check requested 500  
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 501  
1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 502  
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 503

3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 504  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 505  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 506  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 507  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 508  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 509  
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 510  
Revised Code as follows: 511

(1) The superintendent shall review or cause to be reviewed 512  
any relevant information gathered and compiled by the bureau under 513  
division (A) of section 109.57 of the Revised Code that relates to 514  
the person who is the subject of the request, including, if the 515  
criminal records check was requested under section 113.041, 516  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 517  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 518  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 519  
3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 520  
5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 521  
5126.281, or 5153.111 of the Revised Code, any relevant 522  
information contained in records that have been sealed under 523  
section 2953.32 of the Revised Code; 524

(2) If the request received by the superintendent asks for 525  
information from the federal bureau of investigation, the 526  
superintendent shall request from the federal bureau of 527  
investigation any information it has with respect to the person 528  
who is the subject of the request, including fingerprint-based 529  
checks of national crime information databases as described in 42 530  
U.S.C. 671 if the request is made pursuant to section 2151.86, 531  
5104.012, or 5104.013 of the Revised Code or if any other Revised 532  
Code section requires fingerprint-based checks of that nature, and 533  
shall review or cause to be reviewed any information the 534  
superintendent receives from that bureau. If a request under 535

section 3319.39 of the Revised Code asks only for information from 536  
the federal bureau of investigation, the superintendent shall not 537  
conduct the review prescribed by division (B)(1) of this section. 538

(3) The superintendent or the superintendent's designee may 539  
request criminal history records from other states or the federal 540  
government pursuant to the national crime prevention and privacy 541  
compact set forth in section 109.571 of the Revised Code. 542

(C)(1) The superintendent shall prescribe a form to obtain 543  
the information necessary to conduct a criminal records check from 544  
any person for whom a criminal records check is requested under 545  
section 113.041 of the Revised Code or required by section 121.08, 546  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 547  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 548  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 549  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 550  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 551  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 552  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 553  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 554  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 555  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 556  
form that the superintendent prescribes pursuant to this division 557  
may be in a tangible format, in an electronic format, or in both 558  
tangible and electronic formats. 559

(2) The superintendent shall prescribe standard impression 560  
sheets to obtain the fingerprint impressions of any person for 561  
whom a criminal records check is requested under section 113.041 562  
of the Revised Code or required by section 121.08, 173.27, 563  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 564  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 565  
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 566  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 567

4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 568  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 569  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 570  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 571  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 572  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 573  
person for whom a records check is requested under or required by 574  
any of those sections shall obtain the fingerprint impressions at 575  
a county sheriff's office, municipal police department, or any 576  
other entity with the ability to make fingerprint impressions on 577  
the standard impression sheets prescribed by the superintendent. 578  
The office, department, or entity may charge the person a 579  
reasonable fee for making the impressions. The standard impression 580  
sheets the superintendent prescribes pursuant to this division may 581  
be in a tangible format, in an electronic format, or in both 582  
tangible and electronic formats. 583

(3) Subject to division (D) of this section, the 584  
superintendent shall prescribe and charge a reasonable fee for 585  
providing a criminal records check requested under section 586  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 587  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 588  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 589  
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 590  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 591  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 592  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 593  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 594  
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 595  
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 596  
Code. The person making a criminal records request under any of 597  
those sections shall pay the fee prescribed pursuant to this 598  
division. A person making a request under section 3701.881 of the 599  
Revised Code for a criminal records check for an applicant who may 600

be both responsible for the care, custody, or control of a child 601  
and involved in providing direct care to an older adult shall pay 602  
one fee for the request. In the case of a request under section 603  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 604  
of the Revised Code, the fee shall be paid in the manner specified 605  
in that section. 606

(4) The superintendent of the bureau of criminal 607  
identification and investigation may prescribe methods of 608  
forwarding fingerprint impressions and information necessary to 609  
conduct a criminal records check, which methods shall include, but 610  
not be limited to, an electronic method. 611

(D) A determination whether any information exists that 612  
indicates that a person previously has been convicted of or 613  
pleaded guilty to any offense listed or described in division 614  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 615  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 616  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 617  
of this section, or that indicates that a person previously has 618  
been convicted of or pleaded guilty to any criminal offense in 619  
this state or any other state regarding a criminal records check 620  
of a type described in division (A)(13) of this section, and that 621  
is made by the superintendent with respect to information 622  
considered in a criminal records check in accordance with this 623  
section is valid for the person who is the subject of the criminal 624  
records check for a period of one year from the date upon which 625  
the superintendent makes the determination. During the period in 626  
which the determination in regard to a person is valid, if another 627  
request under this section is made for a criminal records check 628  
for that person, the superintendent shall provide the information 629  
that is the basis for the superintendent's initial determination 630  
at a lower fee than the fee prescribed for the initial criminal 631  
records check. 632

(E) When the superintendent receives a request for 633  
information from a registered private provider, the superintendent 634  
shall proceed as if the request was received from a school 635  
district board of education under section 3319.39 of the Revised 636  
Code. The superintendent shall apply division (A)(7) of this 637  
section to any such request for an applicant who is a teacher. 638

(F) A criminal records check conducted under this section 639  
shall not include any proceeding or adjudication in a juvenile 640  
court and shall not include any proceeding in criminal court 641  
against a person under eighteen years of age or any criminal 642  
conviction of a person under eighteen years of age if the 643  
proceeding or case was transferred back to the juvenile court 644  
under section 2152.121 of the Revised Code. 645

(G) As used in this section: 646

(1) "Criminal records check" means any criminal records check 647  
conducted by the superintendent of the bureau of criminal 648  
identification and investigation in accordance with division (B) 649  
of this section. 650

(2) "Minor drug possession offense" has the same meaning as 651  
in section 2925.01 of the Revised Code. 652

(3) "Older adult" means a person age sixty or older. 653

(4) "OVI or OVUAC violation" means a violation of section 654  
4511.19 of the Revised Code or a violation of an existing or 655  
former law of this state, any other state, or the United States 656  
that is substantially equivalent to section 4511.19 of the Revised 657  
Code. 658

(5) "Registered private provider" means a nonpublic school or 659  
entity registered with the superintendent of public instruction 660  
under section 3310.41 of the Revised Code to participate in the 661  
autism scholarship program or section 3310.58 of the Revised Code 662  
to participate in the Jon Peterson special needs scholarship 663

program. 664

**Sec. 109.578.** (A) On receipt of a request pursuant to section 665  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 666  
completed form prescribed pursuant to division (C)(1) of this 667  
section, and a set of fingerprint impressions obtained in the 668  
manner described in division (C)(2) of this section, the 669  
superintendent of the bureau of criminal identification and 670  
investigation shall conduct a criminal records check in the manner 671  
described in division (B) of this section to determine whether any 672  
information exists that indicates that the person who is the 673  
subject of the request previously has been convicted of or pleaded 674  
guilty to any of the following: 675

(1) A felony; 676

(2) A violation of section 2909.03 of the Revised Code; 677

(3) A violation of an existing or former law of this state, 678  
any other state, or the United States that is substantially 679  
equivalent to any of the offenses listed in division (A)(1) or (2) 680  
of this section. 681

(B) ~~The~~ Subject to division (E) of this section, the 682  
superintendent shall conduct any criminal records check pursuant 683  
to division (A) of this section as follows: 684

(1) The superintendent shall review or cause to be reviewed 685  
any relevant information gathered and compiled by the bureau under 686  
division (A) of section 109.57 of the Revised Code that relates to 687  
the person who is the subject of the request, including any 688  
relevant information contained in records that have been sealed 689  
under section 2953.32 of the Revised Code. 690

(2) If the request received by the superintendent asks for 691  
information from the federal bureau of investigation, the 692  
superintendent shall request from the federal bureau of 693

investigation any information it has with respect to the person 694  
who is the subject of the request and shall review or cause to be 695  
reviewed any information the superintendent receives from that 696  
bureau. 697

(C)(1) The superintendent shall prescribe a form to obtain 698  
the information necessary to conduct a criminal records check from 699  
any person for whom a criminal records check is requested pursuant 700  
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 701  
Code. The form that the superintendent prescribes pursuant to this 702  
division may be in a tangible format, in an electronic format, or 703  
in both tangible and electronic formats. 704

(2) The superintendent shall prescribe standard impression 705  
sheets to obtain the fingerprint impressions of any person for 706  
whom a criminal records check is requested pursuant to section 707  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 708  
person for whom a records check is requested pursuant to any of 709  
those sections shall obtain the fingerprint impressions at a 710  
county sheriff's office, a municipal police department, or any 711  
other entity with the ability to make fingerprint impressions on 712  
the standard impression sheets prescribed by the superintendent. 713  
The office, department, or entity may charge the person a 714  
reasonable fee for making the impressions. The standard impression 715  
sheets the superintendent prescribes pursuant to this division may 716  
be in a tangible format, in an electronic format, or in both 717  
tangible and electronic formats. 718

(3) Subject to division (D) of this section, the 719  
superintendent shall prescribe and charge a reasonable fee for 720  
providing a criminal records check requested under section 721  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 722  
person making the criminal records request shall pay the fee 723  
prescribed pursuant to this division. 724

(4) The superintendent may prescribe methods of forwarding 725

fingerprint impressions and information necessary to conduct a 726  
criminal records check. The methods shall include, but are not 727  
limited to, an electronic method. 728

(D) A determination whether any information exists that 729  
indicates that a person previously has been convicted of or 730  
pleaded guilty to any offense listed or described in division (A) 731  
of this section and that the superintendent made with respect to 732  
information considered in a criminal records check in accordance 733  
with this section is valid for the person who is the subject of 734  
the criminal records check for a period of one year from the date 735  
upon which the superintendent makes the determination. During the 736  
period in which the determination in regard to a person is valid, 737  
if another request under this section is made for a criminal 738  
records check for that person, the superintendent shall provide 739  
the information that is the basis for the superintendent's initial 740  
determination at a lower fee than the fee prescribed for the 741  
initial criminal records check. 742

(E) A criminal records check conducted under this section 743  
shall not include any proceeding or adjudication in a juvenile 744  
court and shall not include any proceeding in criminal court 745  
against a person under eighteen years of age or any criminal 746  
conviction of a person under eighteen years of age if the 747  
proceeding or case was transferred back to juvenile court under 748  
section 2152.121 of the Revised Code. 749

(F) As used in this section, "criminal records check" means 750  
any criminal records check conducted by the superintendent of the 751  
bureau of criminal identification and investigation in accordance 752  
with division (B) of this section. 753

**Sec. 149.43.** (A) As used in this section: 754

(1) "Public record" means records kept by any public office, 755  
including, but not limited to, state, county, city, village, 756

township, and school district units, and records pertaining to the 757  
delivery of educational services by an alternative school in this 758  
state kept by the nonprofit or for-profit entity operating the 759  
alternative school pursuant to section 3313.533 of the Revised 760  
Code. "Public record" does not mean any of the following: 761

- (a) Medical records; 762
- (b) Records pertaining to probation and parole proceedings or 763  
to proceedings related to the imposition of community control 764  
sanctions and post-release control sanctions; 765
- (c) Records pertaining to actions under section 2151.85 and 766  
division (C) of section 2919.121 of the Revised Code and to 767  
appeals of actions arising under those sections; 768
- (d) Records pertaining to adoption proceedings, including the 769  
contents of an adoption file maintained by the department of 770  
health under section 3705.12 of the Revised Code; 771
- (e) Information in a record contained in the putative father 772  
registry established by section 3107.062 of the Revised Code, 773  
regardless of whether the information is held by the department of 774  
job and family services or, pursuant to section 3111.69 of the 775  
Revised Code, the office of child support in the department or a 776  
child support enforcement agency; 777
- (f) Records listed in division (A) of section 3107.42 of the 778  
Revised Code or specified in division (A) of section 3107.52 of 779  
the Revised Code; 780
- (g) Trial preparation records; 781
- (h) Confidential law enforcement investigatory records; 782
- (i) Records containing information that is confidential under 783  
section 2710.03 or 4112.05 of the Revised Code; 784
- (j) DNA records stored in the DNA database pursuant to 785  
section 109.573 of the Revised Code; 786

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	787 788 789 790
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	791 792 793 794
(m) Intellectual property records;	795
(n) Donor profile records;	796
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	797 798
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	799 800 801 802 803
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	804 805 806 807 808
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	809 810
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report	811 812 813 814 815 816

prepared pursuant to division (A) of section 307.626 of the	817
Revised Code;	818
(t) Records provided to and statements made by the executive	819
director of a public children services agency or a prosecuting	820
attorney acting pursuant to section 5153.171 of the Revised Code	821
other than the information released under that section;	822
(u) Test materials, examinations, or evaluation tools used in	823
an examination for licensure as a nursing home administrator that	824
the board of examiners of nursing home administrators administers	825
under section 4751.04 of the Revised Code or contracts under that	826
section with a private or government entity to administer;	827
(v) Records the release of which is prohibited by state or	828
federal law;	829
(w) Proprietary information of or relating to any person that	830
is submitted to or compiled by the Ohio venture capital authority	831
created under section 150.01 of the Revised Code;	832
(x) Information reported and evaluations conducted pursuant	833
to section 3701.072 of the Revised Code;	834
(y) Financial statements and data any person submits for any	835
purpose to the Ohio housing finance agency or the controlling	836
board in connection with applying for, receiving, or accounting	837
for financial assistance from the agency, and information that	838
identifies any individual who benefits directly or indirectly from	839
financial assistance from the agency;	840
(z) Records listed in section 5101.29 of the Revised Code;	841
(aa) Discharges recorded with a county recorder under section	842
317.24 of the Revised Code, as specified in division (B)(2) of	843
that section;	844
(bb) Usage information including names and addresses of	845
specific residential and commercial customers of a municipally	846

owned or operated public utility; 847

(cc) Records pertaining to a case or proceeding in which a 848  
person was or is alleged to be or adjudicated an unruly or 849  
delinquent child or a juvenile traffic offender under Chapter 850  
2151. or 2152. of the Revised Code. 851

(2) "Confidential law enforcement investigatory record" means 852  
any record that pertains to a law enforcement matter of a 853  
criminal, quasi-criminal, civil, or administrative nature, but 854  
only to the extent that the release of the record would create a 855  
high probability of disclosure of any of the following: 856

(a) The identity of a suspect who has not been charged with 857  
the offense to which the record pertains, or of an information 858  
source or witness to whom confidentiality has been reasonably 859  
promised; 860

(b) Information provided by an information source or witness 861  
to whom confidentiality has been reasonably promised, which 862  
information would reasonably tend to disclose the source's or 863  
witness's identity; 864

(c) Specific confidential investigatory techniques or 865  
procedures or specific investigatory work product; 866

(d) Information that would endanger the life or physical 867  
safety of law enforcement personnel, a crime victim, a witness, or 868  
a confidential information source. 869

(3) "Medical record" means any document or combination of 870  
documents, except births, deaths, and the fact of admission to or 871  
discharge from a hospital, that pertains to the medical history, 872  
diagnosis, prognosis, or medical condition of a patient and that 873  
is generated and maintained in the process of medical treatment. 874

(4) "Trial preparation record" means any record that contains 875  
information that is specifically compiled in reasonable 876

anticipation of, or in defense of, a civil or criminal action or 877  
proceeding, including the independent thought processes and 878  
personal trial preparation of an attorney. 879

(5) "Intellectual property record" means a record, other than 880  
a financial or administrative record, that is produced or 881  
collected by or for faculty or staff of a state institution of 882  
higher learning in the conduct of or as a result of study or 883  
research on an educational, commercial, scientific, artistic, 884  
technical, or scholarly issue, regardless of whether the study or 885  
research was sponsored by the institution alone or in conjunction 886  
with a governmental body or private concern, and that has not been 887  
publicly released, published, or patented. 888

(6) "Donor profile record" means all records about donors or 889  
potential donors to a public institution of higher education 890  
except the names and reported addresses of the actual donors and 891  
the date, amount, and conditions of the actual donation. 892

(7) "Peace officer, parole officer, probation officer, 893  
bailiff, prosecuting attorney, assistant prosecuting attorney, 894  
correctional employee, youth services employee, firefighter, EMT, 895  
or investigator of the bureau of criminal identification and 896  
investigation residential and familial information" means any 897  
information that discloses any of the following about a peace 898  
officer, parole officer, probation officer, bailiff, prosecuting 899  
attorney, assistant prosecuting attorney, correctional employee, 900  
youth services employee, firefighter, EMT, or investigator of the 901  
bureau of criminal identification and investigation: 902

(a) The address of the actual personal residence of a peace 903  
officer, parole officer, probation officer, bailiff, assistant 904  
prosecuting attorney, correctional employee, youth services 905  
employee, firefighter, EMT, or an investigator of the bureau of 906  
criminal identification and investigation, except for the state or 907  
political subdivision in which the peace officer, parole officer, 908

probation officer, bailiff, assistant prosecuting attorney, 909  
correctional employee, youth services employee, firefighter, EMT, 910  
or investigator of the bureau of criminal identification and 911  
investigation resides; 912

(b) Information compiled from referral to or participation in 913  
an employee assistance program; 914

(c) The social security number, the residential telephone 915  
number, any bank account, debit card, charge card, or credit card 916  
number, or the emergency telephone number of, or any medical 917  
information pertaining to, a peace officer, parole officer, 918  
probation officer, bailiff, prosecuting attorney, assistant 919  
prosecuting attorney, correctional employee, youth services 920  
employee, firefighter, EMT, or investigator of the bureau of 921  
criminal identification and investigation; 922

(d) The name of any beneficiary of employment benefits, 923  
including, but not limited to, life insurance benefits, provided 924  
to a peace officer, parole officer, probation officer, bailiff, 925  
prosecuting attorney, assistant prosecuting attorney, correctional 926  
employee, youth services employee, firefighter, EMT, or 927  
investigator of the bureau of criminal identification and 928  
investigation by the peace officer's, parole officer's, probation 929  
officer's, bailiff's, prosecuting attorney's, assistant 930  
prosecuting attorney's, correctional employee's, youth services 931  
employee's, firefighter's, EMT's, or investigator of the bureau of 932  
criminal identification and investigation's employer; 933

(e) The identity and amount of any charitable or employment 934  
benefit deduction made by the peace officer's, parole officer's, 935  
probation officer's, bailiff's, prosecuting attorney's, assistant 936  
prosecuting attorney's, correctional employee's, youth services 937  
employee's, firefighter's, EMT's, or investigator of the bureau of 938  
criminal identification and investigation's employer from the 939  
peace officer's, parole officer's, probation officer's, bailiff's, 940

prosecuting attorney's, assistant prosecuting attorney's, 941  
correctional employee's, youth services employee's, firefighter's, 942  
EMT's, or investigator of the bureau of criminal identification 943  
and investigation's compensation unless the amount of the 944  
deduction is required by state or federal law; 945

(f) The name, the residential address, the name of the 946  
employer, the address of the employer, the social security number, 947  
the residential telephone number, any bank account, debit card, 948  
charge card, or credit card number, or the emergency telephone 949  
number of the spouse, a former spouse, or any child of a peace 950  
officer, parole officer, probation officer, bailiff, prosecuting 951  
attorney, assistant prosecuting attorney, correctional employee, 952  
youth services employee, firefighter, EMT, or investigator of the 953  
bureau of criminal identification and investigation; 954

(g) A photograph of a peace officer who holds a position or 955  
has an assignment that may include undercover or plain clothes 956  
positions or assignments as determined by the peace officer's 957  
appointing authority. 958

As used in divisions (A)(7) and (B)(9) of this section, 959  
"peace officer" has the same meaning as in section 109.71 of the 960  
Revised Code and also includes the superintendent and troopers of 961  
the state highway patrol; it does not include the sheriff of a 962  
county or a supervisory employee who, in the absence of the 963  
sheriff, is authorized to stand in for, exercise the authority of, 964  
and perform the duties of the sheriff. 965

As used in divisions (A)(7) and (B)(5) of this section, 966  
"correctional employee" means any employee of the department of 967  
rehabilitation and correction who in the course of performing the 968  
employee's job duties has or has had contact with inmates and 969  
persons under supervision. 970

As used in divisions (A)(7) and (B)(5) of this section, 971

"youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a 1002  
person under the age of eighteen for the purpose of allowing that 1003  
person to participate in any recreational activity conducted or 1004  
sponsored by a public office or to use or obtain admission 1005  
privileges to any recreational facility owned or operated by a 1006  
public office. 1007

(9) "Community control sanction" has the same meaning as in 1008  
section 2929.01 of the Revised Code. 1009

(10) "Post-release control sanction" has the same meaning as 1010  
in section 2967.01 of the Revised Code. 1011

(11) "Redaction" means obscuring or deleting any information 1012  
that is exempt from the duty to permit public inspection or 1013  
copying from an item that otherwise meets the definition of a 1014  
"record" in section 149.011 of the Revised Code. 1015

(12) "Designee" and "elected official" have the same meanings 1016  
as in section 109.43 of the Revised Code. 1017

(B)(1) Upon request and subject to division (B)(8) of this 1018  
section, all public records responsive to the request shall be 1019  
promptly prepared and made available for inspection to any person 1020  
at all reasonable times during regular business hours. Subject to 1021  
division (B)(8) of this section, upon request, a public office or 1022  
person responsible for public records shall make copies of the 1023  
requested public record available at cost and within a reasonable 1024  
period of time. If a public record contains information that is 1025  
exempt from the duty to permit public inspection or to copy the 1026  
public record, the public office or the person responsible for the 1027  
public record shall make available all of the information within 1028  
the public record that is not exempt. When making that public 1029  
record available for public inspection or copying that public 1030  
record, the public office or the person responsible for the public 1031  
record shall notify the requester of any redaction or make the 1032

redaction plainly visible. A redaction shall be deemed a denial of 1033  
a request to inspect or copy the redacted information, except if 1034  
federal or state law authorizes or requires a public office to 1035  
make the redaction. 1036

(2) To facilitate broader access to public records, a public 1037  
office or the person responsible for public records shall organize 1038  
and maintain public records in a manner that they can be made 1039  
available for inspection or copying in accordance with division 1040  
(B) of this section. A public office also shall have available a 1041  
copy of its current records retention schedule at a location 1042  
readily available to the public. If a requester makes an ambiguous 1043  
or overly broad request or has difficulty in making a request for 1044  
copies or inspection of public records under this section such 1045  
that the public office or the person responsible for the requested 1046  
public record cannot reasonably identify what public records are 1047  
being requested, the public office or the person responsible for 1048  
the requested public record may deny the request but shall provide 1049  
the requester with an opportunity to revise the request by 1050  
informing the requester of the manner in which records are 1051  
maintained by the public office and accessed in the ordinary 1052  
course of the public office's or person's duties. 1053

(3) If a request is ultimately denied, in part or in whole, 1054  
the public office or the person responsible for the requested 1055  
public record shall provide the requester with an explanation, 1056  
including legal authority, setting forth why the request was 1057  
denied. If the initial request was provided in writing, the 1058  
explanation also shall be provided to the requester in writing. 1059  
The explanation shall not preclude the public office or the person 1060  
responsible for the requested public record from relying upon 1061  
additional reasons or legal authority in defending an action 1062  
commenced under division (C) of this section. 1063

(4) Unless specifically required or authorized by state or 1064

federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking

the copy makes a choice under this division, the public office or 1097  
person responsible for the public record shall provide a copy of 1098  
it in accordance with the choice made by the person seeking the 1099  
copy. Nothing in this section requires a public office or person 1100  
responsible for the public record to allow the person seeking a 1101  
copy of the public record to make the copies of the public record. 1102

(7) Upon a request made in accordance with division (B) of 1103  
this section and subject to division (B)(6) of this section, a 1104  
public office or person responsible for public records shall 1105  
transmit a copy of a public record to any person by United States 1106  
mail or by any other means of delivery or transmission within a 1107  
reasonable period of time after receiving the request for the 1108  
copy. The public office or person responsible for the public 1109  
record may require the person making the request to pay in advance 1110  
the cost of postage if the copy is transmitted by United States 1111  
mail or the cost of delivery if the copy is transmitted other than 1112  
by United States mail, and to pay in advance the costs incurred 1113  
for other supplies used in the mailing, delivery, or transmission. 1114

Any public office may adopt a policy and procedures that it 1115  
will follow in transmitting, within a reasonable period of time 1116  
after receiving a request, copies of public records by United 1117  
States mail or by any other means of delivery or transmission 1118  
pursuant to this division. A public office that adopts a policy 1119  
and procedures under this division shall comply with them in 1120  
performing its duties under this division. 1121

In any policy and procedures adopted under this division, a 1122  
public office may limit the number of records requested by a 1123  
person that the office will transmit by United States mail to ten 1124  
per month, unless the person certifies to the office in writing 1125  
that the person does not intend to use or forward the requested 1126  
records, or the information contained in them, for commercial 1127  
purposes. For purposes of this division, "commercial" shall be 1128

narrowly construed and does not include reporting or gathering 1129  
news, reporting or gathering information to assist citizen 1130  
oversight or understanding of the operation or activities of 1131  
government, or nonprofit educational research. 1132

(8) A public office or person responsible for public records 1133  
is not required to permit a person who is incarcerated pursuant to 1134  
a criminal conviction or a juvenile adjudication to inspect or to 1135  
obtain a copy of any public record concerning a criminal 1136  
investigation or prosecution or concerning what would be a 1137  
criminal investigation or prosecution if the subject of the 1138  
investigation or prosecution were an adult, unless the request to 1139  
inspect or to obtain a copy of the record is for the purpose of 1140  
acquiring information that is subject to release as a public 1141  
record under this section and the judge who imposed the sentence 1142  
or made the adjudication with respect to the person, or the 1143  
judge's successor in office, finds that the information sought in 1144  
the public record is necessary to support what appears to be a 1145  
justiciable claim of the person. 1146

(9)(a) Upon written request made and signed by a journalist 1147  
on or after December 16, 1999, a public office, or person 1148  
responsible for public records, having custody of the records of 1149  
the agency employing a specified peace officer, parole officer, 1150  
probation officer, bailiff, prosecuting attorney, assistant 1151  
prosecuting attorney, correctional employee, youth services 1152  
employee, firefighter, EMT, or investigator of the bureau of 1153  
criminal identification and investigation shall disclose to the 1154  
journalist the address of the actual personal residence of the 1155  
peace officer, parole officer, probation officer, bailiff, 1156  
prosecuting attorney, assistant prosecuting attorney, correctional 1157  
employee, youth services employee, firefighter, EMT, or 1158  
investigator of the bureau of criminal identification and 1159  
investigation and, if the peace officer's, parole officer's, 1160

probation officer's, bailiff's, prosecuting attorney's, assistant 1161  
prosecuting attorney's, correctional employee's, youth services 1162  
employee's, firefighter's, EMT's, or investigator of the bureau of 1163  
criminal identification and investigation's spouse, former spouse, 1164  
or child is employed by a public office, the name and address of 1165  
the employer of the peace officer's, parole officer's, probation 1166  
officer's, bailiff's, prosecuting attorney's, assistant 1167  
prosecuting attorney's, correctional employee's, youth services 1168  
employee's, firefighter's, EMT's, or investigator of the bureau of 1169  
criminal identification and investigation's spouse, former spouse, 1170  
or child. The request shall include the journalist's name and 1171  
title and the name and address of the journalist's employer and 1172  
shall state that disclosure of the information sought would be in 1173  
the public interest. 1174

(b) Division (B)(9)(a) of this section also applies to 1175  
journalist requests for customer information maintained by a 1176  
municipally owned or operated public utility, other than social 1177  
security numbers and any private financial information such as 1178  
credit reports, payment methods, credit card numbers, and bank 1179  
account information. 1180

(c) As used in division (B)(9) of this section, "journalist" 1181  
means a person engaged in, connected with, or employed by any news 1182  
medium, including a newspaper, magazine, press association, news 1183  
agency, or wire service, a radio or television station, or a 1184  
similar medium, for the purpose of gathering, processing, 1185  
transmitting, compiling, editing, or disseminating information for 1186  
the general public. 1187

(C)(1) If a person allegedly is aggrieved by the failure of a 1188  
public office or the person responsible for public records to 1189  
promptly prepare a public record and to make it available to the 1190  
person for inspection in accordance with division (B) of this 1191  
section or by any other failure of a public office or the person 1192

responsible for public records to comply with an obligation in 1193  
accordance with division (B) of this section, the person allegedly 1194  
aggrieved may commence a mandamus action to obtain a judgment that 1195  
orders the public office or the person responsible for the public 1196  
record to comply with division (B) of this section, that awards 1197  
court costs and reasonable attorney's fees to the person that 1198  
instituted the mandamus action, and, if applicable, that includes 1199  
an order fixing statutory damages under division (C)(1) of this 1200  
section. The mandamus action may be commenced in the court of 1201  
common pleas of the county in which division (B) of this section 1202  
allegedly was not complied with, in the supreme court pursuant to 1203  
its original jurisdiction under Section 2 of Article IV, Ohio 1204  
Constitution, or in the court of appeals for the appellate 1205  
district in which division (B) of this section allegedly was not 1206  
complied with pursuant to its original jurisdiction under Section 1207  
3 of Article IV, Ohio Constitution. 1208

If a requestor transmits a written request by hand delivery 1209  
or certified mail to inspect or receive copies of any public 1210  
record in a manner that fairly describes the public record or 1211  
class of public records to the public office or person responsible 1212  
for the requested public records, except as otherwise provided in 1213  
this section, the requestor shall be entitled to recover the 1214  
amount of statutory damages set forth in this division if a court 1215  
determines that the public office or the person responsible for 1216  
public records failed to comply with an obligation in accordance 1217  
with division (B) of this section. 1218

The amount of statutory damages shall be fixed at one hundred 1219  
dollars for each business day during which the public office or 1220  
person responsible for the requested public records failed to 1221  
comply with an obligation in accordance with division (B) of this 1222  
section, beginning with the day on which the requester files a 1223  
mandamus action to recover statutory damages, up to a maximum of 1224

one thousand dollars. The award of statutory damages shall not be 1225  
construed as a penalty, but as compensation for injury arising 1226  
from lost use of the requested information. The existence of this 1227  
injury shall be conclusively presumed. The award of statutory 1228  
damages shall be in addition to all other remedies authorized by 1229  
this section. 1230

The court may reduce an award of statutory damages or not 1231  
award statutory damages if the court determines both of the 1232  
following: 1233

(a) That, based on the ordinary application of statutory law 1234  
and case law as it existed at the time of the conduct or 1235  
threatened conduct of the public office or person responsible for 1236  
the requested public records that allegedly constitutes a failure 1237  
to comply with an obligation in accordance with division (B) of 1238  
this section and that was the basis of the mandamus action, a 1239  
well-informed public office or person responsible for the 1240  
requested public records reasonably would believe that the conduct 1241  
or threatened conduct of the public office or person responsible 1242  
for the requested public records did not constitute a failure to 1243  
comply with an obligation in accordance with division (B) of this 1244  
section; 1245

(b) That a well-informed public office or person responsible 1246  
for the requested public records reasonably would believe that the 1247  
conduct or threatened conduct of the public office or person 1248  
responsible for the requested public records would serve the 1249  
public policy that underlies the authority that is asserted as 1250  
permitting that conduct or threatened conduct. 1251

(2)(a) If the court issues a writ of mandamus that orders the 1252  
public office or the person responsible for the public record to 1253  
comply with division (B) of this section and determines that the 1254  
circumstances described in division (C)(1) of this section exist, 1255  
the court shall determine and award to the relator all court 1256

costs. 1257

(b) If the court renders a judgment that orders the public 1258  
office or the person responsible for the public record to comply 1259  
with division (B) of this section, the court may award reasonable 1260  
attorney's fees subject to reduction as described in division 1261  
(C)(2)(c) of this section. The court shall award reasonable 1262  
attorney's fees, subject to reduction as described in division 1263  
(C)(2)(c) of this section when either of the following applies: 1264

(i) The public office or the person responsible for the 1265  
public records failed to respond affirmatively or negatively to 1266  
the public records request in accordance with the time allowed 1267  
under division (B) of this section. 1268

(ii) The public office or the person responsible for the 1269  
public records promised to permit the relator to inspect or 1270  
receive copies of the public records requested within a specified 1271  
period of time but failed to fulfill that promise within that 1272  
specified period of time. 1273

(c) Court costs and reasonable attorney's fees awarded under 1274  
this section shall be construed as remedial and not punitive. 1275  
Reasonable attorney's fees shall include reasonable fees incurred 1276  
to produce proof of the reasonableness and amount of the fees and 1277  
to otherwise litigate entitlement to the fees. The court may 1278  
reduce an award of attorney's fees to the relator or not award 1279  
attorney's fees to the relator if the court determines both of the 1280  
following: 1281

(i) That, based on the ordinary application of statutory law 1282  
and case law as it existed at the time of the conduct or 1283  
threatened conduct of the public office or person responsible for 1284  
the requested public records that allegedly constitutes a failure 1285  
to comply with an obligation in accordance with division (B) of 1286  
this section and that was the basis of the mandamus action, a 1287

well-informed public office or person responsible for the 1288  
requested public records reasonably would believe that the conduct 1289  
or threatened conduct of the public office or person responsible 1290  
for the requested public records did not constitute a failure to 1291  
comply with an obligation in accordance with division (B) of this 1292  
section; 1293

(ii) That a well-informed public office or person responsible 1294  
for the requested public records reasonably would believe that the 1295  
conduct or threatened conduct of the public office or person 1296  
responsible for the requested public records as described in 1297  
division (C)(2)(c)(i) of this section would serve the public 1298  
policy that underlies the authority that is asserted as permitting 1299  
that conduct or threatened conduct. 1300

(D) Chapter 1347. of the Revised Code does not limit the 1301  
provisions of this section. 1302

(E)(1) To ensure that all employees of public offices are 1303  
appropriately educated about a public office's obligations under 1304  
division (B) of this section, all elected officials or their 1305  
appropriate designees shall attend training approved by the 1306  
attorney general as provided in section 109.43 of the Revised 1307  
Code. In addition, all public offices shall adopt a public records 1308  
policy in compliance with this section for responding to public 1309  
records requests. In adopting a public records policy under this 1310  
division, a public office may obtain guidance from the model 1311  
public records policy developed and provided to the public office 1312  
by the attorney general under section 109.43 of the Revised Code. 1313  
Except as otherwise provided in this section, the policy may not 1314  
limit the number of public records that the public office will 1315  
make available to a single person, may not limit the number of 1316  
public records that it will make available during a fixed period 1317  
of time, and may not establish a fixed period of time before it 1318  
will respond to a request for inspection or copying of public 1319

records, unless that period is less than eight hours. 1320

(2) The public office shall distribute the public records 1321  
policy adopted by the public office under division (E)(1) of this 1322  
section to the employee of the public office who is the records 1323  
custodian or records manager or otherwise has custody of the 1324  
records of that office. The public office shall require that 1325  
employee to acknowledge receipt of the copy of the public records 1326  
policy. The public office shall create a poster that describes its 1327  
public records policy and shall post the poster in a conspicuous 1328  
place in the public office and in all locations where the public 1329  
office has branch offices. The public office may post its public 1330  
records policy on the internet web site of the public office if 1331  
the public office maintains an internet web site. A public office 1332  
that has established a manual or handbook of its general policies 1333  
and procedures for all employees of the public office shall 1334  
include the public records policy of the public office in the 1335  
manual or handbook. 1336

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1337  
to Chapter 119. of the Revised Code to reasonably limit the number 1338  
of bulk commercial special extraction requests made by a person 1339  
for the same records or for updated records during a calendar 1340  
year. The rules may include provisions for charges to be made for 1341  
bulk commercial special extraction requests for the actual cost of 1342  
the bureau, plus special extraction costs, plus ten per cent. The 1343  
bureau may charge for expenses for redacting information, the 1344  
release of which is prohibited by law. 1345

(2) As used in division (F)(1) of this section: 1346

(a) "Actual cost" means the cost of depleted supplies, 1347  
records storage media costs, actual mailing and alternative 1348  
delivery costs, or other transmitting costs, and any direct 1349  
equipment operating and maintenance costs, including actual costs 1350  
paid to private contractors for copying services. 1351

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

**Sec. 2151.356.** (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03, or 2907.05~~ of the Revised Code shall not be sealed under this section.

(B)(1) The juvenile court shall promptly order the immediate

sealing of records pertaining to a juvenile in any of the 1383  
following circumstances: 1384

(a) If the court receives a record from a public office or 1385  
agency under division (B)(2) of this section; 1386

(b) If a person was brought before or referred to the court 1387  
for allegedly committing a delinquent or unruly act and the case 1388  
was resolved without the filing of a complaint against the person 1389  
with respect to that act pursuant to section 2151.27 of the 1390  
Revised Code; 1391

(c) If a person was charged with violating division (E)(1) of 1392  
section 4301.69 of the Revised Code and the person has 1393  
successfully completed a diversion program under division 1394  
(E)(2)(a) of section 4301.69 of the Revised Code with respect to 1395  
that charge; 1396

(d) If a complaint was filed against a person alleging that 1397  
the person was a delinquent child, an unruly child, or a juvenile 1398  
traffic offender and the court dismisses the complaint after a 1399  
trial on the merits of the case or finds the person not to be a 1400  
delinquent child, an unruly child, or a juvenile traffic offender; 1401

(e) Notwithstanding division (C) of this section and subject 1402  
to section 2151.358 of the Revised Code, if a person has been 1403  
adjudicated an unruly child, that person has attained eighteen 1404  
years of age, and the person is not under the jurisdiction of the 1405  
court in relation to a complaint alleging the person to be a 1406  
delinquent child. 1407

(2) The appropriate public office or agency shall immediately 1408  
deliver all original records at that public office or agency 1409  
pertaining to a juvenile to the court, if the person was arrested 1410  
or taken into custody for allegedly committing a delinquent or 1411  
unruly act, no complaint was filed against the person with respect 1412  
to the commission of the act pursuant to section 2151.27 of the 1413

Revised Code, and the person was not brought before or referred to 1414  
the court for the commission of the act. The records delivered to 1415  
the court as required under this division shall not include 1416  
fingerprints, DNA specimens, and DNA records described under 1417  
division (A)(3) of section 2151.357 of the Revised Code. 1418

(C)(1) The juvenile court shall consider the sealing of 1419  
records pertaining to a juvenile upon the court's own motion or 1420  
upon the application of a person if the person has been 1421  
adjudicated a delinquent child for committing an act other than a 1422  
violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03, or~~ 1423  
~~2907.05~~ of the Revised Code, an unruly child, or a juvenile 1424  
traffic offender and if, at the time of the motion or application, 1425  
the person is not under the jurisdiction of the court in relation 1426  
to a complaint alleging the person to be a delinquent child. The 1427  
court shall not require a fee for the filing of the application. 1428  
The motion or application may be made at any time after ~~two years~~ 1429  
~~after the later of~~ each of the following that applies: 1430

(a) The termination of any order made by the court in 1431  
relation to the adjudication; 1432

(b) The unconditional discharge of the person from the 1433  
department of youth services with respect to a dispositional order 1434  
made in relation to the adjudication or from an institution or 1435  
facility to which the person was committed pursuant to a 1436  
dispositional order made in relation to the adjudication; 1437

(c) The court enters an order under section 2152.84 or 1438  
2152.85 of the Revised Code that contains a determination that the 1439  
child is no longer a juvenile offender registrant. 1440

(2) In making the determination whether to seal records 1441  
pursuant to division (C)(1) of this section, all of the following 1442  
apply: 1443

(a) The court may require a person filing an application 1444

under division (C)(1) of this section to submit any relevant 1445  
documentation to support the application. 1446

(b) The court may cause an investigation to be made to 1447  
determine if the person who is the subject of the proceedings has 1448  
been rehabilitated to a satisfactory degree. 1449

(c) The court shall promptly notify the prosecuting attorney 1450  
of any proceedings to seal records initiated pursuant to division 1451  
(C)(1) of this section. 1452

(d)(i) The prosecuting attorney may file a response with the 1453  
court within thirty days of receiving notice of the sealing 1454  
proceedings. 1455

(ii) If the prosecuting attorney does not file a response 1456  
with the court or if the prosecuting attorney files a response but 1457  
indicates that the prosecuting attorney does not object to the 1458  
sealing of the records, the court may order the records of the 1459  
person that are under consideration to be sealed without 1460  
conducting a hearing on the motion or application. If the court 1461  
decides in its discretion to conduct a hearing on the motion or 1462  
application, the court shall conduct the hearing within thirty 1463  
days after making that decision and shall give notice, by regular 1464  
mail, of the date, time, and location of the hearing to the 1465  
prosecuting attorney and to the person who is the subject of the 1466  
records under consideration. 1467

(iii) If the prosecuting attorney files a response with the 1468  
court that indicates that the prosecuting attorney objects to the 1469  
sealing of the records, the court shall conduct a hearing on the 1470  
motion or application within thirty days after the court receives 1471  
the response. The court shall give notice, by regular mail, of the 1472  
date, time, and location of the hearing to the prosecuting 1473  
attorney and to the person who is the subject of the records under 1474  
consideration. 1475

(e) After conducting a hearing in accordance with division 1476  
(C)(2)(d) of this section or after due consideration when a 1477  
hearing is not conducted, except as provided in division (B)(1)(c) 1478  
of this section, the court may order the records of the person 1479  
that are the subject of the motion or application to be sealed if 1480  
it finds that the person has been rehabilitated to a satisfactory 1481  
degree. In determining whether the person has been rehabilitated 1482  
to a satisfactory degree, the court may consider all of the 1483  
following: 1484

- (i) The age of the person; 1485
- (ii) The nature of the case; 1486
- (iii) The cessation or continuation of delinquent, unruly, or 1487  
criminal behavior; 1488
- (iv) The education and employment history of the person; 1489
- (v) The granting of a new tier classification or 1490  
declassification from the juvenile offender registry pursuant to 1491  
section 2152.85 of the Revised Code, except for public 1492  
registry-qualified juvenile offender registrants; 1493
- (vi) Any other circumstances that may relate to the 1494  
rehabilitation of the person who is the subject of the records 1495  
under consideration. 1496

(D)(1)(a) The juvenile court shall provide verbal notice to a 1497  
person whose records are sealed under division (B) of this 1498  
section, if that person is present in the court at the time the 1499  
court issues a sealing order, that explains what sealing a record 1500  
means, states that the person may apply to have those records 1501  
expunged under section 2151.358 of the Revised Code, and explains 1502  
what expunging a record means. 1503

(b) The juvenile court shall provide written notice to a 1504  
person whose records are sealed under division (B) of this section 1505

by regular mail to the person's last known address, if that person 1506  
is not present in the court at the time the court issues a sealing 1507  
order and if the court does not seal the person's record upon the 1508  
court's own motion, that explains what sealing a record means, 1509  
states that the person may apply to have those records expunged 1510  
under section 2151.358 of the Revised Code, and explains what 1511  
expunging a record means. 1512

(2) Upon final disposition of a case in which a person has 1513  
been adjudicated a delinquent child for committing an act other 1514  
than a violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03,~~ 1515  
~~or 2907.05~~ of the Revised Code, an unruly child, or a juvenile 1516  
traffic offender, the juvenile court shall provide written notice 1517  
to the person that does all of the following: 1518

(a) States that the person may apply to the court for an 1519  
order to seal the record; 1520

(b) Explains what sealing a record means; 1521

(c) States that the person may apply to the court for an 1522  
order to expunge the record under section 2151.358 of the Revised 1523  
Code; 1524

(d) Explains what expunging a record means. 1525

(3) The department of youth services and any other 1526  
institution or facility that unconditionally discharges a person 1527  
who has been adjudicated a delinquent child, an unruly child, or a 1528  
juvenile traffic offender shall immediately give notice of the 1529  
discharge to the court that committed the person. The court shall 1530  
note the date of discharge on a separate record of discharges of 1531  
those natures. 1532

**Sec. 2151.357.** (A) If the court orders the records of a 1533  
person sealed pursuant to section 2151.356 of the Revised Code, 1534  
the person who is subject of the order properly may, and the court 1535

shall, reply that no record exists with respect to the person upon 1536  
any inquiry in the matter, and the court, except as provided in 1537  
division (D) of this section, shall do all of the following: 1538

(1) Order that the proceedings in a case described in 1539  
divisions (B) and (C) of section 2151.356 of the Revised Code be 1540  
deemed never to have occurred; 1541

(2) Except as provided in division (C) of this section, 1542  
delete all index references to the case and the person so that the 1543  
references are permanently irretrievable; 1544

(3) Order that all original records of the case maintained by 1545  
any public office or agency, except fingerprints held by a law 1546  
enforcement agency, DNA specimens collected pursuant to section 1547  
2152.74 of the Revised Code, and DNA records derived from DNA 1548  
specimens pursuant to section 109.573 of the Revised Code, be 1549  
delivered to the court; 1550

(4) Order each public office or agency, upon the delivering 1551  
of records to the court under division (A)(3) of this section, to 1552  
expunge remaining records of the case that are the subject of the 1553  
sealing order that are maintained by that public office or agency, 1554  
except fingerprints, DNA specimens, and DNA records described 1555  
under division (A)(3) of this section; 1556

(5) Send notice of the order to seal to any public office or 1557  
agency that the court has reason to believe may have a record of 1558  
the sealed record; 1559

(6) Seal all of the records delivered to the court under 1560  
division (A)(3) of this section, in a separate file in which only 1561  
sealed records are maintained. 1562

(B) Except as provided in division (D) of this section, an 1563  
order to seal under section 2151.356 of the Revised Code applies 1564  
to every public office or agency that has a record relating to the 1565  
case, regardless of whether it receives notice of the hearing on 1566

the sealing of the record or a copy of the order. Except as 1567  
provided in division (D) of this section, upon the written request 1568  
of a person whose record has been sealed and the presentation of a 1569  
copy of the order and compliance with division (A)(3) of this 1570  
section, a public office or agency shall expunge its record 1571  
relating to the case, except a record of the adjudication or 1572  
arrest or taking into custody that is maintained for compiling 1573  
statistical data and that does not contain any reference to the 1574  
person who is the subject of the order. 1575

(C) The court that maintains sealed records pursuant to this 1576  
section may maintain a manual or computerized index of the sealed 1577  
records and shall make the index available only for the purposes 1578  
set forth in division (E) of this section. 1579

(1) Each entry regarding a sealed record in the index of 1580  
sealed records shall contain all of the following: 1581

(a) The name of the person who is the subject of the sealed 1582  
record; 1583

(b) An alphanumeric identifier relating to the person who is 1584  
the subject of the sealed record; 1585

(c) The word "sealed"; 1586

(d) The name of the court that has custody of the sealed 1587  
record. 1588

(2) Any entry regarding a sealed record in the index of 1589  
sealed records shall not contain either of the following: 1590

(a) The social security number of the person who is subject 1591  
of the sealed record; 1592

(b) The name or a description of the act committed. 1593

(D) Notwithstanding any provision of this section that 1594  
requires otherwise, a board of education of a city, local, 1595  
exempted village, or joint vocational school district that 1596

maintains records of an individual who has been permanently 1597  
excluded under sections 3301.121 and 3313.662 of the Revised Code 1598  
is permitted to maintain records regarding an adjudication that 1599  
the individual is a delinquent child that was used as the basis 1600  
for the individual's permanent exclusion, regardless of a court 1601  
order to seal the record. An order issued under section 2151.356 1602  
of the Revised Code to seal the record of an adjudication that an 1603  
individual is a delinquent child does not revoke the adjudication 1604  
order of the superintendent of public instruction to permanently 1605  
exclude the individual who is the subject of the sealing order. An 1606  
order to seal the record of an adjudication that an individual is 1607  
a delinquent child may be presented to a district superintendent 1608  
as evidence to support the contention that the superintendent 1609  
should recommend that the permanent exclusion of the individual 1610  
who is the subject of the sealing order be revoked. Except as 1611  
otherwise authorized by this division and sections 3301.121 and 1612  
3313.662 of the Revised Code, any school employee in possession of 1613  
or having access to the sealed adjudication records of an 1614  
individual that were the basis of a permanent exclusion of the 1615  
individual is subject to division (F) of this section. 1616

(E) Inspection of records that have been ordered sealed under 1617  
section 2151.356 of the Revised Code may be made only by the 1618  
following persons or for the following purposes: 1619

(1) By the court; 1620

(2) If the records in question pertain to an act that would 1621  
be an offense of violence that would be a felony if committed by 1622  
an adult, by any law enforcement officer or any prosecutor, or the 1623  
assistants of a law enforcement officer or prosecutor, for any 1624  
valid law enforcement or prosecutorial purpose; 1625

(3) Upon application by the person who is the subject of the 1626  
sealed records, by the person that is named in that application; 1627

(4) If the records in question pertain to an alleged 1628  
violation of division (E)(1) of section 4301.69 of the Revised 1629  
Code, by any law enforcement officer or any prosecutor, or the 1630  
assistants of a law enforcement officer or prosecutor, for the 1631  
purpose of determining whether the person is eligible for 1632  
diversion under division (E)(2) of section 4301.69 of the Revised 1633  
Code; 1634

(5) At the request of a party in a civil action that is based 1635  
on a case the records for which are the subject of a sealing order 1636  
issued under section 2151.356 of the Revised Code, as needed for 1637  
the civil action. The party also may copy the records as needed 1638  
for the civil action. The sealed records shall be used solely in 1639  
the civil action and are otherwise confidential and subject to the 1640  
provisions of this section; 1641

(6) By the attorney general or an authorized employee of the 1642  
attorney general or the court for purposes of determining whether 1643  
a child is a public registry-qualified juvenile offender 1644  
registrant, as defined in section 2950.01 of the Revised Code, for 1645  
purposes of Chapter 2950. of the Revised Code. 1646

(F) No officer or employee of the state or any of its 1647  
political subdivisions shall knowingly release, disseminate, or 1648  
make available for any purpose involving employment, bonding, 1649  
licensing, or education to any person or to any department, 1650  
agency, or other instrumentality of the state or of any of its 1651  
political subdivisions any information or other data concerning 1652  
any arrest, taking into custody, complaint, indictment, 1653  
information, trial, hearing, adjudication, or correctional 1654  
supervision, the records of which have been sealed pursuant to 1655  
section 2151.356 of the Revised Code and the release, 1656  
dissemination, or making available of which is not expressly 1657  
permitted by this section. Whoever violates this division is 1658  
guilty of divulging confidential information, a misdemeanor of the 1659

fourth degree. 1660

(G) In any application for employment, license, or other 1661  
right or privilege, any appearance as a witness, or any other 1662  
inquiry, a person may not be questioned with respect to any arrest 1663  
or taking into custody for which the records were sealed. If an 1664  
inquiry is made in violation of this division, the person may 1665  
respond as if the sealed arrest or taking into custody did not 1666  
occur, and the person shall not be subject to any adverse action 1667  
because of the arrest or taking into custody or the response. 1668

(H) The judgment rendered by the court under this chapter 1669  
shall not impose any of the civil disabilities ordinarily imposed 1670  
by conviction of a crime in that the child is not a criminal by 1671  
reason of the adjudication, and no child shall be charged with or 1672  
convicted of a crime in any court except as provided by this 1673  
chapter. The disposition of a child under the judgment rendered or 1674  
any evidence given in court shall not operate to disqualify a 1675  
child in any future civil service examination, appointment, or 1676  
application. Evidence of a judgment rendered and the disposition 1677  
of a child under the judgment is not admissible to impeach the 1678  
credibility of the child in any action or proceeding. Otherwise, 1679  
the disposition of a child under the judgment rendered or any 1680  
evidence given in court is admissible as evidence for or against 1681  
the child in any action or proceeding in any court in accordance 1682  
with the Rules of Evidence and also may be considered by any court 1683  
as to the matter of sentence or to the granting of probation, and 1684  
a court may consider the judgment rendered and the disposition of 1685  
a child under that judgment for purposes of determining whether 1686  
the child, for a future criminal conviction or guilty plea, is a 1687  
repeat violent offender, as defined in section 2929.01 of the 1688  
Revised Code. 1689

**Sec. 2152.02.** As used in this chapter: 1690

(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to ~~(7)~~(8) of this section.

(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.

(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

(4) Except as otherwise provided in ~~division~~ divisions (C)(5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, unless a serious youthful offender dispositional sentence is imposed on the child for that offense under division

(B)(2) or (3) of section 2152.121 of the Revised Code and the 1722  
adult portion of that sentence is not invoked pursuant to section 1723  
2152.14 of the Revised Code, and any person who is adjudicated a 1724  
delinquent child for the commission of an act, who has a serious 1725  
youthful offender dispositional sentence imposed for the act 1726  
pursuant to section 2152.13 of the Revised Code, and whose adult 1727  
portion of the dispositional sentence is invoked pursuant to 1728  
section 2152.14 of the Revised Code, shall be deemed after the 1729  
~~transfer conviction, plea,~~ or invocation not to be a child in any 1730  
case in which a complaint is filed against the person. 1731

(6) The juvenile court has jurisdiction over a person who is 1732  
adjudicated a delinquent child or juvenile traffic offender prior 1733  
to attaining eighteen years of age until the person attains 1734  
twenty-one years of age, and, for purposes of that jurisdiction 1735  
related to that adjudication, except as otherwise provided in this 1736  
division, a person who is so adjudicated a delinquent child or 1737  
juvenile traffic offender shall be deemed a "child" until the 1738  
person attains twenty-one years of age. If a person is so 1739  
adjudicated a delinquent child or juvenile traffic offender and 1740  
the court makes a disposition of the person under this chapter, at 1741  
any time after the person attains ~~eighteen~~ twenty-one years of 1742  
age, the places at which the person may be held under that 1743  
disposition are not limited to places authorized under this 1744  
chapter solely for confinement of children, and the person may be 1745  
confined under that disposition, in accordance with division 1746  
(F)(2) of section 2152.26 of the Revised Code, in places other 1747  
than those authorized under this chapter solely for confinement of 1748  
children. 1749

(7) The juvenile court has jurisdiction over any person whose 1750  
case is transferred for criminal prosecution solely for the 1751  
purpose of detaining the person as authorized in division (F)(4) 1752  
of section 2152.26 of the Revised Code unless the person is 1753

convicted of or pleads guilty to a felony in the adult court. 1754

(8) Any person who, while eighteen years of age, violates 1755  
division (A)(1) or (2) of section 2919.27 of the Revised Code by 1756  
violating a protection order issued or consent agreement approved 1757  
under section 2151.34 or 3113.31 of the Revised Code shall be 1758  
considered a child for the purposes of that violation of section 1759  
2919.27 of the Revised Code. 1760

(D) "Chronic truant" means any child of compulsory school age 1761  
who is absent without legitimate excuse for absence from the 1762  
public school the child is supposed to attend for seven or more 1763  
consecutive school days, ten or more school days in one school 1764  
month, or fifteen or more school days in a school year. 1765

(E) "Community corrections facility," "public safety beds," 1766  
"release authority," and "supervised release" have the same 1767  
meanings as in section 5139.01 of the Revised Code. 1768

(F) "Delinquent child" includes any of the following: 1769

(1) Any child, except a juvenile traffic offender, who 1770  
violates any law of this state or the United States, or any 1771  
ordinance of a political subdivision of the state, that would be 1772  
an offense if committed by an adult; 1773

(2) Any child who violates any lawful order of the court made 1774  
under this chapter or under Chapter 2151. of the Revised Code 1775  
other than an order issued under section 2151.87 of the Revised 1776  
Code; 1777

(3) Any child who violates division (C) of section 2907.39, 1778  
division (A) of section 2923.211, or division (C)(1) or (D) of 1779  
section 2925.55 of the Revised Code; 1780

(4) Any child who is a habitual truant and who previously has 1781  
been adjudicated an unruly child for being a habitual truant; 1782

(5) Any child who is a chronic truant. 1783

(G) "Discretionary serious youthful offender" means a person 1784  
who is eligible for a discretionary SYO and who is not transferred 1785  
to adult court under a mandatory or discretionary transfer. 1786

(H) "Discretionary SYO" means a case in which the juvenile 1787  
court, in the juvenile court's discretion, may impose a serious 1788  
youthful offender disposition under section 2152.13 of the Revised 1789  
Code. 1790

(I) "Discretionary transfer" means that the juvenile court 1791  
has discretion to transfer a case for criminal prosecution under 1792  
division (B) of section 2152.12 of the Revised Code. 1793

(J) "Drug abuse offense," "felony drug abuse offense," and 1794  
"minor drug possession offense" have the same meanings as in 1795  
section 2925.01 of the Revised Code. 1796

(K) "Electronic monitoring" and "electronic monitoring 1797  
device" have the same meanings as in section 2929.01 of the 1798  
Revised Code. 1799

(L) "Economic loss" means any economic detriment suffered by 1800  
a victim of a delinquent act or juvenile traffic offense as a 1801  
direct and proximate result of the delinquent act or juvenile 1802  
traffic offense and includes any loss of income due to lost time 1803  
at work because of any injury caused to the victim and any 1804  
property loss, medical cost, or funeral expense incurred as a 1805  
result of the delinquent act or juvenile traffic offense. 1806  
"Economic loss" does not include non-economic loss or any punitive 1807  
or exemplary damages. 1808

(M) "Firearm" has the same meaning as in section 2923.11 of 1809  
the Revised Code. 1810

(N) "Juvenile traffic offender" means any child who violates 1811  
any traffic law, traffic ordinance, or traffic regulation of this 1812  
state, the United States, or any political subdivision of this 1813  
state, other than a resolution, ordinance, or regulation of a 1814

political subdivision of this state the violation of which is 1815  
required to be handled by a parking violations bureau or a joint 1816  
parking violations bureau pursuant to Chapter 4521. of the Revised 1817  
Code. 1818

(O) A "legitimate excuse for absence from the public school 1819  
the child is supposed to attend" has the same meaning as in 1820  
section 2151.011 of the Revised Code. 1821

(P) "Mandatory serious youthful offender" means a person who 1822  
is eligible for a mandatory SYO and who is not transferred to 1823  
adult court under a mandatory or discretionary transfer and also 1824  
includes, for purposes of imposition of a mandatory serious 1825  
youthful dispositional sentence under section 2152.13 of the 1826  
Revised Code, a person upon whom a juvenile court is required to 1827  
impose such a sentence under division (B)(3) of section 2152.121 1828  
of the Revised Code. 1829

(Q) "Mandatory SYO" means a case in which the juvenile court 1830  
is required to impose a mandatory serious youthful offender 1831  
disposition under section 2152.13 of the Revised Code. 1832

(R) "Mandatory transfer" means that a case is required to be 1833  
transferred for criminal prosecution under division (A) of section 1834  
2152.12 of the Revised Code. 1835

(S) "Mental illness" has the same meaning as in section 1836  
5122.01 of the Revised Code. 1837

(T) "Mentally retarded person" has the same meaning as in 1838  
section 5123.01 of the Revised Code. 1839

(U) "Monitored time" and "repeat violent offender" have the 1840  
same meanings as in section 2929.01 of the Revised Code. 1841

(V) "Of compulsory school age" has the same meaning as in 1842  
section 3321.01 of the Revised Code. 1843

(W) "Public record" has the same meaning as in section 149.43 1844

of the Revised Code. 1845

(X) "Serious youthful offender" means a person who is 1846  
eligible for a mandatory SYO or discretionary SYO but who is not 1847  
transferred to adult court under a mandatory or discretionary 1848  
transfer and also includes, for purposes of imposition of a 1849  
mandatory serious youthful dispositional sentence under section 1850  
2152.13 of the Revised Code, a person upon whom a juvenile court 1851  
is required to impose such a sentence under division (B)(3) of 1852  
section 2152.121 of the Revised Code. 1853

(Y) "Sexually oriented offense," "juvenile offender 1854  
registrant," "child-victim oriented offense," "tier I sex 1855  
offender/child-victim offender," "tier II sex 1856  
offender/child-victim offender," "tier III sex 1857  
offender/child-victim offender," and "public registry-qualified 1858  
juvenile offender registrant" have the same meanings as in section 1859  
2950.01 of the Revised Code. 1860

(Z) "Traditional juvenile" means a case that is not 1861  
transferred to adult court under a mandatory or discretionary 1862  
transfer, that is eligible for a disposition under sections 1863  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1864  
that is not eligible for a disposition under section 2152.13 of 1865  
the Revised Code. 1866

(AA) "Transfer" means the transfer for criminal prosecution 1867  
of a case involving the alleged commission by a child of an act 1868  
that would be an offense if committed by an adult from the 1869  
juvenile court to the appropriate court that has jurisdiction of 1870  
the offense. 1871

(BB) "Category one offense" means any of the following: 1872

(1) A violation of section 2903.01 or 2903.02 of the Revised 1873  
Code; 1874

(2) A violation of section 2923.02 of the Revised Code 1875

involving an attempt to commit aggravated murder or murder.	1876
(CC) "Category two offense" means any of the following:	1877
(1) A violation of section 2903.03, 2905.01, 2907.02,	1878
2909.02, 2911.01, or 2911.11 of the Revised Code;	1879
(2) A violation of section 2903.04 of the Revised Code that	1880
is a felony of the first degree;	1881
(3) A violation of section 2907.12 of the Revised Code as it	1882
existed prior to September 3, 1996.	1883
(DD) "Non-economic loss" means nonpecuniary harm suffered by	1884
a victim of a delinquent act or juvenile traffic offense as a	1885
result of or related to the delinquent act or juvenile traffic	1886
offense, including, but not limited to, pain and suffering; loss	1887
of society, consortium, companionship, care, assistance,	1888
attention, protection, advice, guidance, counsel, instruction,	1889
training, or education; mental anguish; and any other intangible	1890
loss.	1891
<b>Sec. 2152.26.</b> (A) Except as provided in divisions (B) and (F)	1892
of this section, a child alleged to be or adjudicated a delinquent	1893
child or a juvenile traffic offender may be held only in the	1894
following places:	1895
(1) A certified foster home or a home approved by the court;	1896
(2) A facility operated by a certified child welfare agency;	1897
(3) Any other suitable place designated by the court.	1898
(B) In addition to the places listed in division (A) of this	1899
section, a child alleged to be or adjudicated a delinquent child	1900
<u>or a person described in division (C)(7) of section 2152.02 of the</u>	1901
<u>Revised Code</u> may be held in a detention facility for delinquent	1902
children that is under the direction or supervision of the court	1903
or other public authority or of a private agency and approved by	1904

the court and a child adjudicated a delinquent child may be held 1905  
in accordance with division (F)(2) of this section in a facility 1906  
of a type specified in that division. Division (B) of this section 1907  
does not apply to a child alleged to be or adjudicated a 1908  
delinquent child for chronic truancy, unless the child violated a 1909  
lawful court order made pursuant to division (A)(6) of section 1910  
2152.19 of the Revised Code. Division (B) of this section also 1911  
does not apply to a child alleged to be or adjudicated a 1912  
delinquent child for being an habitual truant who previously has 1913  
been adjudicated an unruly child for being an habitual truant, 1914  
unless the child violated a lawful court order made pursuant to 1915  
division (C)(1)(e) of section 2151.354 of the Revised Code. 1916

(C)(1) Except as provided under division (C)(1) of section 1917  
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1918  
of the Revised Code, a child alleged to be or adjudicated a 1919  
juvenile traffic offender may not be held in any of the following 1920  
facilities: 1921

(a) A state correctional institution, county, multicounty, or 1922  
municipal jail or workhouse, or other place in which an adult 1923  
convicted of crime, under arrest, or charged with a crime is held. 1924

(b) A secure correctional facility. 1925

(2) Except as provided under this section, sections 2151.56 1926  
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 1927  
Revised Code, a child alleged to be or adjudicated a juvenile 1928  
traffic offender may not be held for more than twenty-four hours 1929  
in a detention facility. 1930

(D) Except as provided in division (F) of this section or in 1931  
division (C) of section 2151.311, in division (C)(2) of section 1932  
5139.06 and section 5120.162, or in division (B) of section 1933  
5120.16 of the Revised Code, a child who is alleged to be or is 1934  
adjudicated a delinquent child or a person described in division 1935

(C)(7) of section 2152.02 of the Revised Code may not be held in a 1936  
state correctional institution, county, multicounty, or municipal 1937  
jail or workhouse, or other place where an adult convicted of 1938  
crime, under arrest, or charged with crime is held. 1939

(E) Unless the detention is pursuant to division (F) of this 1940  
section or division (C) of section 2151.311, division (C)(2) of 1941  
section 5139.06 and section 5120.162, or division (B) of section 1942  
5120.16 of the Revised Code, the official in charge of the 1943  
institution, jail, workhouse, or other facility shall inform the 1944  
court immediately when a child, who is or appears to be under the 1945  
age of ~~eighteen~~ twenty-one years, is received at the facility, and 1946  
shall deliver the child to the court upon request or transfer the 1947  
child to a detention facility designated by the court. 1948

(F)(1) If a case is transferred to another court for criminal 1949  
prosecution pursuant to section 2152.12 of the Revised Code and 1950  
the alleged offender is a person described in division (C)(7) of 1951  
section 2152.02 of the Revised Code, the ~~child~~ person may not be 1952  
transferred for detention pending the criminal prosecution in a 1953  
jail or other facility ~~in accordance with the law governing the~~ 1954  
~~detention of persons charged with crime~~ except under the 1955  
circumstances described in division (F)(4) of this section. Any 1956  
child ~~is~~ held in accordance with division (F)(3) of this section 1957  
shall be confined in a manner that keeps the child beyond the 1958  
~~range of touch~~ sight and sound of all adult detainees. The child 1959  
shall be supervised at all times during the detention. 1960

(2) If a person is adjudicated a delinquent child or juvenile 1961  
traffic offender or is a person described in division (C)(7) of 1962  
section 2152.02 of the Revised Code and the court makes a 1963  
disposition of the person under this chapter, at any time after 1964  
the person attains ~~eighteen~~ twenty-one years of age, the person 1965  
may be held under that disposition or under the circumstances 1966  
described in division (F)(4) of this section in places other than 1967

those specified in division (A) of this section, including, but 1968  
not limited to, a county, multicounty, or municipal jail or 1969  
workhouse, or other place where an adult convicted of crime, under 1970  
arrest, or charged with crime is held. 1971

(3)(a) A person alleged to be a delinquent child may be held 1972  
in places other than those specified in division (A) of this 1973  
section, including, but not limited to, a county, multicounty, or 1974  
municipal jail, if the delinquent act that the child allegedly 1975  
committed would be a felony if committed by an adult, and if 1976  
either of the following applies: 1977

(i) The person attains ~~eighteen~~ twenty-one years of age 1978  
before the person is arrested or apprehended for that act. 1979

(ii) The person is arrested or apprehended for that act 1980  
before the person attains ~~eighteen~~ twenty-one years of age, but 1981  
the person attains ~~eighteen~~ twenty-one years of age before the 1982  
court orders a disposition in the case. 1983

(b) If, pursuant to division (F)(3)(a) of this section, a 1984  
person is held in a place other than a place specified in division 1985  
(A) of this section, the person has the same rights to bail as an 1986  
adult charged with the same offense who is confined in a jail 1987  
pending trial. 1988

(4)(a) Any person whose case is transferred for criminal 1989  
prosecution pursuant to section 2151.10 or 2152.12 of the Revised 1990  
Code may be held under that disposition in places other than those 1991  
specified in division (A) of this section, including a county, 1992  
multicounty, or municipal jail or workhouse, or other place where 1993  
an adult under arrest or charged with crime is held if the 1994  
juvenile court, upon motion by the prosecutor and after notice and 1995  
hearing, establishes by a preponderance of the evidence and makes 1996  
written findings that the youth has done any of the following: 1997

(i) Injured or created an imminent danger to the life or 1998

<u>health of another youth or staff member in the facility or program</u>	1999
<u>by violent behavior;</u>	2000
<u>(ii) Escaped from the facility or program in which the youth</u>	2001
<u>is being held on more than one occasion;</u>	2002
<u>(iii) Established a pattern of disruptive behavior as</u>	2003
<u>verified by a written record that the youth's behavior is not</u>	2004
<u>conducive to the established policies and procedures of the</u>	2005
<u>facility or program in which the youth is being held.</u>	2006
<u>(b) If the prosecutor submits a motion requesting that the</u>	2007
<u>person be held in a place other than those specified in division</u>	2008
<u>(A) of this section, the juvenile court shall hold a hearing</u>	2009
<u>within five days of the filing of the motion, and, in determining</u>	2010
<u>whether a place other than those specified in division (A) of this</u>	2011
<u>section is the appropriate place of confinement for the person,</u>	2012
<u>the court shall consider the following factors:</u>	2013
<u>(i) The age of the person;</u>	2014
<u>(ii) Whether the person would be deprived of contact with</u>	2015
<u>other people for a significant portion of the day or would not</u>	2016
<u>have access to recreational facilities or age-appropriate</u>	2017
<u>educational opportunities in order to provide physical separation</u>	2018
<u>from adults;</u>	2019
<u>(iii) The person's current emotional state, intelligence, and</u>	2020
<u>developmental maturity, including any emotional and psychological</u>	2021
<u>trauma, and the risk to the person in an adult facility, which may</u>	2022
<u>be evidenced by mental health or psychological assessments or</u>	2023
<u>screenings made available to the prosecuting attorney and the</u>	2024
<u>defense counsel;</u>	2025
<u>(iv) Whether detention in a juvenile facility would</u>	2026
<u>adequately serve the need for community protection pending the</u>	2027
<u>outcome of the criminal proceeding;</u>	2028

(v) The relative ability of the available adult and juvenile detention facilities to meet the needs of the person, including the person's need for age-appropriate mental health and educational services delivered by individuals specifically trained to deal with youth; 2029  
2030  
2031  
2032  
2033

(vi) Whether the person presents an imminent risk of self-inflicted harm or an imminent risk of harm to others within a juvenile facility; 2034  
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(vii) Any other factors the juvenile court considers to be relevant. 2037  
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(c) If the juvenile court determines that a place other than those specified in division (A) of this section is the appropriate place for confinement of a person pursuant to division (F)(4)(a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision or thirty days after any subsequent review hearing. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (A) of this section based on the factors listed in division (F)(4)(b) of this section. 2039  
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(d) Upon the admission of a person described in division (F)(4)(a) of this section to a place other than those specified in division (A) of this section, the facility shall advise the person of the person's right to request a review hearing as described in division (F)(4)(d) of this section. 2051  
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(e) Any person transferred under division (F)(4)(a) of this section to a place other than those specified in division (A) of this section shall be confined in a manner that keeps the person beyond sight and sound of all adult detainees. The person shall be 2056  
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supervised at all times during the detention. 2060

**Sec. 2901.01.** (A) As used in the Revised Code: 2061

(1) "Force" means any violence, compulsion, or constraint 2062  
physically exerted by any means upon or against a person or thing. 2063

(2) "Deadly force" means any force that carries a substantial 2064  
risk that it will proximately result in the death of any person. 2065

(3) "Physical harm to persons" means any injury, illness, or 2066  
other physiological impairment, regardless of its gravity or 2067  
duration. 2068

(4) "Physical harm to property" means any tangible or 2069  
intangible damage to property that, in any degree, results in loss 2070  
to its value or interferes with its use or enjoyment. "Physical 2071  
harm to property" does not include wear and tear occasioned by 2072  
normal use. 2073

(5) "Serious physical harm to persons" means any of the 2074  
following: 2075

(a) Any mental illness or condition of such gravity as would 2076  
normally require hospitalization or prolonged psychiatric 2077  
treatment; 2078

(b) Any physical harm that carries a substantial risk of 2079  
death; 2080

(c) Any physical harm that involves some permanent 2081  
incapacity, whether partial or total, or that involves some 2082  
temporary, substantial incapacity; 2083

(d) Any physical harm that involves some permanent 2084  
disfigurement or that involves some temporary, serious 2085  
disfigurement; 2086

(e) Any physical harm that involves acute pain of such 2087  
duration as to result in substantial suffering or that involves 2088

any degree of prolonged or intractable pain. 2089

(6) "Serious physical harm to property" means any physical 2090  
harm to property that does either of the following: 2091

(a) Results in substantial loss to the value of the property 2092  
or requires a substantial amount of time, effort, or money to 2093  
repair or replace; 2094

(b) Temporarily prevents the use or enjoyment of the property 2095  
or substantially interferes with its use or enjoyment for an 2096  
extended period of time. 2097

(7) "Risk" means a significant possibility, as contrasted 2098  
with a remote possibility, that a certain result may occur or that 2099  
certain circumstances may exist. 2100

(8) "Substantial risk" means a strong possibility, as 2101  
contrasted with a remote or significant possibility, that a 2102  
certain result may occur or that certain circumstances may exist. 2103

(9) "Offense of violence" means any of the following: 2104

(a) A violation of section 2903.01, 2903.02, 2903.03, 2105  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2106  
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2107  
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2108  
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2109  
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section 2110  
2911.12, or of division (B)(1), (2), (3), or (4) of section 2111  
2919.22 of the Revised Code or felonious sexual penetration in 2112  
violation of former section 2907.12 of the Revised Code; 2113

(b) A violation of an existing or former municipal ordinance 2114  
or law of this or any other state or the United States, 2115  
substantially equivalent to any section, division, or offense 2116  
listed in division (A)(9)(a) of this section; 2117

(c) An offense, other than a traffic offense, under an 2118

existing or former municipal ordinance or law of this or any other 2119  
state or the United States, committed purposely or knowingly, and 2120  
involving physical harm to persons or a risk of serious physical 2121  
harm to persons; 2122

(d) A conspiracy or attempt to commit, or complicity in 2123  
committing, any offense under division (A)(9)(a), (b), or (c) of 2124  
this section. 2125

(10)(a) "Property" means any property, real or personal, 2126  
tangible or intangible, and any interest or license in that 2127  
property. "Property" includes, but is not limited to, cable 2128  
television service, other telecommunications service, 2129  
telecommunications devices, information service, computers, data, 2130  
computer software, financial instruments associated with 2131  
computers, other documents associated with computers, or copies of 2132  
the documents, whether in machine or human readable form, trade 2133  
secrets, trademarks, copyrights, patents, and property protected 2134  
by a trademark, copyright, or patent. "Financial instruments 2135  
associated with computers" include, but are not limited to, 2136  
checks, drafts, warrants, money orders, notes of indebtedness, 2137  
certificates of deposit, letters of credit, bills of credit or 2138  
debit cards, financial transaction authorization mechanisms, 2139  
marketable securities, or any computer system representations of 2140  
any of them. 2141

(b) As used in division (A)(10) of this section, "trade 2142  
secret" has the same meaning as in section 1333.61 of the Revised 2143  
Code, and "telecommunications service" and "information service" 2144  
have the same meanings as in section 2913.01 of the Revised Code. 2145

(c) As used in divisions (A)(10) and (13) of this section, 2146  
"cable television service," "computer," "computer software," 2147  
"computer system," "computer network," "data," and 2148  
"telecommunications device" have the same meanings as in section 2149  
2913.01 of the Revised Code. 2150

- (11) "Law enforcement officer" means any of the following: 2151
- (a) A sheriff, deputy sheriff, constable, police officer of a 2152  
township or joint police district, marshal, deputy marshal, 2153  
municipal police officer, member of a police force employed by a 2154  
metropolitan housing authority under division (D) of section 2155  
3735.31 of the Revised Code, or state highway patrol trooper; 2156
- (b) An officer, agent, or employee of the state or any of its 2157  
agencies, instrumentalities, or political subdivisions, upon whom, 2158  
by statute, a duty to conserve the peace or to enforce all or 2159  
certain laws is imposed and the authority to arrest violators is 2160  
conferred, within the limits of that statutory duty and authority; 2161
- (c) A mayor, in the mayor's capacity as chief conservator of 2162  
the peace within the mayor's municipal corporation; 2163
- (d) A member of an auxiliary police force organized by 2164  
county, township, or municipal law enforcement authorities, within 2165  
the scope of the member's appointment or commission; 2166
- (e) A person lawfully called pursuant to section 311.07 of 2167  
the Revised Code to aid a sheriff in keeping the peace, for the 2168  
purposes and during the time when the person is called; 2169
- (f) A person appointed by a mayor pursuant to section 737.01 2170  
of the Revised Code as a special patrolling officer during riot or 2171  
emergency, for the purposes and during the time when the person is 2172  
appointed; 2173
- (g) A member of the organized militia of this state or the 2174  
armed forces of the United States, lawfully called to duty to aid 2175  
civil authorities in keeping the peace or protect against domestic 2176  
violence; 2177
- (h) A prosecuting attorney, assistant prosecuting attorney, 2178  
secret service officer, or municipal prosecutor; 2179
- (i) A veterans' home police officer appointed under section 2180

5907.02 of the Revised Code;	2181
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	2182 2183 2184
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	2185 2186
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	2187 2188 2189 2190
(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	2191 2192 2193 2194 2195 2196 2197 2198 2199
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	2200 2201 2202 2203
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:	2204 2205 2206 2207 2208 2209
(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;	2210 2211

(b) Any unlawful gambling device or paraphernalia;	2212
(c) Any dangerous ordnance or obscene material.	2213
(14) A person is "not guilty by reason of insanity" relative	2214
to a charge of an offense only if the person proves, in the manner	2215
specified in section 2901.05 of the Revised Code, that at the time	2216
of the commission of the offense, the person did not know, as a	2217
result of a severe mental disease or defect, the wrongfulness of	2218
the person's acts.	2219
(B)(1)(a) Subject to division (B)(2) of this section, as used	2220
in any section contained in Title XXIX of the Revised Code that	2221
sets forth a criminal offense, "person" includes all of the	2222
following:	2223
(i) An individual, corporation, business trust, estate,	2224
trust, partnership, and association;	2225
(ii) An unborn human who is viable.	2226
(b) As used in any section contained in Title XXIX of the	2227
Revised Code that does not set forth a criminal offense, "person"	2228
includes an individual, corporation, business trust, estate,	2229
trust, partnership, and association.	2230
(c) As used in division (B)(1)(a) of this section:	2231
(i) "Unborn human" means an individual organism of the	2232
species Homo sapiens from fertilization until live birth.	2233
(ii) "Viable" means the stage of development of a human fetus	2234
at which there is a realistic possibility of maintaining and	2235
nourishing of a life outside the womb with or without temporary	2236
artificial life-sustaining support.	2237
(2) Notwithstanding division (B)(1)(a) of this section, in no	2238
case shall the portion of the definition of the term "person" that	2239
is set forth in division (B)(1)(a)(ii) of this section be applied	2240
or construed in any section contained in Title XXIX of the Revised	2241

Code that sets forth a criminal offense in any of the following 2242  
manners: 2243

(a) Except as otherwise provided in division (B)(2)(a) of 2244  
this section, in a manner so that the offense prohibits or is 2245  
construed as prohibiting any pregnant woman or her physician from 2246  
performing an abortion with the consent of the pregnant woman, 2247  
with the consent of the pregnant woman implied by law in a medical 2248  
emergency, or with the approval of one otherwise authorized by law 2249  
to consent to medical treatment on behalf of the pregnant woman. 2250  
An abortion that violates the conditions described in the 2251  
immediately preceding sentence may be punished as a violation of 2252  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2253  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 2254  
of the Revised Code, as applicable. An abortion that does not 2255  
violate the conditions described in the second immediately 2256  
preceding sentence, but that does violate section 2919.12, 2257  
division (B) of section 2919.13, or section 2919.151, 2919.17, or 2258  
2919.18 of the Revised Code, may be punished as a violation of 2259  
section 2919.12, division (B) of section 2919.13, or section 2260  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 2261  
Consent is sufficient under this division if it is of the type 2262  
otherwise adequate to permit medical treatment to the pregnant 2263  
woman, even if it does not comply with section 2919.12 of the 2264  
Revised Code. 2265

(b) In a manner so that the offense is applied or is 2266  
construed as applying to a woman based on an act or omission of 2267  
the woman that occurs while she is or was pregnant and that 2268  
results in any of the following: 2269

(i) Her delivery of a stillborn baby; 2270

(ii) Her causing, in any other manner, the death in utero of 2271  
a viable, unborn human that she is carrying; 2272

(iii) Her causing the death of her child who is born alive	2273
but who dies from one or more injuries that are sustained while	2274
the child is a viable, unborn human;	2275
(iv) Her causing her child who is born alive to sustain one	2276
or more injuries while the child is a viable, unborn human;	2277
(v) Her causing, threatening to cause, or attempting to	2278
cause, in any other manner, an injury, illness, or other	2279
physiological impairment, regardless of its duration or gravity,	2280
or a mental illness or condition, regardless of its duration or	2281
gravity, to a viable, unborn human that she is carrying.	2282
(C) As used in Title XXIX of the Revised Code:	2283
(1) "School safety zone" consists of a school, school	2284
building, school premises, school activity, and school bus.	2285
(2) "School," "school building," and "school premises" have	2286
the same meanings as in section 2925.01 of the Revised Code.	2287
(3) "School activity" means any activity held under the	2288
auspices of a board of education of a city, local, exempted	2289
village, joint vocational, or cooperative education school	2290
district; a governing authority of a community school established	2291
under Chapter 3314. of the Revised Code; a governing board of an	2292
educational service center, or the governing body of a school for	2293
which the state board of education prescribes minimum standards	2294
under section 3301.07 of the Revised Code.	2295
(4) "School bus" has the same meaning as in section 4511.01	2296
of the Revised Code.	2297
<u>(5) "Indigent," when used in connection with the payment of a</u>	2298
<u>fine, costs, or a fee, means unable to pay the fine, costs, or</u>	2299
<u>fee. There is a rebuttable presumption that a person is indigent</u>	2300
<u>if the person has an income that is equal to or less than the</u>	2301
<u>income set forth in the federal poverty guidelines as revised</u>	2302

annually by the United States department of health and human 2303  
services in accordance with section 673(2) of the "Omnibus Budget 2304  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 2305  
amended, for a family size equal to the size of the family of the 2306  
person whose income is being determined. 2307

**Sec. 2907.24.** (A) No person shall solicit another to engage 2308  
with such other person in sexual activity for hire. 2309

(B) No person, with knowledge that the person has tested 2310  
positive as a carrier of a virus that causes acquired 2311  
immunodeficiency syndrome, shall engage in conduct in violation of 2312  
division (A) of this section. 2313

(C)(1) Whoever violates division (A) of this section is 2314  
guilty of soliciting, a misdemeanor of the third degree. 2315

(2) Whoever violates division (B) of this section is guilty 2316  
of engaging in solicitation after a positive HIV test. If the 2317  
offender commits the violation prior to July 1, 1996, engaging in 2318  
solicitation after a positive HIV test is a felony of the second 2319  
degree. If the offender commits the violation on or after July 1, 2320  
1996, engaging in solicitation after a positive HIV test is a 2321  
felony of the third degree. 2322

(D) If a person is convicted of or pleads guilty to a 2323  
violation of any provision of this section, an attempt to commit a 2324  
violation of any provision of this section, or a violation of or 2325  
an attempt to commit a violation of a municipal ordinance that is 2326  
substantially equivalent to any provision of this section and if 2327  
the person, in committing or attempting to commit the violation, 2328  
was in, was on, or used a motor vehicle, the court, in addition to 2329  
or independent of all other penalties imposed for the violation, 2330  
~~shall~~ may impose upon the offender a class six suspension of the 2331  
person's driver's license, commercial driver's license, temporary 2332  
instruction permit, probationary license, or nonresident operating 2333

privilege from the range specified in division (A)(6) of section 2334  
4510.02 of the Revised Code. In lieu of imposing upon the offender 2335  
the class six suspension, the court instead may require the 2336  
offender to perform community service for a number of hours 2337  
determined by the court. 2338

**Sec. 2913.02.** (A) No person, with purpose to deprive the 2339  
owner of property or services, shall knowingly obtain or exert 2340  
control over either the property or services in any of the 2341  
following ways: 2342

(1) Without the consent of the owner or person authorized to 2343  
give consent; 2344

(2) Beyond the scope of the express or implied consent of the 2345  
owner or person authorized to give consent; 2346

(3) By deception; 2347

(4) By threat; 2348

(5) By intimidation. 2349

(B)(1) Whoever violates this section is guilty of theft. 2350

(2) Except as otherwise provided in this division or division 2351  
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 2352  
this section is petty theft, a misdemeanor of the first degree. If 2353  
the value of the property or services stolen is one thousand 2354  
dollars or more and is less than seven thousand five hundred 2355  
dollars or if the property stolen is any of the property listed in 2356  
section 2913.71 of the Revised Code, a violation of this section 2357  
is theft, a felony of the fifth degree. If the value of the 2358  
property or services stolen is seven thousand five hundred dollars 2359  
or more and is less than one hundred fifty thousand dollars, a 2360  
violation of this section is grand theft, a felony of the fourth 2361  
degree. If the value of the property or services stolen is one 2362  
hundred fifty thousand dollars or more and is less than seven 2363

hundred fifty thousand dollars, a violation of this section is 2364  
aggravated theft, a felony of the third degree. If the value of 2365  
the property or services is seven hundred fifty thousand dollars 2366  
or more and is less than one million five hundred thousand 2367  
dollars, a violation of this section is aggravated theft, a felony 2368  
of the second degree. If the value of the property or services 2369  
stolen is one million five hundred thousand dollars or more, a 2370  
violation of this section is aggravated theft of one million five 2371  
hundred thousand dollars or more, a felony of the first degree. 2372

(3) Except as otherwise provided in division (B)(4), (5), 2373  
(6), (7), or (8) of this section, if the victim of the offense is 2374  
an elderly person or disabled adult, a violation of this section 2375  
is theft from an elderly person or disabled adult, and division 2376  
(B)(3) of this section applies. Except as otherwise provided in 2377  
this division, theft from an elderly person or disabled adult is a 2378  
felony of the fifth degree. If the value of the property or 2379  
services stolen is one thousand dollars or more and is less than 2380  
seven thousand five hundred dollars, theft from an elderly person 2381  
or disabled adult is a felony of the fourth degree. If the value 2382  
of the property or services stolen is seven thousand five hundred 2383  
dollars or more and is less than thirty-seven thousand five 2384  
hundred dollars, theft from an elderly person or disabled adult is 2385  
a felony of the third degree. If the value of the property or 2386  
services stolen is thirty-seven thousand five hundred dollars or 2387  
more and is less than one hundred fifty thousand dollars, theft 2388  
from an elderly person or disabled adult is a felony of the second 2389  
degree. If the value of the property or services stolen is one 2390  
hundred fifty thousand dollars or more, theft from an elderly 2391  
person or disabled adult is a felony of the first degree. 2392

(4) If the property stolen is a firearm or dangerous 2393  
ordnance, a violation of this section is grand theft. Except as 2394  
otherwise provided in this division, grand theft when the property 2395

stolen is a firearm or dangerous ordnance is a felony of the third 2396  
degree, and there is a presumption in favor of the court imposing 2397  
a prison term for the offense. If the firearm or dangerous 2398  
ordnance was stolen from a federally licensed firearms dealer, 2399  
grand theft when the property stolen is a firearm or dangerous 2400  
ordnance is a felony of the first degree. The offender shall serve 2401  
a prison term imposed for grand theft when the property stolen is 2402  
a firearm or dangerous ordnance consecutively to any other prison 2403  
term or mandatory prison term previously or subsequently imposed 2404  
upon the offender. 2405

(5) If the property stolen is a motor vehicle, a violation of 2406  
this section is grand theft of a motor vehicle, a felony of the 2407  
fourth degree. 2408

(6) If the property stolen is any dangerous drug, a violation 2409  
of this section is theft of drugs, a felony of the fourth degree, 2410  
or, if the offender previously has been convicted of a felony drug 2411  
abuse offense, a felony of the third degree. 2412

(7) If the property stolen is a police dog or horse or an 2413  
assistance dog and the offender knows or should know that the 2414  
property stolen is a police dog or horse or an assistance dog, a 2415  
violation of this section is theft of a police dog or horse or an 2416  
assistance dog, a felony of the third degree. 2417

(8) If the property stolen is anhydrous ammonia, a violation 2418  
of this section is theft of anhydrous ammonia, a felony of the 2419  
third degree. 2420

(9) In addition to the penalties described in division (B)(2) 2421  
of this section, if the offender committed the violation by 2422  
causing a motor vehicle to leave the premises of an establishment 2423  
at which gasoline is offered for retail sale without the offender 2424  
making full payment for gasoline that was dispensed into the fuel 2425  
tank of the motor vehicle or into another container, the court may 2426

do one of the following: 2427

(a) Unless division (B)(9)(b) of this section applies, 2428  
suspend for not more than six months the offender's driver's 2429  
license, probationary driver's license, commercial driver's 2430  
license, temporary instruction permit, or nonresident operating 2431  
privilege; 2432

(b) If the offender's driver's license, probationary driver's 2433  
license, commercial driver's license, temporary instruction 2434  
permit, or nonresident operating privilege has previously been 2435  
suspended pursuant to division (B)(9)(a) of this section, impose a 2436  
class seven suspension of the offender's license, permit, or 2437  
privilege from the range specified in division (A)(7) of section 2438  
4510.02 of the Revised Code, provided that the suspension shall be 2439  
for at least six months. 2440

(c) The court, in lieu of suspending the offender's driver's 2441  
or commercial driver's license, probationary driver's license, 2442  
temporary instruction permit, or nonresident operating privilege 2443  
pursuant to division (B)(9)(a) or (b) of this section, instead may 2444  
require the offender to perform community service for a number of 2445  
hours determined by the court. 2446

(10) In addition to the penalties described in division 2447  
(B)(2) of this section, if the offender committed the violation by 2448  
stealing rented property or rental services, the court may order 2449  
that the offender make restitution pursuant to section 2929.18 or 2450  
2929.28 of the Revised Code. Restitution may include, but is not 2451  
limited to, the cost of repairing or replacing the stolen 2452  
property, or the cost of repairing the stolen property and any 2453  
loss of revenue resulting from deprivation of the property due to 2454  
theft of rental services that is less than or equal to the actual 2455  
value of the property at the time it was rented. Evidence of 2456  
intent to commit theft of rented property or rental services shall 2457  
be determined pursuant to the provisions of section 2913.72 of the 2458

Revised Code. 2459

(C) The sentencing court that suspends an offender's license, 2460  
permit, or nonresident operating privilege under division (B)(9) 2461  
of this section may grant the offender limited driving privileges 2462  
during the period of the suspension in accordance with Chapter 2463  
4510. of the Revised Code. 2464

**Sec. 2923.122.** (A) No person shall knowingly convey, or 2465  
attempt to convey, a deadly weapon or dangerous ordnance into a 2466  
school safety zone. 2467

(B) No person shall knowingly possess a deadly weapon or 2468  
dangerous ordnance in a school safety zone. 2469

(C) No person shall knowingly possess an object in a school 2470  
safety zone if both of the following apply: 2471

(1) The object is indistinguishable from a firearm, whether 2472  
or not the object is capable of being fired. 2473

(2) The person indicates that the person possesses the object 2474  
and that it is a firearm, or the person knowingly displays or 2475  
brandishes the object and indicates that it is a firearm. 2476

(D)(1) This section does not apply to any of the following: 2477

(a) An officer, agent, or employee of this or any other state 2478  
or the United States, or a law enforcement officer, who is 2479  
authorized to carry deadly weapons or dangerous ordnance and is 2480  
acting within the scope of the officer's, agent's, or employee's 2481  
duties, a security officer employed by a board of education or 2482  
governing body of a school during the time that the security 2483  
officer is on duty pursuant to that contract of employment, or any 2484  
other person who has written authorization from the board of 2485  
education or governing body of a school to convey deadly weapons 2486  
or dangerous ordnance into a school safety zone or to possess a 2487  
deadly weapon or dangerous ordnance in a school safety zone and 2488

who conveys or possesses the deadly weapon or dangerous ordnance 2489  
in accordance with that authorization; 2490

(b) Any person who is employed in this state, who is 2491  
authorized to carry deadly weapons or dangerous ordnance, and who 2492  
is subject to and in compliance with the requirements of section 2493  
109.801 of the Revised Code, unless the appointing authority of 2494  
the person has expressly specified that the exemption provided in 2495  
division (D)(1)(b) of this section does not apply to the person. 2496

(2) Division (C) of this section does not apply to premises 2497  
upon which home schooling is conducted. Division (C) of this 2498  
section also does not apply to a school administrator, teacher, or 2499  
employee who possesses an object that is indistinguishable from a 2500  
firearm for legitimate school purposes during the course of 2501  
employment, a student who uses an object that is indistinguishable 2502  
from a firearm under the direction of a school administrator, 2503  
teacher, or employee, or any other person who with the express 2504  
prior approval of a school administrator possesses an object that 2505  
is indistinguishable from a firearm for a legitimate purpose, 2506  
including the use of the object in a ceremonial activity, a play, 2507  
reenactment, or other dramatic presentation, or a ROTC activity or 2508  
another similar use of the object. 2509

(3) This section does not apply to a person who conveys or 2510  
attempts to convey a handgun into, or possesses a handgun in, a 2511  
school safety zone if, at the time of that conveyance, attempted 2512  
conveyance, or possession of the handgun, all of the following 2513  
apply: 2514

(a) The person does not enter into a school building or onto 2515  
school premises and is not at a school activity. 2516

(b) The person is carrying a valid license or temporary 2517  
emergency license to carry a concealed handgun issued to the 2518  
person under section 2923.125 or 2923.1213 of the Revised Code or 2519

a license to carry a concealed handgun that was issued by another 2520  
state with which the attorney general has entered into a 2521  
reciprocity agreement under section 109.69 of the Revised Code. 2522

(c) The person is in the school safety zone in accordance 2523  
with 18 U.S.C. 922(q)(2)(B). 2524

(d) The person is not knowingly in a place described in 2525  
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 2526  
Revised Code. 2527

(4) This section does not apply to a person who conveys or 2528  
attempts to convey a handgun into, or possesses a handgun in, a 2529  
school safety zone if at the time of that conveyance, attempted 2530  
conveyance, or possession of the handgun all of the following 2531  
apply: 2532

(a) The person is carrying a valid license or temporary 2533  
emergency license to carry a concealed handgun issued to the 2534  
person under section 2923.125 or 2923.1213 of the Revised Code or 2535  
a license to carry a concealed handgun that was issued by another 2536  
state with which the attorney general has entered into a 2537  
reciprocity agreement under section 109.69 of the Revised Code. 2538

(b) The person is the driver or passenger in a motor vehicle 2539  
and is in the school safety zone while immediately in the process 2540  
of picking up or dropping off a child. 2541

(c) The person is not in violation of section 2923.16 of the 2542  
Revised Code. 2543

(E)(1) Whoever violates division (A) or (B) of this section 2544  
is guilty of illegal conveyance or possession of a deadly weapon 2545  
or dangerous ordnance in a school safety zone. Except as otherwise 2546  
provided in this division, illegal conveyance or possession of a 2547  
deadly weapon or dangerous ordnance in a school safety zone is a 2548  
felony of the fifth degree. If the offender previously has been 2549  
convicted of a violation of this section, illegal conveyance or 2550

possession of a deadly weapon or dangerous ordnance in a school 2551  
safety zone is a felony of the fourth degree. 2552

(2) Whoever violates division (C) of this section is guilty 2553  
of illegal possession of an object indistinguishable from a 2554  
firearm in a school safety zone. Except as otherwise provided in 2555  
this division, illegal possession of an object indistinguishable 2556  
from a firearm in a school safety zone is a misdemeanor of the 2557  
first degree. If the offender previously has been convicted of a 2558  
violation of this section, illegal possession of an object 2559  
indistinguishable from a firearm in a school safety zone is a 2560  
felony of the fifth degree. 2561

(F)(1) In addition to any other penalty imposed upon a person 2562  
who is convicted of or pleads guilty to a violation of this 2563  
section and subject to division (F)(2) of this section, if the 2564  
offender has not attained nineteen years of age, regardless of 2565  
whether the offender is attending or is enrolled in a school 2566  
operated by a board of education or for which the state board of 2567  
education prescribes minimum standards under section 3301.07 of 2568  
the Revised Code, the court shall impose upon the offender a class 2569  
four suspension of the offender's probationary driver's license, 2570  
restricted license, driver's license, commercial driver's license, 2571  
temporary instruction permit, or probationary commercial driver's 2572  
license that then is in effect from the range specified in 2573  
division (A)(4) of section 4510.02 of the Revised Code and shall 2574  
deny the offender the issuance of any permit or license of that 2575  
type during the period of the suspension. 2576

If the offender is not a resident of this state, the court 2577  
shall impose a class four suspension of the nonresident operating 2578  
privilege of the offender from the range specified in division 2579  
(A)(4) of section 4510.02 of the Revised Code. 2580

(2) If the offender shows good cause why the court should not 2581  
suspend one of the types of licenses, permits, or privileges 2582

specified in division (F)(1) of this section or deny the issuance 2583  
of one of the temporary instruction permits specified in that 2584  
division, the court in its discretion may choose not to impose the 2585  
suspension, revocation, or denial required in that division, but 2586  
the court, in its discretion, instead may require the offender to 2587  
perform community service for a number of hours determined by the 2588  
court. 2589

(G) As used in this section, "object that is 2590  
indistinguishable from a firearm" means an object made, 2591  
constructed, or altered so that, to a reasonable person without 2592  
specialized training in firearms, the object appears to be a 2593  
firearm. 2594

**Sec. 2925.14.** (A) As used in this section, "drug 2595  
paraphernalia" means any equipment, product, or material of any 2596  
kind that is used by the offender, intended by the offender for 2597  
use, or designed for use, in propagating, cultivating, growing, 2598  
harvesting, manufacturing, compounding, converting, producing, 2599  
processing, preparing, testing, analyzing, packaging, repackaging, 2600  
storing, containing, concealing, injecting, ingesting, inhaling, 2601  
or otherwise introducing into the human body, a controlled 2602  
substance in violation of this chapter. "Drug paraphernalia" 2603  
includes, but is not limited to, any of the following equipment, 2604  
products, or materials that are used by the offender, intended by 2605  
the offender for use, or designed by the offender for use, in any 2606  
of the following manners: 2607

(1) A kit for propagating, cultivating, growing, or 2608  
harvesting any species of a plant that is a controlled substance 2609  
or from which a controlled substance can be derived; 2610

(2) A kit for manufacturing, compounding, converting, 2611  
producing, processing, or preparing a controlled substance; 2612

(3) Any object, instrument, or device for manufacturing, 2613

compounding, converting, producing, processing, or preparing	2614
methamphetamine;	2615
(4) An isomerization device for increasing the potency of any	2616
species of a plant that is a controlled substance;	2617
(5) Testing equipment for identifying, or analyzing the	2618
strength, effectiveness, or purity of, a controlled substance;	2619
(6) A scale or balance for weighing or measuring a controlled	2620
substance;	2621
(7) A diluent or adulterant, such as quinine hydrochloride,	2622
mannitol, mannite, dextrose, or lactose, for cutting a controlled	2623
substance;	2624
(8) A separation gin or sifter for removing twigs and seeds	2625
from, or otherwise cleaning or refining, marihuana;	2626
(9) A blender, bowl, container, spoon, or mixing device for	2627
compounding a controlled substance;	2628
(10) A capsule, balloon, envelope, or container for packaging	2629
small quantities of a controlled substance;	2630
(11) A container or device for storing or concealing a	2631
controlled substance;	2632
(12) A hypodermic syringe, needle, or instrument for	2633
parenterally injecting a controlled substance into the human body;	2634
(13) An object, instrument, or device for ingesting,	2635
inhaling, or otherwise introducing into the human body, marihuana,	2636
cocaine, hashish, or hashish oil, such as a metal, wooden,	2637
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	2638
screen, permanent screen, hashish head, or punctured metal bowl;	2639
water pipe; carburetion tube or device; smoking or carburetion	2640
mask; roach clip or similar object used to hold burning material,	2641
such as a marihuana cigarette, that has become too small or too	2642
short to be held in the hand; miniature cocaine spoon, or cocaine	2643

vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2644  
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(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 2646  
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(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2649  
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(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 2651  
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(3) The proximity of the equipment, product, or material to any controlled substance; 2654  
2655

(4) The existence of any residue of a controlled substance on the equipment, product, or material; 2656  
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(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 2658  
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(6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 2668  
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(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 2670  
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(8) National or local advertising concerning the use of the equipment, product, or material; 2672  
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(9) The manner and circumstances in which the equipment,	2674
product, or material is displayed for sale;	2675
(10) Direct or circumstantial evidence of the ratio of the	2676
sales of the equipment, product, or material to the total sales of	2677
the business enterprise;	2678
(11) The existence and scope of legitimate uses of the	2679
equipment, product, or material in the community;	2680
(12) Expert testimony concerning the use of the equipment,	2681
product, or material.	2682
(C)(1) No person shall knowingly use, or possess with purpose	2683
to use, drug paraphernalia.	2684
(2) No person shall knowingly sell, or possess or manufacture	2685
with purpose to sell, drug paraphernalia, if the person knows or	2686
reasonably should know that the equipment, product, or material	2687
will be used as drug paraphernalia.	2688
(3) No person shall place an advertisement in any newspaper,	2689
magazine, handbill, or other publication that is published and	2690
printed and circulates primarily within this state, if the person	2691
knows that the purpose of the advertisement is to promote the	2692
illegal sale in this state of the equipment, product, or material	2693
that the offender intended or designed for use as drug	2694
paraphernalia.	2695
(D) This section does not apply to manufacturers, licensed	2696
health professionals authorized to prescribe drugs, pharmacists,	2697
owners of pharmacies, and other persons whose conduct is in	2698
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731.,	2699
and 4741. of the Revised Code. This section shall not be construed	2700
to prohibit the possession or use of a hypodermic as authorized by	2701
section 3719.172 of the Revised Code.	2702
(E) Notwithstanding Chapter 2981. of the Revised Code, any	2703

drug paraphernalia that was used, possessed, sold, or manufactured 2704  
in a violation of this section shall be seized, after a conviction 2705  
for that violation shall be forfeited, and upon forfeiture shall 2706  
be disposed of pursuant to division (B) of section 2981.12 of the 2707  
Revised Code. 2708

(F)(1) Whoever violates division (C)(1) of this section is 2709  
guilty of illegal use or possession of drug paraphernalia<sup>7</sup>. Except 2710  
as otherwise provided in division (F)(1) of this section, illegal 2711  
use or possession of drug paraphernalia is a misdemeanor of the 2712  
fourth degree. If the offender uses or possesses with purpose to 2713  
use the drug paraphernalia with marihuana, illegal use or 2714  
possession of drug paraphernalia is a minor misdemeanor. 2715

(2) Except as provided in division (F)(3) of this section, 2716  
whoever violates division (C)(2) of this section is guilty of 2717  
dealing in drug paraphernalia, a misdemeanor of the second degree. 2718

(3) Whoever violates division (C)(2) of this section by 2719  
selling drug paraphernalia to a juvenile is guilty of selling drug 2720  
paraphernalia to juveniles, a misdemeanor of the first degree. 2721

(4) Whoever violates division (C)(3) of this section is 2722  
guilty of illegal advertising of drug paraphernalia, a misdemeanor 2723  
of the second degree. 2724

(G) In addition to any other sanction imposed upon an 2725  
offender for a violation of this section, the court shall suspend 2726  
for not less than six months or more than five years the 2727  
offender's driver's or commercial driver's license or permit. If 2728  
the offender is a professionally licensed person, in addition to 2729  
any other sanction imposed for a violation of this section, the 2730  
court immediately shall comply with section 2925.38 of the Revised 2731  
Code. 2732

**Sec. 2949.08.** (A) When a person who is convicted of or pleads 2733

guilty to a felony is sentenced to a community residential 2734  
sanction in a community-based correctional facility pursuant to 2735  
section 2929.16 of the Revised Code or when a person who is 2736  
convicted of or pleads guilty to a felony or a misdemeanor is 2737  
sentenced to a term of imprisonment in a jail, the judge or 2738  
magistrate shall order the person into the custody of the sheriff 2739  
or constable, and the sheriff or constable shall deliver the 2740  
person with the record of the person's conviction to the jailer, 2741  
administrator, or keeper, in whose custody the person shall remain 2742  
until the term of imprisonment expires or the person is otherwise 2743  
legally discharged. 2744

(B) The record of the person's conviction shall specify the 2745  
total number of days, if any, that the person was confined for any 2746  
reason arising out of the offense for which the person was 2747  
convicted and sentenced prior to delivery to the jailer, 2748  
administrator, or keeper under this section. The record shall be 2749  
used to determine any reduction of sentence under division (C) of 2750  
this section. 2751

(C)(1) If the person is sentenced to a jail for a felony or a 2752  
misdemeanor, the jailer in charge of a jail shall reduce the 2753  
sentence of a person delivered into the jailer's custody pursuant 2754  
to division (A) of this section by the total number of days the 2755  
person was confined for any reason arising out of the offense for 2756  
which the person was convicted and sentenced, including 2757  
confinement in lieu of bail while awaiting trial, confinement for 2758  
examination to determine the person's competence to stand trial or 2759  
to determine sanity, ~~and~~ confinement while awaiting transportation 2760  
to the place where the person is to serve the sentence, and 2761  
confinement in a juvenile facility. 2762

(2) If the person is sentenced to a community-based 2763  
correctional facility for a felony, the total amount of time that 2764  
a person shall be confined in a community-based correctional 2765

facility, in a jail, and for any reason arising out of the offense 2766  
for which the person was convicted and sentenced prior to delivery 2767  
to the jailer, administrator, or keeper shall not exceed the 2768  
maximum prison term available for that offense. Any term in a jail 2769  
shall be reduced first pursuant to division (C)(1) of this section 2770  
by the total number of days the person was confined prior to 2771  
delivery to the jailer, administrator, or keeper. Only after the 2772  
term in a jail has been entirely reduced may the term in a 2773  
community-based correctional facility be reduced pursuant to this 2774  
division. This division does not affect the limitations placed on 2775  
the duration of a term in a jail or a community-based correctional 2776  
facility under divisions (A)(1), (2), and (3) of section 2929.16 2777  
of the Revised Code. 2778

(D) For purposes of divisions (B) and (C) of this section, a 2779  
person shall be considered to have been confined for a day if the 2780  
person was confined for any period or periods of time totaling 2781  
more than eight hours during that day. 2782

(E) As used in this section, "community-based correctional 2783  
facility" and "jail" have the same meanings as in section 2929.01 2784  
of the Revised Code. 2785

**Sec. 2953.25.** (A) As used in this section: 2786

(1) "Collateral sanction" means a penalty, disability, or 2787  
disadvantage that is related to employment or occupational 2788  
licensing, however denominated, as a result of the individual's 2789  
conviction of or plea of guilty to an offense and that applies by 2790  
operation of law in this state whether or not the penalty, 2791  
disability, or disadvantage is included in the sentence or 2792  
judgment imposed. 2793

"Collateral sanction" does not include imprisonment, 2794  
probation, parole, supervised release, forfeiture, restitution, 2795  
fine, assessment, or costs of prosecution. 2796

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance. 2797  
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(3) "Designee" means the person designated by the deputy director of the division of parole and community services of the department of rehabilitation and correction to perform the duties designated in division (B) of this section. 2804  
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(4) "Offense" means any felony or misdemeanor under the laws of this state. 2808  
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(5) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 2810  
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(B)(1) An individual who is subject to collateral sanctions as a result of being convicted of or pleading guilty to an offense may file a petition with the designee of the deputy director of the division of parole and community services of the department of rehabilitation and correction for a court order of limited relief. The individual may file a petition for an order of limited relief at any time after the individual completes a period of confinement in a state or local correctional facility. 2812  
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(2) Upon receiving a petition for an order of limited relief, the designee shall notify the prosecutor's office that prosecuted the offense that resulted in the imposition of the collateral sanction from which the individual seeks relief. 2820  
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(3)(a) The designee shall review the individual's petition for an order of limited relief, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the adult parole authority, and 2824  
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all other relevant evidence. The designee may order any test, 2828  
report, investigation, or disclosure by the individual that the 2829  
designee believes is necessary for the designee to reach a 2830  
decision on whether to forward the individual's petition for an 2831  
order of limited relief to the court that sentenced the individual 2832  
for the offense that resulted in the imposition of collateral 2833  
sanctions on the individual. 2834

(b) If the designee determines that the individual's petition 2835  
for an order of limited relief should be considered by the 2836  
sentencing court, the designee shall forward the petition to the 2837  
sentencing court. The designee shall make all filings, evidence, 2838  
reports, investigations, disclosures, and test results that the 2839  
designee obtained under division (B)(3)(a) of this section 2840  
available to the sentencing court. 2841

(c) If the designee declines to forward the individual's 2842  
petition for an order of limited relief to the sentencing court, 2843  
the designee shall provide written notice to the individual of the 2844  
designee's decision not to forward the petition. The designee may 2845  
place conditions on the individual regulating the individual's 2846  
filing of any subsequent petition for an order of limited relief. 2847  
The written notice shall notify the individual of any conditions 2848  
placed on the individual's filing of a new petition for an order 2849  
of limited relief. 2850

(C)(1) The court that receives an individual's petition for 2851  
an order of limited relief from the designee shall review the 2852  
individual's petition. 2853

(2) Subject to division (C)(3) of this section, the court 2854  
that receives an individual's petition for an order of limited 2855  
relief from the designee may issue an order of limited relief, at 2856  
the court's discretion, if the court finds that the individual has 2857  
established all of the following by a preponderance of the 2858  
evidence: 2859

(a) Granting the petition will materially assist the individual in obtaining employment, education, housing, public benefits, or occupational licensing. 2860  
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(b) The individual has a substantial need for the relief requested in order to live a law-abiding life. 2863  
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(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual. 2865  
2866

(3) The sentencing court shall not issue an order of limited relief from any of the following collateral sanctions: 2867  
2868

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 2869  
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(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 2872  
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(c) Restrictions on employment as a prosecutor or law enforcement officer; 2877  
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 2879  
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(e) The immediate suspension of a license, certificate, or 2889

evidence of registration that is imposed upon an individual 2890  
holding a license as a health care professional under Title XLVII 2891  
of the Revised Code pursuant to division (C) of section 3719.121 2892  
of the Revised Code; 2893

(f) The denial or ineligibility for employment in a pain 2894  
clinic under division (B)(4) of section 4729.552 of the Revised 2895  
Code; 2896

(g) The mandatory suspension of a license that is imposed on 2897  
an individual applying for or holding a license as a health care 2898  
professional under Title XLVII of the Revised Code pursuant to 2899  
section 3123.43 of the Revised Code. 2900

(D) An order of limited relief lifts the automatic bar of a 2901  
collateral sanction, and a decision-maker may consider on a 2902  
case-by-case basis whether it is appropriate to grant or deny the 2903  
issuance or restoration of an occupational license or an 2904  
employment opportunity. 2905

(E) An order of limited relief does not grant the individual 2906  
to whom the order was issued relief from the mandatory civil 2907  
impacts identified in division (A)(1) of section 2961.01 or 2908  
division (B) of section 2961.02 of the Revised Code at any time 2909  
during the individual's term of supervision. 2910

(F) The adult parole authority may adopt rules in accordance 2911  
with Chapter 119. of the Revised Code governing the designee's 2912  
performance of the duties assigned to the designee by division (B) 2913  
of this section. 2914

(G)(1) In a judicial or administrative proceeding alleging 2915  
negligence or other fault, an order of limited relief may be 2916  
introduced as evidence of a person's due care in hiring, 2917  
retaining, licensing, leasing to, admitting to a school or 2918  
program, or otherwise transacting business or engaging in activity 2919  
with the individual to whom the order of limited relief was issued 2920

if the person knew of the order at the time of the alleged 2921  
negligence or other fault. 2922

(2) In any proceeding on a claim against an employer for 2923  
negligent hiring, an order of limited relief shall provide 2924  
immunity for the employer as to the claim if the employer knew of 2925  
the order at the time of the alleged negligence. 2926

(H) An order of limited relief shall be presumptively revoked 2927  
if the individual to whom the order of limited relief was issued 2928  
is convicted of or pleads guilty to a felony offense committed 2929  
subsequent to the issuance of the order of limited relief. 2930

(I) The designee's forwarding of, or failure to forward, an 2931  
individual's petition for an order of limited relief under 2932  
division (B) of this section does not give rise to a claim for 2933  
damages against the department of rehabilitation and correction. 2934

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of the 2935  
Revised Code: 2936

(A) "~~First~~ Eligible offender" means anyone who has been 2937  
convicted of an offense in this state or any other jurisdiction 2938  
and who ~~previously or subsequently has not been convicted of the~~ 2939  
~~same or a different offense~~ has not more than one felony 2940  
conviction and not more than one misdemeanor conviction in this 2941  
state or any other jurisdiction. When two or more convictions 2942  
result from or are connected with the same act or result from 2943  
offenses committed at the same time, they shall be counted as one 2944  
conviction. When two or three convictions result from the same 2945  
indictment, information, or complaint, from the same plea of 2946  
guilty, or from the same official proceeding, and result from 2947  
related criminal acts that were committed within a three-month 2948  
period but do not result from the same act or from offenses 2949  
committed at the same time, they shall be counted as one 2950  
conviction, provided that a court may decide as provided in 2951

division (C)(1)(a) of section 2953.32 of the Revised Code that it 2952  
is not in the public interest for the two or three convictions to 2953  
be counted as one conviction. 2954

For purposes of, and except as otherwise provided in, this 2955  
division, a conviction for a minor misdemeanor, for a violation of 2956  
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 2957  
Revised Code, or for a violation of a municipal ordinance that is 2958  
substantially similar to any section in those chapters is not a 2959  
~~previous or subsequent~~ conviction. However, a conviction for a 2960  
violation of section 4511.19, 4511.251, 4549.02, 4549.021, 2961  
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of 2962  
the Revised Code, for a violation of section 4510.11 or 4510.14 of 2963  
the Revised Code that is based upon the offender's operation of a 2964  
vehicle during a suspension imposed under section 4511.191 or 2965  
4511.196 of the Revised Code, for a violation of a substantially 2966  
equivalent municipal ordinance, for a felony violation of Title 2967  
XLV of the Revised Code, or for a violation of a substantially 2968  
equivalent former law of this state or former municipal ordinance 2969  
shall be considered a ~~previous or subsequent~~ conviction. 2970

(B) "Prosecutor" means the county prosecuting attorney, city 2971  
director of law, village solicitor, or similar chief legal 2972  
officer, who has the authority to prosecute a criminal case in the 2973  
court in which the case is filed. 2974

(C) "Bail forfeiture" means the forfeiture of bail by a 2975  
defendant who is arrested for the commission of a misdemeanor, 2976  
other than a defendant in a traffic case as defined in Traffic 2977  
Rule 2, if the forfeiture is pursuant to an agreement with the 2978  
court and prosecutor in the case. 2979

(D) "Official records" has the same meaning as in division 2980  
(D) of section 2953.51 of the Revised Code. 2981

(E) "Official proceeding" has the same meaning as in section 2982

2921.01 of the Revised Code. 2983

(F) "Community control sanction" has the same meaning as in 2984  
section 2929.01 of the Revised Code. 2985

(G) "Post-release control" and "post-release control 2986  
sanction" have the same meanings as in section 2967.01 of the 2987  
Revised Code. 2988

(H) "DNA database," "DNA record," and "law enforcement 2989  
agency" have the same meanings as in section 109.573 of the 2990  
Revised Code. 2991

(I) "Fingerprints filed for record" means any fingerprints 2992  
obtained by the superintendent of the bureau of criminal 2993  
identification and investigation pursuant to sections 109.57 and 2994  
109.571 of the Revised Code. 2995

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 2996  
the Revised Code, ~~a first~~ an eligible offender may apply to the 2997  
sentencing court if convicted in this state, or to a court of 2998  
common pleas if convicted in another state or in a federal court, 2999  
for the sealing of the conviction record. Application may be made 3000  
at the expiration of three years after the offender's final 3001  
discharge if convicted of a felony, or at the expiration of one 3002  
year after the offender's final discharge if convicted of a 3003  
misdemeanor. 3004

(2) Any person who has been arrested for any misdemeanor 3005  
offense and who has effected a bail forfeiture may apply to the 3006  
court in which the misdemeanor criminal case was pending when bail 3007  
was forfeited for the sealing of the record of the case. Except as 3008  
provided in section 2953.61 of the Revised Code, the application 3009  
may be filed at any time after the expiration of one year from the 3010  
date on which the bail forfeiture was entered upon the minutes of 3011  
the court or the journal, whichever entry occurs first. 3012

(B) Upon the filing of an application under this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. If the applicant was convicted of or pleaded guilty to a violation of division (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is ~~a first~~ an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as ~~a first~~ an eligible offender pursuant to division (A)(1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the

public interest for the two or three convictions to be counted as 3045  
one conviction, the court shall determine that the applicant is 3046  
not a ~~first~~ an eligible offender; if the court does not make that 3047  
determination, the court shall determine that the offender is a 3048  
~~first~~ an eligible offender. 3049

(b) Determine whether criminal proceedings are pending 3050  
against the applicant; 3051

(c) If the applicant is a ~~first~~ an eligible offender who 3052  
applies pursuant to division (A)(1) of this section, determine 3053  
whether the applicant has been rehabilitated to the satisfaction 3054  
of the court; 3055

(d) If the prosecutor has filed an objection in accordance 3056  
with division (B) of this section, consider the reasons against 3057  
granting the application specified by the prosecutor in the 3058  
objection; 3059

(e) Weigh the interests of the applicant in having the 3060  
records pertaining to the applicant's conviction sealed against 3061  
the legitimate needs, if any, of the government to maintain those 3062  
records. 3063

(2) If the court determines, after complying with division 3064  
(C)(1) of this section, that the applicant is a ~~first~~ an eligible 3065  
offender or the subject of a bail forfeiture, that no criminal 3066  
proceeding is pending against the applicant, and that the 3067  
interests of the applicant in having the records pertaining to the 3068  
applicant's conviction or bail forfeiture sealed are not 3069  
outweighed by any legitimate governmental needs to maintain those 3070  
records, and that the rehabilitation of an applicant who is a 3071  
~~first~~ an eligible offender applying pursuant to division (A)(1) of 3072  
this section has been attained to the satisfaction of the court, 3073  
the court, except as provided in divisions (G) and (H) of this 3074  
section, shall order all official records pertaining to the case 3075

sealed and, except as provided in division (F) of this section, 3076  
all index references to the case deleted and, in the case of bail 3077  
forfeitures, shall dismiss the charges in the case. The 3078  
proceedings in the case shall be considered not to have occurred 3079  
and the conviction or bail forfeiture of the person who is the 3080  
subject of the proceedings shall be sealed, except that upon 3081  
conviction of a subsequent offense, the sealed record of prior 3082  
conviction or bail forfeiture may be considered by the court in 3083  
determining the sentence or other appropriate disposition, 3084  
including the relief provided for in sections 2953.31 to 2953.33 3085  
of the Revised Code. 3086

(3) Upon the filing of an application under this section, the 3087  
applicant, unless indigent, shall pay a fee of fifty dollars. The 3088  
court shall pay thirty dollars of the fee into the state treasury. 3089  
It shall pay twenty dollars of the fee into the county general 3090  
revenue fund if the sealed conviction or bail forfeiture was 3091  
pursuant to a state statute, or into the general revenue fund of 3092  
the municipal corporation involved if the sealed conviction or 3093  
bail forfeiture was pursuant to a municipal ordinance. 3094

(D) Inspection of the sealed records included in the order 3095  
may be made only by the following persons or for the following 3096  
purposes: 3097

(1) By a law enforcement officer or prosecutor, or the 3098  
assistants of either, to determine whether the nature and 3099  
character of the offense with which a person is to be charged 3100  
would be affected by virtue of the person's previously having been 3101  
convicted of a crime; 3102

(2) By the parole or probation officer of the person who is 3103  
the subject of the records, for the exclusive use of the officer 3104  
in supervising the person while on parole or under a community 3105  
control sanction or a post-release control sanction, and in making 3106  
inquiries and written reports as requested by the court or adult 3107

parole authority;	3108
(3) Upon application by the person who is the subject of the records, by the persons named in the application;	3109 3110
(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;	3111 3112 3113
(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;	3114 3115 3116 3117
(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;	3118 3119 3120 3121 3122
(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;	3123 3124 3125
(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;	3126 3127 3128 3129
(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;	3130 3131 3132 3133 3134
(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual	3135 3136 3137

pursuant to division (B) of section 109.572 of the Revised Code 3138  
that was requested pursuant to any of the sections identified in 3139  
division (B)(1) of that section; 3140

(11) By the bureau of criminal identification and 3141  
investigation, an authorized employee of the bureau, a sheriff, or 3142  
an authorized employee of a sheriff in connection with a criminal 3143  
records check described in section 311.41 of the Revised Code; 3144

(12) By the attorney general or an authorized employee of the 3145  
attorney general or a court for purposes of determining a person's 3146  
classification pursuant to Chapter 2950. of the Revised Code. 3147

When the nature and character of the offense with which a 3148  
person is to be charged would be affected by the information, it 3149  
may be used for the purpose of charging the person with an 3150  
offense. 3151

(E) In any criminal proceeding, proof of any otherwise 3152  
admissible prior conviction may be introduced and proved, 3153  
notwithstanding the fact that for any such prior conviction an 3154  
order of sealing previously was issued pursuant to sections 3155  
2953.31 to 2953.36 of the Revised Code. 3156

(F) The person or governmental agency, office, or department 3157  
that maintains sealed records pertaining to convictions or bail 3158  
forfeitures that have been sealed pursuant to this section may 3159  
maintain a manual or computerized index to the sealed records. The 3160  
index shall contain only the name of, and alphanumeric identifiers 3161  
that relate to, the persons who are the subject of the sealed 3162  
records, the word "sealed," and the name of the person, agency, 3163  
office, or department that has custody of the sealed records, and 3164  
shall not contain the name of the crime committed. The index shall 3165  
be made available by the person who has custody of the sealed 3166  
records only for the purposes set forth in divisions (C), (D), and 3167  
(E) of this section. 3168

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.

(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

**Sec. 2953.34.** Nothing in sections 2953.31 to 2953.33 of the

Revised Code precludes ~~a first~~ an eligible offender from taking an 3201  
appeal or seeking any relief from ~~his~~ the eligible offender's 3202  
conviction or from relying on it in lieu of any subsequent 3203  
prosecution for the same offense. 3204

**Sec. 2953.36.** Sections 2953.31 to 2953.35 of the Revised Code 3205  
do not apply to any of the following: 3206

(A) Convictions when the offender is subject to a mandatory 3207  
prison term; 3208

(B) Convictions under section 2907.02, 2907.03, 2907.04, 3209  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 3210  
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 3211  
Code, or a conviction for a violation of a municipal ordinance 3212  
that is substantially similar to any section contained in any of 3213  
those chapters; 3214

(C) Convictions of an offense of violence when the offense is 3215  
a misdemeanor of the first degree or a felony and when the offense 3216  
is not a violation of section 2917.03 of the Revised Code and is 3217  
not a violation of section 2903.13, 2917.01, or 2917.31 of the 3218  
Revised Code that is a misdemeanor of the first degree; 3219

(D) Convictions on or after ~~the effective date of this~~ 3220  
~~amendment~~ October 10, 2007, under section 2907.07 of the Revised 3221  
Code or a conviction on or after ~~the effective date of this~~ 3222  
~~amendment~~ October 10, 2007, for a violation of a municipal 3223  
ordinance that is substantially similar to that section; 3224

(E) Convictions on or after ~~the effective date of this~~ 3225  
~~amendment~~ October 10, 2007, under section 2907.08, 2907.09, 3226  
2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 3227  
of the Revised Code when the victim of the offense was under 3228  
eighteen years of age; 3229

(F) Convictions of an offense in circumstances in which the 3230

victim of the offense was under eighteen years of age when the 3231  
offense is a misdemeanor of the first degree or a felony, except 3232  
for convictions under section 2919.21 of the Revised Code; 3233

(G) Convictions of a felony of the first or second degree; 3234

(H) Bail forfeitures in a traffic case as defined in Traffic 3235  
Rule 2. 3236

**Sec. 2967.01.** As used in this chapter: 3237

(A) "State correctional institution" includes any institution 3238  
or facility that is operated by the department of rehabilitation 3239  
and correction and that is used for the custody, care, or 3240  
treatment of criminal, delinquent, or psychologically or 3241  
psychiatrically disturbed offenders. 3242

(B) "Pardon" means the remission of penalty, guilt, and all 3243  
criminal and civil disabilities by the governor in accordance with 3244  
the power vested in the governor by the constitution. 3245

(C) "Commutation" or "commutation of sentence" means the 3246  
substitution by the governor of a lesser for a greater punishment. 3247  
A stated prison term may be commuted without the consent of the 3248  
convict, except when granted upon the acceptance and performance 3249  
by the convict of conditions precedent. After commutation, the 3250  
commuted prison term shall be the only one in existence. The 3251  
commutation may be stated in terms of commuting from a named 3252  
offense to a lesser included offense with a shorter prison term, 3253  
in terms of commuting from a stated prison term in months and 3254  
years to a shorter prison term in months and years, or in terms of 3255  
commuting from any other stated prison term to a shorter prison 3256  
term. 3257

(D) "Reprieve" means the temporary suspension by the governor 3258  
of the execution of a sentence or prison term. The governor may 3259  
grant a reprieve without the consent of and against the will of 3260

the convict. 3261

(E) "Parole" means, regarding a prisoner who is serving a 3262  
prison term for aggravated murder or murder, who is serving a 3263  
prison term of life imprisonment for rape or for felonious sexual 3264  
penetration as it existed under section 2907.12 of the Revised 3265  
Code prior to September 3, 1996, or who was sentenced prior to 3266  
July 1, 1996, a release of the prisoner from confinement in any 3267  
state correctional institution by the adult parole authority that 3268  
is subject to the eligibility criteria specified in this chapter 3269  
and that is under the terms and conditions, and for the period of 3270  
time, prescribed by the authority in its published rules and 3271  
official minutes or required by division (A) of section 2967.131 3272  
of the Revised Code or another provision of this chapter. 3273

(F) "Head of a state correctional institution" or "head of 3274  
the institution" means the resident head of the institution and 3275  
the person immediately in charge of the institution, whether 3276  
designated warden, superintendent, or any other name by which the 3277  
head is known. 3278

(G) "Convict" means a person who has been convicted of a 3279  
felony under the laws of this state, whether or not actually 3280  
confined in a state correctional institution, unless the person 3281  
has been pardoned or has served the person's sentence or prison 3282  
term. 3283

(H) "Prisoner" means a person who is in actual confinement in 3284  
a state correctional institution. 3285

(I) "Parolee" means any inmate who has been released from 3286  
confinement on parole by order of the adult parole authority or 3287  
conditionally pardoned, who is under supervision of the adult 3288  
parole authority and has not been granted a final release, and who 3289  
has not been declared in violation of the inmate's parole by the 3290  
authority or is performing the prescribed conditions of a 3291

conditional pardon. 3292

(J) "Releasee" means an inmate who has been released from 3293  
confinement pursuant to section 2967.28 of the Revised Code under 3294  
a period of post-release control that includes one or more 3295  
post-release control sanctions. 3296

(K) "Final release" means a remission by the adult parole 3297  
authority of the balance of the sentence or prison term of a 3298  
parolee or prisoner or the termination by the authority of a term 3299  
of post-release control of a releasee. 3300

(L) "Parole violator" or "release violator" means any parolee 3301  
or releasee who has been declared to be in violation of the 3302  
condition of parole or post-release control specified in division 3303  
(A) or (B) of section 2967.131 of the Revised Code or in violation 3304  
of any other term, condition, or rule of the parolee's or 3305  
releasee's parole or of the parolee's or releasee's post-release 3306  
control sanctions, the determination of which has been made by the 3307  
adult parole authority and recorded in its official minutes. 3308

(M) "Administrative release" means a termination of 3309  
jurisdiction over a particular sentence or prison term by the 3310  
adult parole authority for administrative convenience. 3311

(N) "Post-release control" means a period of supervision by 3312  
the adult parole authority after a prisoner's release from 3313  
imprisonment that includes one or more post-release control 3314  
sanctions imposed under section 2967.28 of the Revised Code. 3315

(O) "Post-release control sanction" means a sanction that is 3316  
authorized under sections 2929.16 to 2929.18 of the Revised Code 3317  
and that is imposed upon a prisoner upon the prisoner's release 3318  
from a prison term. 3319

(P) "Community control sanction," "prison term," "mandatory 3320  
prison term," and "stated prison term" have the same meanings as 3321  
in section 2929.01 of the Revised Code. 3322

(Q) "Transitional control" means control of a prisoner under 3323  
the transitional control program established by the department of 3324  
rehabilitation and correction under section 2967.26 of the Revised 3325  
Code, if the department establishes a program of that nature under 3326  
that section. 3327

(R) "Random drug testing" has the same meaning as in section 3328  
5120.63 of the Revised Code. 3329

**Sec. 2967.04.** (A) A pardon or commutation may be granted upon 3330  
~~such~~ any conditions precedent or subsequent ~~as~~ that the governor 3331  
may impose, ~~which~~ and the conditions shall be stated in the 3332  
warrant. ~~Such~~ A pardon or commutation shall not take effect until 3333  
the conditions so imposed are accepted by the convict or prisoner 3334  
so pardoned or having ~~his~~ a sentence commuted, and ~~his~~ the 3335  
convict's or prisoner's acceptance is indorsed upon the warrant, 3336  
signed by ~~him~~ the prisoner or convict, and attested by one 3337  
witness. ~~Such~~ The witness shall go before the clerk of the court 3338  
~~of common pleas~~ in whose office the case, conviction, and sentence 3339  
~~is~~ are recorded and prove the signature of the convict. The clerk 3340  
shall thereupon record the warrant, indorsement, and proof in the 3341  
journal of the court, which record, or a duly certified transcript 3342  
thereof, shall be evidence of ~~such~~ the pardon or commutation, the 3343  
conditions thereof, and the acceptance of the conditions. Upon 3344  
presentation of proof that the conditions of the conditional 3345  
pardon have been met, the clerk shall destroy all paper and 3346  
electronic records of the case, conviction, and sentence. The 3347  
clerk shall then notify all prosecution agencies and law 3348  
enforcement agencies that had a part in the convict's charge, 3349  
arrest, and any incarceration and the bureau of criminal 3350  
identification and investigation of the pardon. Upon receipt of 3351  
the notification, the prosecution agencies and law enforcement 3352  
agencies and the bureau shall destroy all paper and electronic 3353  
records of the case, conviction, and sentence. 3354

(B) An unconditional pardon relieves the person to whom it is granted of the penalty, the guilt, and all civil and criminal disabilities arising out of the conviction or convictions from which it is granted. For purposes of this section, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired. Upon receipt of a warrant of unconditional pardon, the clerk of court in whose office the case, conviction, and sentence are recorded shall record the warrant and destroy all paper and electronic records of the charge or charges and conviction or convictions. The clerk shall then notify all prosecution agencies and law enforcement agencies that had a part in the convict's charge, arrest, and incarceration and the bureau of criminal identification and investigation of the pardon. Upon receipt of the notification, the prosecution agencies and law enforcement agencies and the bureau shall destroy all paper and electronic records of the case, conviction, and sentence.

**Sec. 2967.06.** Warrants of pardon and commutation shall be issued in triplicate, one to be given to the convict, one to be filed with the clerk of the court ~~of common pleas~~ in whose office the case, conviction, and sentence ~~is~~ are recorded, and one to be filed with the head of the institution in which the convict was confined, ~~in case he~~ if the convict was confined.

All warrants of pardon, whether conditional or otherwise, shall be recorded by ~~said~~ the clerk and the officer of the institution with whom ~~such~~ the warrants and copies are filed, in a book provided for that purpose, which record shall include the indorsements on such warrants. A copy of such a warrant with all indorsements, certified by ~~said~~ the clerk under seal, shall be received in evidence as proof of the facts set forth in such copy with indorsements.

**Sec. 2967.191.** The department of rehabilitation and 3386  
correction shall reduce the stated prison term of a prisoner or, 3387  
if the prisoner is serving a term for which there is parole 3388  
eligibility, the minimum and maximum term or the parole 3389  
eligibility date of the prisoner by the total number of days that 3390  
the prisoner was confined for any reason arising out of the 3391  
offense for which the prisoner was convicted and sentenced, 3392  
including confinement in lieu of bail while awaiting trial, 3393  
confinement for examination to determine the prisoner's competence 3394  
to stand trial or sanity, ~~and~~ confinement while awaiting 3395  
transportation to the place where the prisoner is to serve the 3396  
prisoner's prison term, and confinement in a juvenile facility. 3397

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 3398  
enforcement agency" means a child support enforcement agency 3399  
designated under former section 2301.35 of the Revised Code prior 3400  
to October 1, 1997, or a private or government entity designated 3401  
as a child support enforcement agency under section 307.981 of the 3402  
Revised Code. 3403

(B) As used in this chapter and Chapters 3121., 3123., and 3404  
3125. of the Revised Code: 3405

(1) "Administrative child support order" means any order 3406  
issued by a child support enforcement agency for the support of a 3407  
child pursuant to section 3109.19 or 3111.81 of the Revised Code 3408  
or former section 3111.211 of the Revised Code, section 3111.21 of 3409  
the Revised Code as that section existed prior to January 1, 1998, 3410  
or section 3111.20 or 3111.22 of the Revised Code as those 3411  
sections existed prior to March 22, 2001. 3412

(2) "Child support order" means either a court child support 3413  
order or an administrative child support order. 3414

(3) "Obligee" means the person who is entitled to receive the 3415

support payments under a support order.	3416
(4) "Obligor" means the person who is required to pay support under a support order.	3417 3418
(5) "Support order" means either an administrative child support order or a court support order.	3419 3420
(C) As used in this chapter:	3421
(1) "Combined gross income" means the combined gross income of both parents.	3422 3423
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	3424 3425 3426 3427 3428 3429 3430
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	3431 3432 3433 3434 3435
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	3436 3437 3438
(5) "Income" means either of the following:	3439
(a) For a parent who is employed to full capacity, the gross income of the parent;	3440 3441
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	3442 3443 3444
(6) "Insurer" means any person authorized under Title XXXIX	3445

of the Revised Code to engage in the business of insurance in this 3446  
state, any health insuring corporation, and any legal entity that 3447  
is self-insured and provides benefits to its employees or members. 3448

(7) "Gross income" means, except as excluded in division 3449  
(C)(7) of this section, the total of all earned and unearned 3450  
income from all sources during a calendar year, whether or not the 3451  
income is taxable, and includes income from salaries, wages, 3452  
overtime pay, and bonuses to the extent described in division (D) 3453  
of section 3119.05 of the Revised Code; commissions; royalties; 3454  
tips; rents; dividends; severance pay; pensions; interest; trust 3455  
income; annuities; social security benefits, including retirement, 3456  
disability, and survivor benefits that are not means-tested; 3457  
workers' compensation benefits; unemployment insurance benefits; 3458  
disability insurance benefits; benefits that are not means-tested 3459  
and that are received by and in the possession of the veteran who 3460  
is the beneficiary for any service-connected disability under a 3461  
program or law administered by the United States department of 3462  
veterans' affairs or veterans' administration; spousal support 3463  
actually received; and all other sources of income. "Gross income" 3464  
includes income of members of any branch of the United States 3465  
armed services or national guard, including, amounts representing 3466  
base pay, basic allowance for quarters, basic allowance for 3467  
subsistence, supplemental subsistence allowance, cost of living 3468  
adjustment, specialty pay, variable housing allowance, and pay for 3469  
training or other types of required drills; self-generated income; 3470  
and potential cash flow from any source. 3471

"Gross income" does not include any of the following: 3472

(a) Benefits received from means-tested government 3473  
administered programs, including Ohio works first; prevention, 3474  
retention, and contingency; means-tested veterans' benefits; 3475  
supplemental security income; supplemental nutrition assistance 3476  
program; disability financial assistance; or other assistance for 3477

which eligibility is determined on the basis of income or assets;	3478
(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;	3479 3480 3481 3482 3483 3484 3485
(c) Child support received for children who were not born or adopted during the marriage at issue;	3486 3487
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	3488 3489 3490
(e) Nonrecurring or unsustainable income or cash flow items;	3491
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	3492 3493 3494
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	3495 3496 3497 3498 3499 3500 3501 3502 3503 3504
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	3505 3506 3507 3508

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(10) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(11) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child

support is being calculated under this section;	3539
(ix) The parent's increased earning capacity because of experience;	3540 3541
(x) <u>The parent's decreased earning capacity because of a felony conviction;</u>	3542 3543
(xi) Any other relevant factor.	3544
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	3545 3546 3547 3548 3549
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	3550 3551
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	3552 3553 3554 3555 3556 3557 3558 3559 3560 3561
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	3562 3563 3564 3565 3566
(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in	3567 3568

sections 3119.022 and 3119.023 of the Revised Code. 3569

**Sec. 3119.05.** When a court computes the amount of child 3570  
support required to be paid under a court child support order or a 3571  
child support enforcement agency computes the amount of child 3572  
support to be paid pursuant to an administrative child support 3573  
order, all of the following apply: 3574

(A) The parents' current and past income and personal 3575  
earnings shall be verified by electronic means or with suitable 3576  
documents, including, but not limited to, paystubs, employer 3577  
statements, receipts and expense vouchers related to 3578  
self-generated income, tax returns, and all supporting 3579  
documentation and schedules for the tax returns. 3580

(B) The amount of any pre-existing child support obligation 3581  
of a parent under a child support order and the amount of any 3582  
court-ordered spousal support actually paid shall be deducted from 3583  
the gross income of that parent to the extent that payment under 3584  
the child support order or that payment of the court-ordered 3585  
spousal support is verified by supporting documentation. 3586

(C) If other minor children who were born to the parent and a 3587  
person other than the other parent who is involved in the 3588  
immediate child support determination live with the parent, the 3589  
court or agency shall deduct an amount from that parent's gross 3590  
income that equals the number of such minor children times the 3591  
federal income tax exemption for such children less child support 3592  
received for them for the year, not exceeding the federal income 3593  
tax exemption. 3594

(D) When the court or agency calculates the gross income of a 3595  
parent, it shall include the lesser of the following as income 3596  
from overtime and bonuses: 3597

(1) The yearly average of all overtime, commissions, and 3598

bonuses received during the three years immediately prior to the 3599  
time when the person's child support obligation is being computed; 3600

(2) The total overtime, commissions, and bonuses received 3601  
during the year immediately prior to the time when the person's 3602  
child support obligation is being computed. 3603

(E) When the court or agency calculates the gross income of a 3604  
parent, it shall not include any income earned by the spouse of 3605  
that parent. 3606

(F) The court shall issue a separate order for extraordinary 3607  
medical or dental expenses, including, but not limited to, 3608  
orthodontia, psychological, appropriate private education, and 3609  
other expenses, and may consider the expenses in adjusting a child 3610  
support order. 3611

(G) When a court or agency calculates the amount of child 3612  
support to be paid pursuant to a court child support order or an 3613  
administrative child support order, if the combined gross income 3614  
of both parents is an amount that is between two amounts set forth 3615  
in the first column of the schedule, the court or agency may use 3616  
the basic child support obligation that corresponds to the higher 3617  
of the two amounts in the first column of the schedule, use the 3618  
basic child support obligation that corresponds to the lower of 3619  
the two amounts in the first column of the schedule, or calculate 3620  
a basic child support obligation that is between those two amounts 3621  
and corresponds proportionally to the parents' actual combined 3622  
gross income. 3623

(H) When the court or agency calculates gross income, the 3624  
court or agency, when appropriate, may average income over a 3625  
reasonable period of years. 3626

(I) A Unless it would be unjust, inappropriate, and not in 3627  
the best interest of the child, a court or agency shall not 3628  
determine a parent ~~receiving means tested public assistance~~ 3629

~~benefits~~ to be voluntarily unemployed or underemployed and shall 3630  
not impute income to that parent, ~~unless not making such~~ 3631  
~~determination and not imputing income would be unjust,~~ 3632  
~~inappropriate, and not in the best interest of the child if either~~ 3633  
of the following conditions exist: 3634

(1) The parent is receiving means-tested public assistance 3635  
benefits; 3636

(2) The parent is incarcerated or institutionalized for a 3637  
period of twelve months or more with no other available assets, 3638  
unless the parent is incarcerated for an offense relating to the 3639  
abuse or neglect of a child who is the subject of the support 3640  
order or an offense under Title XXIX of the Revised Code when the 3641  
obligee or a child who is the subject of the support order is a 3642  
victim of the offense. 3643

(J) When a court or agency requires a parent to pay an amount 3644  
for that parent's failure to support a child for a period of time 3645  
prior to the date the court modifies or issues a court child 3646  
support order or an agency modifies or issues an administrative 3647  
child support order for the current support of the child, the 3648  
court or agency shall calculate that amount using the basic child 3649  
support schedule, worksheets, and child support laws in effect, 3650  
and the incomes of the parents as they existed, for that prior 3651  
period of time. 3652

(K) A court or agency may disregard a parent's additional 3653  
income from overtime or additional employment when the court or 3654  
agency finds that the additional income was generated primarily to 3655  
support a new or additional family member or members, or under 3656  
other appropriate circumstances. 3657

(L) If both parents involved in the immediate child support 3658  
determination have a prior order for support relative to a minor 3659  
child or children born to both parents, the court or agency shall 3660

collect information about the existing order or orders and 3661  
consider those together with the current calculation for support 3662  
to ensure that the total of all orders for all children of the 3663  
parties does not exceed the amount that would have been ordered if 3664  
all children were addressed in a single judicial or administrative 3665  
proceeding. 3666

**Sec. 3123.58.** (A) On receipt of a notice pursuant to section 3667  
3123.54 of the Revised Code, the registrar of motor vehicles shall 3668  
determine whether the individual named in the notice holds or has 3669  
applied for a driver's license or commercial driver's license, 3670  
motorcycle operator's license or endorsement, or temporary 3671  
instruction permit or commercial driver's temporary instruction 3672  
permit. If the registrar determines that the individual holds or 3673  
has applied for a license, permit, or endorsement and the 3674  
individual is the individual named in the notice and does not 3675  
receive a notice pursuant to section 3123.56 or 3123.57 of the 3676  
Revised Code, the registrar immediately shall provide notice of 3677  
the determination to each deputy registrar. The registrar or a 3678  
deputy registrar may not issue to the individual a driver's or 3679  
commercial driver's license, motorcycle operator's license or 3680  
endorsement, or temporary instruction permit or commercial 3681  
driver's temporary instruction permit and may not renew for the 3682  
individual a driver's or commercial driver's license, motorcycle 3683  
operator's license or endorsement, or commercial driver's 3684  
temporary instruction permit. The registrar or a deputy registrar 3685  
also shall impose a class F suspension of the license, permit, or 3686  
endorsement held by the individual under division (B)(6) of 3687  
section 4510.02 of the Revised Code. 3688

(B) A court may grant an individual whose license, permit, or 3689  
endorsement is suspended under this section limited driving 3690  
privileges in accordance with division (B) of section 4510.021 of 3691  
the Revised Code. Prior to granting privileges under this 3692

division, the court shall request the child support enforcement agency that issued the notice pursuant to section 3123.54 of the Revised Code relative to the individual to advise the court, either in person through a representative testifying at a hearing or through a written document, the position of the agency relative to the issue of the granting of privileges to the individual. The court, in determining whether to grant the individual privileges under this division, shall take into consideration the position of the agency, but the court is not bound by the position of the agency. 3693  
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**Sec. 3123.582.** (A) In any case in which a person is charged with a violation of section 4510.111 of the Revised Code because the person's driver's or commercial driver's license has been suspended pursuant to section 3123.58 of the Revised Code, the prosecuting attorney prosecuting the case shall file a motion with the court dismissing the case against the person if, at any time, the prosecuting attorney becomes aware in any manner that the records of the bureau of motor vehicles indicate that the bureau received a notice from the proper child support enforcement agency pursuant to section 3123.57 of the Revised Code informing the bureau that the operator is no longer out of compliance with a child support order and the date that the notice lists as being the date on which the person no longer was out of compliance with the child support order is not greater than fifteen days after the date that the person was stopped and charged with the violation of section 4510.111 of the Revised Code. 3703  
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(B) In any case in which a law enforcement officer stops a motor vehicle being operated upon any highway or any private property used by the public for purposes of vehicular travel or parking in this state and the records of the bureau indicate that the driver's or commercial driver's license of the person operating the vehicle has been suspended pursuant to section 3719  
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3123.58 of the Revised Code, the law enforcement officer shall 3725  
issue to the operator a citation, ticket, or summons for violating 3726  
section 4510.111 of the Revised Code. The law enforcement officer 3727  
shall not arrest the operator solely for that violation. If the 3728  
law enforcement officer issues the person a citation, ticket, or 3729  
summons for violating section 4510.111 of the Revised Code because 3730  
the person's driver's or commercial driver's license has been 3731  
suspended pursuant to section 3123.58 of the Revised Code, at the 3732  
time the officer issues the citation, ticket, or summons the 3733  
officer shall inform the person that if, not later than fifteen 3734  
days after the date the officer issues the person the citation, 3735  
ticket, or summons the person goes to the proper child support 3736  
enforcement agency and either makes payments or arrangements so 3737  
that the operator is no longer out of compliance with the child 3738  
support order, the citation, ticket, or summons will be dismissed. 3739

**Sec. 3772.07.** The following appointing or licensing 3740  
authorities shall obtain a criminal records check of the person 3741  
who is to be appointed or licensed: 3742

(A) The governor, before appointing an individual as a member 3743  
of the commission; 3744

(B) The commission, before appointing an individual as 3745  
executive director or a gaming agent; 3746

(C) The commission, before issuing a license for a key 3747  
employee or casino gaming employee, and before issuing a license 3748  
for each investor, except an institutional investor, for a casino 3749  
operator, management company, holding company, or gaming-related 3750  
vendor; 3751

(D) The executive director, before appointing an individual 3752  
as a professional, technical, or clerical employee of the 3753  
commission. 3754

Thereafter, such an appointing or licensing authority shall 3755  
obtain a criminal records check of the same individual at 3756  
three-year intervals. 3757

The appointing or licensing authority shall provide to each 3758  
person of whom a criminal records check is required a copy of the 3759  
form and the standard fingerprint impression sheet prescribed 3760  
under divisions (C)(1) and (2) of section 109.572 of the Revised 3761  
Code. The person shall complete the form and impression sheet and 3762  
return them to the appointing or licensing authority. If a person 3763  
fails to complete and return the form and impression sheet within 3764  
a reasonable time, the person is ineligible to be appointed or 3765  
licensed or to continue in the appointment or licensure. 3766

The appointing or licensing authority shall forward the 3767  
completed form and impression sheet to the superintendent of the 3768  
bureau of criminal identification and investigation. The 3769  
appointing or licensing authority shall request the superintendent 3770  
also to obtain information from the federal bureau of 3771  
investigation, including fingerprint-based checks of the national 3772  
crime information databases, and from other states and the federal 3773  
government under the national crime prevention and privacy compact 3774  
as part of the criminal records check. 3775

The commission shall pay the fee the bureau of criminal 3776  
identification and investigation charges for all criminal records 3777  
checks conducted under this section. An applicant for a casino 3778  
operator, management company, holding company, or gaming-related 3779  
vendor license shall reimburse the commission for the amount of 3780  
the fee paid on the applicant's behalf. An applicant for a key 3781  
employee or casino gaming employee license shall reimburse the 3782  
commission for the amount of the fee paid on the applicant's 3783  
behalf, unless the applicant is applying at the request of a 3784  
casino operator or management company, in which case the casino 3785  
operator or management company shall reimburse the commission. 3786

The appointing or licensing authority shall review the 3787  
results of a criminal records check. An appointee for a commission 3788  
member shall forward the results of the criminal records check to 3789  
the president of the senate before the senate advises and consents 3790  
to the appointment of the commission member. The appointing or 3791  
licensing authority shall not appoint or license or retain the 3792  
appointment or licensure of a person a criminal records check 3793  
discloses has been convicted of or has pleaded guilty or no 3794  
contest to a disqualifying offense. A "disqualifying offense" has 3795  
the same meaning as in section 4776.10 of the Revised Code, but 3796  
also means any gambling offense, any theft offense, any offense 3797  
having an element of fraud or misrepresentation, and any offense 3798  
~~having an element that is a crime of moral turpitude, and any~~ 3799  
~~felony not otherwise included in the foregoing list, except as~~ 3800  
~~otherwise provided in section 3772.10 of the Revised Code as~~ 3801  
defined in section 4776.10 of the Revised Code. 3802

The report of a criminal records check is not a public record 3803  
that is open to public inspection and copying. The commission 3804  
shall not make the report available to any person other than the 3805  
person who was the subject of the criminal records check; an 3806  
appointing or licensing authority; a member, the executive 3807  
director, or an employee of the commission; or any court or 3808  
agency, including a hearing examiner, in a judicial or 3809  
administrative proceeding relating to the person's employment with 3810  
the entity requesting the criminal records check in which the 3811  
criminal records check is relevant. 3812

**Sec. 4301.99.** (A) Whoever violates section 4301.47, 4301.48, 3813  
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 3814  
division (B) of section 4301.691 of the Revised Code is guilty of 3815  
a minor misdemeanor. 3816

(B) Whoever violates section 4301.15, division (A)(2) or (C) 3817

of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 3818  
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 3819  
Code is guilty of a misdemeanor of the fourth degree. 3820

If an offender who violates section 4301.64 of the Revised 3821  
Code was under the age of eighteen years at the time of the 3822  
offense, the court, in addition to any other penalties it imposes 3823  
upon the offender, ~~shall~~ may suspend the offender's temporary 3824  
instruction permit, probationary driver's license, or driver's 3825  
license for a period of not less than six months and not more than 3826  
one year. In lieu of suspending the offender's temporary 3827  
instruction permit, probationary driver's license, or driver's 3828  
license, the court instead may require the offender to perform 3829  
community service for a number of hours determined by the court. 3830  
If the offender is fifteen years and six months of age or older 3831  
and has not been issued a temporary instruction permit or 3832  
probationary driver's license, the offender shall not be eligible 3833  
to be issued such a license or permit for a period of six months. 3834  
If the offender has not attained the age of fifteen years and six 3835  
months, the offender shall not be eligible to be issued a 3836  
temporary instruction permit until the offender attains the age of 3837  
sixteen years. 3838

(C) Whoever violates division (D) of section 4301.21, section 3839  
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 3840  
or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 3841  
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 3842  
4301.691 of the Revised Code is guilty of a misdemeanor of the 3843  
first degree. 3844

If an offender who violates division (E)(1) of section 3845  
4301.69 of the Revised Code was under the age of eighteen years at 3846  
the time of the offense and the offense occurred while the 3847  
offender was the operator of or a passenger in a motor vehicle, 3848  
the court, in addition to any other penalties it imposes upon the 3849

offender, shall suspend the offender's temporary instruction 3850  
permit or probationary driver's license for a period of not less 3851  
than six months and not more than one year. If the offender is 3852  
fifteen years and six months of age or older and has not been 3853  
issued a temporary instruction permit or probationary driver's 3854  
license, the offender shall not be eligible to be issued such a 3855  
license or permit for a period of six months. If the offender has 3856  
not attained the age of fifteen years and six months, the offender 3857  
shall not be eligible to be issued a temporary instruction permit 3858  
until the offender attains the age of sixteen years. 3859

(D) Whoever violates division (B) of section 4301.14, or 3860  
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 3861  
Code is guilty of a misdemeanor of the third degree. 3862

(E) Whoever violates section 4301.63 or division (B) of 3863  
section 4301.631 of the Revised Code shall be fined not less than 3864  
twenty-five nor more than one hundred dollars. The court imposing 3865  
a fine for a violation of section 4301.63 or division (B) of 3866  
section 4301.631 of the Revised Code may order that the fine be 3867  
paid by the performance of public work at a reasonable hourly rate 3868  
established by the court. The court shall designate the time 3869  
within which the public work shall be completed. 3870

(F)(1) Whoever violates section 4301.634 of the Revised Code 3871  
is guilty of a misdemeanor of the first degree. If, in committing 3872  
a first violation of that section, the offender presented to the 3873  
permit holder or the permit holder's employee or agent a false, 3874  
fictitious, or altered identification card, a false or fictitious 3875  
driver's license purportedly issued by any state, or a driver's 3876  
license issued by any state that has been altered, the offender is 3877  
guilty of a misdemeanor of the first degree and shall be fined not 3878  
less than two hundred fifty and not more than one thousand 3879  
dollars, and may be sentenced to a term of imprisonment of not 3880  
more than six months. 3881

(2) On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

(3) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The Except as provided in this division, the court also shall impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of

the community service the offender shall perform. 3915

(G) Whoever violates section 4301.636 of the Revised Code is 3916  
guilty of a felony of the fifth degree. 3917

(H) Whoever violates division (A)(1) of section 4301.22 of 3918  
the Revised Code is guilty of a misdemeanor, shall be fined not 3919  
less than five hundred and not more than one thousand dollars, 3920  
and, in addition to the fine, may be imprisoned for a definite 3921  
term of not more than sixty days. 3922

(I) Whoever violates division (A) of section 4301.69 or 3923  
division (H) of section 4301.691 of the Revised Code is guilty of 3924  
a misdemeanor, shall be fined not less than five hundred and not 3925  
more than one thousand dollars, and, in addition to the fine, may 3926  
be imprisoned for a definite term of not more than six months. 3927

(J) Whoever violates division (B) of section 4301.65 of the 3928  
Revised Code is guilty of a misdemeanor of the third degree. For a 3929  
second or subsequent violation occurring within a period of five 3930  
consecutive years after the first violation, a person is guilty of 3931  
a misdemeanor of the first degree. 3932

**Sec. 4501.02.** (A) There is hereby created in the department 3933  
of public safety a bureau of motor vehicles, which shall be 3934  
administered by a registrar of motor vehicles. The registrar shall 3935  
be appointed by the director of public safety and shall serve at 3936  
the director's pleasure. 3937

The registrar shall administer the laws of the state relative 3938  
to the registration of and certificates of title for motor 3939  
vehicles, and the licensing of motor vehicle dealers, motor 3940  
vehicle leasing dealers, distributors, and salespersons, and of 3941  
motor vehicle salvage dealers, salvage motor vehicle auctions, and 3942  
salvage motor vehicle pools. The registrar also shall, in 3943  
accordance with section 4503.61 of the Revised Code, take those 3944

steps necessary to enter this state into membership in the 3945  
international registration plan and carry out the registrar's 3946  
other duties under that section. The registrar, with the approval 3947  
of the director of public safety, may do all of the following: 3948

(1) Adopt such forms and rules as are necessary to carry out 3949  
all laws the registrar is required to administer; 3950

(2) Appoint such number of assistants, deputies, clerks, 3951  
stenographers, and other employees as are necessary to carry out 3952  
such laws; 3953

(3) Acquire or lease such facilities as are necessary to 3954  
carry out the duties of the registrar's office; 3955

(4) Apply for, allocate, disburse, and account for grants 3956  
made available under federal law or from other federal, state, or 3957  
private sources; 3958

(5) Establish accounts in a bank or depository and deposit 3959  
any funds collected by the registrar in those accounts to the 3960  
credit of "state of Ohio, bureau of motor vehicles." Within three 3961  
days after the deposit of funds in such an account, the registrar 3962  
shall draw on that account in favor of the treasurer of state. The 3963  
registrar may reserve funds against the draw to the treasurer of 3964  
state to the extent reasonably necessary to ensure that the 3965  
deposited items are not dishonored. The registrar may pay any 3966  
service charge usually collected by the bank or depository; 3967

(6) Develop rules that establish disqualifying offenses for 3968  
licensure as a motor vehicle salvage dealer pursuant to sections 3969  
4738.04, 4738.07, and 4776.10 of the Revised Code. 3970

The registrar shall give a bond for the faithful performance 3971  
of the registrar's duties in such amount and with such security as 3972  
the director approves. When in the opinion of the director it is 3973  
advisable, any deputy or other employee may be required to give 3974  
bond in such amount and with such security as the director 3975

approves. In the discretion of the director, the bonds authorized 3976  
to be taken on deputies or other employees may be individual, 3977  
schedule, or blanket bonds. 3978

The director of public safety may investigate the activities 3979  
of the bureau and have access to its records at any time, and the 3980  
registrar shall make a report to the director at any time upon 3981  
request. 3982

All laws relating to the licensing of motor vehicle dealers, 3983  
motor vehicle leasing dealers, distributors, and salespersons, and 3984  
of motor vehicle salvage dealers, salvage motor vehicle auctions, 3985  
and salvage motor vehicle pools, designating and granting power to 3986  
the registrar shall be liberally construed to the end that the 3987  
practice or commission of fraud in the business of selling motor 3988  
vehicles and of disposing of salvage motor vehicles may be 3989  
prohibited and prevented. 3990

(B) There is hereby created in the department of public 3991  
safety a division of emergency medical services, which shall be 3992  
administered by an executive director of emergency medical 3993  
services appointed under section 4765.03 of the Revised Code. 3994

**Sec. 4503.233.** (A)(1) If a court is required to order the 3995  
immobilization of a vehicle for a specified period of time 3996  
pursuant to section 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 3997  
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 3998  
subject to section 4503.235 of the Revised Code, shall issue the 3999  
immobilization order in accordance with this division and for the 4000  
period of time specified in the particular section, and the 4001  
immobilization under the order shall be in accordance with this 4002  
section. The court, at the time of sentencing the offender for the 4003  
offense relative to which the immobilization order is issued or as 4004  
soon thereafter as is practicable, shall give a copy of the order 4005  
to the offender or the offender's counsel. The court promptly 4006

shall send a copy of the order to the registrar on a form 4007  
prescribed by the registrar and to the person or agency it 4008  
designates to execute the order. 4009

The order shall indicate the date on which it is issued, 4010  
shall identify the vehicle that is subject to the order, and shall 4011  
specify all of the following: 4012

(a) The period of the immobilization; 4013

(b) The place at which the court determines that the 4014  
immobilization shall be carried out, provided that the court shall 4015  
not determine and shall not specify that the immobilization is to 4016  
be carried out at any place other than a commercially operated 4017  
private storage lot, a place owned by a law enforcement or other 4018  
government agency, or a place to which one of the following 4019  
applies: 4020

(i) The place is leased by or otherwise under the control of 4021  
a law enforcement or other government agency. 4022

(ii) The place is owned by the offender, the offender's 4023  
spouse, or a parent or child of the offender. 4024

(iii) The place is owned by a private person or entity, and, 4025  
prior to the issuance of the order, the private entity or person 4026  
that owns the place, or the authorized agent of that private 4027  
entity or person, has given express written consent for the 4028  
immobilization to be carried out at that place. 4029

(iv) The place is a public street or highway on which the 4030  
vehicle is parked in accordance with the law. 4031

(c) The person or agency designated by the court to execute 4032  
the order, which shall be either the law enforcement agency that 4033  
employs the law enforcement officer who seized the vehicle, a 4034  
bailiff of the court, another person the court determines to be 4035  
appropriate to execute the order, or the law enforcement agency 4036

with jurisdiction over the place of residence of the vehicle 4037  
owner; 4038

(d) That neither the registrar nor a deputy registrar will be 4039  
permitted to accept an application for the license plate 4040  
registration of any motor vehicle in the name of the vehicle owner 4041  
until the immobilization fee is paid. 4042

(2) The person or agency the court designates to immobilize 4043  
the vehicle shall seize or retain that vehicle's license plates 4044  
and forward them to the bureau of motor vehicles. 4045

(3) In all cases, the offender shall be assessed an 4046  
immobilization fee of one hundred dollars, and the immobilization 4047  
fee shall be paid to the registrar before the vehicle may be 4048  
released to the offender. Neither the registrar nor a deputy 4049  
registrar shall accept an application for the registration of any 4050  
motor vehicle in the name of the offender until the immobilization 4051  
fee is paid. 4052

(4) If the vehicle subject to the order is immobilized 4053  
pursuant to the order and is found being operated upon any street 4054  
or highway in this state during the immobilization period, it 4055  
shall be seized, removed from the street or highway, and 4056  
criminally forfeited and disposed of pursuant to section 4503.234 4057  
of the Revised Code. 4058

(5) The registrar shall deposit the immobilization fee into 4059  
the law enforcement reimbursement fund created by section 4501.19 4060  
of the Revised Code. Money in the fund shall be expended only as 4061  
provided in division (A)(5) of this section. If the court 4062  
designated in the order a court bailiff or another appropriate 4063  
person other than a law enforcement officer to immobilize the 4064  
vehicle, the amount of the fee deposited into the law enforcement 4065  
reimbursement fund shall be paid out to the county treasury if the 4066  
court that issued the order is a county court, to the treasury of 4067

the municipal corporation served by the court if the court that 4068  
issued the order is a mayor's court, or to the city treasury of 4069  
the legislative authority of the court, both as defined in section 4070  
1901.03 of the Revised Code, if the court that issued the order is 4071  
a municipal court. If the court designated a law enforcement 4072  
agency to immobilize the vehicle and if the law enforcement agency 4073  
immobilizes the vehicle, the amount of the fee deposited into the 4074  
law enforcement reimbursement fund shall be paid out to the law 4075  
enforcement agency to reimburse the agency for the costs it incurs 4076  
in obtaining immobilization equipment and, if required, in sending 4077  
an officer or other person to search for and locate the vehicle 4078  
specified in the immobilization order and to immobilize the 4079  
vehicle. 4080

In addition to the immobilization fee required to be paid 4081  
under division (A)(3) of this section, the offender may be charged 4082  
expenses or charges incurred in the removal and storage of the 4083  
immobilized vehicle. 4084

(B) If a court issues an immobilization order under division 4085  
(A)(1) of this section, the person or agency designated by the 4086  
court to execute the immobilization order promptly shall 4087  
immobilize or continue the immobilization of the vehicle at the 4088  
place specified by the court in the order. The registrar shall not 4089  
authorize the release of the vehicle or authorize the issuance of 4090  
new identification license plates for the vehicle at the end of 4091  
the immobilization period until the immobilization fee has been 4092  
paid. 4093

(C) Upon receipt of the license plates for a vehicle under 4094  
this section, the registrar shall destroy the license plates. At 4095  
the end of the immobilization period and upon the payment of the 4096  
immobilization fee that must be paid under this section, the 4097  
registrar shall authorize the release of the vehicle and authorize 4098  
the issuance, upon the payment of the same fee as is required for 4099

the replacement of lost, mutilated, or destroyed license plates 4100  
and certificates of registration, of new license plates and, if 4101  
necessary, a new certificate of registration to the offender for 4102  
the vehicle in question. 4103

(D)(1) If a court issues an immobilization order under 4104  
division (A) of this section, the immobilization period commences 4105  
on the day on which the vehicle in question is immobilized. If the 4106  
vehicle in question had been seized under section 4510.41 or 4107  
4511.195 of the Revised Code, the time between the seizure and the 4108  
beginning of the immobilization period shall be credited against 4109  
the immobilization period specified in the immobilization order 4110  
issued under division (A) of this section. No vehicle that is 4111  
immobilized under this section is eligible to have restricted 4112  
license plates under section 4503.231 of the Revised Code issued 4113  
for that vehicle. 4114

(2) If a court issues an immobilization order under division 4115  
(A) of this section, if the vehicle subject to the order is 4116  
immobilized under the order, and if the vehicle is found being 4117  
operated upon any street or highway of this state during the 4118  
immobilization period, it shall be seized, removed from the street 4119  
or highway, and criminally forfeited, and disposed of pursuant to 4120  
section 4503.234 of the Revised Code. No vehicle that is forfeited 4121  
under this provision shall be considered contraband for purposes 4122  
of Chapter 2981. of the Revised Code, but shall be held by the law 4123  
enforcement agency that employs the officer who seized it for 4124  
disposal in accordance with section 4503.234 of the Revised Code. 4125

(3) If a court issues an immobilization order under division 4126  
(A) of this section, and if the vehicle is not claimed within 4127  
seven days after the end of the period of immobilization or if the 4128  
offender has not paid the immobilization fee, the person or agency 4129  
that immobilized the vehicle shall send a written notice to the 4130  
offender at the offender's last known address informing the 4131

offender of the date on which the period of immobilization ended, 4132  
that the offender has twenty days after the date of the notice to 4133  
pay the immobilization fee and obtain the release of the vehicle, 4134  
and that if the offender does not pay the fee and obtain the 4135  
release of the vehicle within that twenty-day period, the vehicle 4136  
will be forfeited under section 4503.234 of the Revised Code to 4137  
the entity that is entitled to the immobilization fee. 4138

(4) An offender whose motor vehicle is subject to an 4139  
immobilization order issued under division (A) of this section 4140  
shall not sell the motor vehicle without approval of the court 4141  
that issued the order. If such an offender wishes to sell the 4142  
motor vehicle during the immobilization period, the offender shall 4143  
apply to the court that issued the immobilization order for 4144  
permission to assign the title to the vehicle. If the court is 4145  
satisfied that the sale will be in good faith and not for the 4146  
purpose of circumventing the provisions of division (A)(1) of this 4147  
section, it may certify its consent to the offender and to the 4148  
registrar. Upon receipt of the court's consent, the registrar 4149  
shall enter the court's notice in the offender's vehicle license 4150  
plate registration record. 4151

If, during a period of immobilization under an immobilization 4152  
order issued under division (A) of this section, the title to the 4153  
immobilized motor vehicle is transferred by the foreclosure of a 4154  
chattel mortgage, a sale upon execution, the cancellation of a 4155  
conditional sales contract, or an order of a court, the involved 4156  
court shall notify the registrar of the action, and the registrar 4157  
shall enter the court's notice in the offender's vehicle license 4158  
plate registration record. 4159

Nothing in this section shall be construed as requiring the 4160  
registrar or the clerk of the court of common pleas to note upon 4161  
the certificate of title records any prohibition regarding the 4162  
sale of a motor vehicle. 4163

(5) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval between the time of arrest of the offender who committed the offense for which such an order is to be issued and the time of the actual immobilization of the vehicle, the court shall order that, for a period of two years from the date of the order, neither the registrar nor any deputy registrar shall accept an application for the registration of any motor vehicle in the name of the offender whose vehicle was assigned or transferred without court approval. The court shall notify the registrar of the order on a form prescribed by the registrar for that purpose.

(6) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval in violation of division (D)(4) of this section, then, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds from any fine so imposed shall be distributed in the same manner as the proceeds of the sale of a forfeited vehicle are distributed pursuant to division (C)(2) of section 4503.234 of the Revised Code.

(E)(1) The court with jurisdiction over the case, after notice to all interested parties including lienholders, and after an opportunity for them to be heard, if the offender fails to appear in person, without good cause, or if the court finds that the offender does not intend to seek release of the vehicle at the end of the period of immobilization or that the offender is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the

entity entitled to the immobilization fee under division (A)(5) of 4196  
this section, next into the name of a lienholder, or lastly, into 4197  
the name of the owner of the place of storage. 4198

A lienholder that receives title under a court order shall do 4199  
so on the condition that it pay any expenses or charges incurred 4200  
in the vehicle's removal and storage. If the entity that receives 4201  
title to the vehicle is the entity that is entitled to the 4202  
immobilization fee under division (A)(5) of this section, it shall 4203  
receive title on the condition that it pay any lien on the 4204  
vehicle. The court shall not order that title be transferred to 4205  
any person or entity other than the owner of the place of storage 4206  
if the person or entity refuses to receive the title. Any person 4207  
or entity that receives title may either keep title to the vehicle 4208  
or may dispose of the vehicle in any legal manner that it 4209  
considers appropriate, including assignment of the certificate of 4210  
title to the motor vehicle to a salvage dealer or a scrap metal 4211  
processing facility. The person or entity shall not transfer the 4212  
vehicle to the person who is the vehicle's immediate previous 4213  
owner. 4214

If the person or entity assigns the motor vehicle to a 4215  
salvage dealer or scrap metal processing facility, the person or 4216  
entity shall send the assigned certificate of title to the motor 4217  
vehicle to the clerk of the court of common pleas of the county in 4218  
which the salvage dealer or scrap metal processing facility is 4219  
located. The person or entity shall mark the face of the 4220  
certificate of title with the words "FOR DESTRUCTION" and shall 4221  
deliver a photocopy of the certificate of title to the salvage 4222  
dealer or scrap metal processing facility for its records. 4223

(2) Whenever a court issues an order under division (E)(1) of 4224  
this section, the court also shall order removal of the license 4225  
plates from the vehicle and cause them to be sent to the registrar 4226  
if they have not already been sent to the registrar. Thereafter, 4227

no further proceedings shall take place under this section, but 4228  
the offender remains liable for payment of the immobilization fee 4229  
described in division (A)(3) of this section if an immobilization 4230  
order previously had been issued by the court. 4231

(3) Prior to initiating a proceeding under division (E)(1) of 4232  
this section, and upon payment of the fee under division (B) of 4233  
section 4505.14 of the Revised Code, any interested party may 4234  
cause a search to be made of the public records of the bureau of 4235  
motor vehicles or the clerk of the court of common pleas, to 4236  
ascertain the identity of any lienholder of the vehicle. The 4237  
initiating party shall furnish this information to the clerk of 4238  
the court with jurisdiction over the case, and the clerk shall 4239  
provide notice to the vehicle owner, the defendant, any 4240  
lienholder, and any other interested parties listed by the 4241  
initiating party, at the last known address supplied by the 4242  
initiating party, by certified mail or, at the option of the 4243  
initiating party, by personal service or ordinary mail. 4244

As used in this section, "interested party" includes the 4245  
offender, all lienholders, the owner of the place of storage, the 4246  
person or entity that caused the vehicle to be removed, and the 4247  
person or entity, if any, entitled to the immobilization fee under 4248  
division (A)(5) of this section. 4249

**Sec. 4503.234.** (A) If a court orders the criminal forfeiture 4250  
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 4251  
4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 4252  
4511.203 of the Revised Code, the order shall be issued and 4253  
enforced in accordance with this division, subject to division (B) 4254  
of this section. An order of criminal forfeiture issued under this 4255  
division shall authorize an appropriate law enforcement agency to 4256  
seize the vehicle ordered criminally forfeited upon the terms and 4257  
conditions that the court determines proper. No vehicle ordered 4258

criminally forfeited pursuant to this division shall be considered 4259  
contraband for purposes of Chapter 2981. of the Revised Code, but 4260  
the law enforcement agency that employs the officer who seized it 4261  
shall hold the vehicle for disposal in accordance with this 4262  
section. A forfeiture order may be issued only after the offender 4263  
has been provided with an opportunity to be heard. The prosecuting 4264  
attorney shall give the offender written notice of the possibility 4265  
of forfeiture by sending a copy of the relevant uniform traffic 4266  
ticket or other written notice to the offender not less than seven 4267  
days prior to the date of issuance of the forfeiture order. A 4268  
vehicle is subject to an order of criminal forfeiture pursuant to 4269  
this division upon the conviction of the offender of or plea of 4270  
guilty by the offender to a violation of division (A) of section 4271  
4503.236, section 4510.11, 4510.14, ~~4510.16~~, or 4511.203, or 4272  
division (A) of section 4511.19 of the Revised Code, or a 4273  
municipal ordinance that is substantially equivalent to any of 4274  
those sections or divisions. 4275

(B)(1) Prior to the issuance of an order of criminal 4276  
forfeiture pursuant to this section, the law enforcement agency 4277  
that employs the law enforcement officer who seized the vehicle 4278  
shall conduct or cause to be conducted a search of the appropriate 4279  
public records that relate to the vehicle and shall make or cause 4280  
to be made reasonably diligent inquiries to identify any 4281  
lienholder or any person or entity with an ownership interest in 4282  
the vehicle. The court that is to issue the forfeiture order also 4283  
shall cause a notice of the potential order relative to the 4284  
vehicle and of the expected manner of disposition of the vehicle 4285  
after its forfeiture to be sent to any lienholder or person who is 4286  
known to the court to have any right, title, or interest in the 4287  
vehicle. The court shall give the notice by certified mail, return 4288  
receipt requested, or by personal service. 4289

(2) No order of criminal forfeiture shall be issued pursuant 4290

to this section if a lienholder or other person with an ownership interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the lienholder or other person neither knew nor should have known after a reasonable inquiry that the vehicle would be used or involved, or likely would be used or involved, in the violation resulting in the issuance of the order of criminal forfeiture or the violation of the order of immobilization issued under section 4503.233 of the Revised Code, that the lienholder or other person did not expressly or impliedly consent to the use or involvement of the vehicle in that violation, and that the lien or ownership interest was perfected pursuant to law prior to the seizure of the vehicle under section 4503.236, 4510.41, 4511.195, or 4511.203 of the Revised Code. If the lienholder or holder of the ownership interest satisfies the court that these criteria have been met, the court shall preserve the lienholder's or other person's lien or interest, and the court either shall return the vehicle to the holder, or shall order that the proceeds of any sale held pursuant to division (C)(2) of this section be paid to the lienholder or holder of the interest less the costs of seizure, storage, and maintenance of the vehicle. The court shall not return a vehicle to a lienholder or a holder of an ownership interest unless the lienholder or holder submits an affidavit to the court that states that the lienholder or holder will not return the vehicle to the person from whom the vehicle was seized pursuant to the order of criminal forfeiture or to any member of that person's family and will not otherwise knowingly permit that person or any member of that person's family to obtain possession of the vehicle.

(3) No order of criminal forfeiture shall be issued pursuant to this section if a person with an interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the person neither knew nor

should have known after a reasonable inquiry that the vehicle had 4324  
been used or was involved in the violation resulting in the 4325  
issuance of the order of criminal forfeiture or the violation of 4326  
the order of immobilization issued under section 4503.233 of the 4327  
Revised Code, that the person did not expressly or impliedly 4328  
consent to the use or involvement of the vehicle in that 4329  
violation, that the interest was perfected in good faith and for 4330  
value pursuant to law between the time of the arrest of the 4331  
offender and the final disposition of the criminal charge in 4332  
question, and that the vehicle was in the possession of the 4333  
interest holder at the time of the perfection of the interest. If 4334  
the court is satisfied that the interest holder has met these 4335  
criteria, the court shall preserve the interest holder's interest, 4336  
and the court either shall return the vehicle to the interest 4337  
holder or order that the proceeds of any sale held pursuant to 4338  
division (C) of this section be paid to the holder of the interest 4339  
less the costs of seizure, storage, and maintenance of the 4340  
vehicle. The court shall not return a vehicle to an interest 4341  
holder unless the holder submits an affidavit to the court stating 4342  
that the holder will not return the vehicle to the person from 4343  
whom the holder acquired the holder's interest, nor to any member 4344  
of that person's family, and the holder will not otherwise 4345  
knowingly permit that person or any member of that person's family 4346  
to obtain possession of the vehicle. 4347

(C) A vehicle ordered criminally forfeited to the state 4348  
pursuant to this section shall be disposed of as follows: 4349

(1) It shall be given to the law enforcement agency that 4350  
employs the law enforcement officer who seized the vehicle, if 4351  
that agency desires to have it; 4352

(2) If a vehicle is not disposed of pursuant to division 4353  
(C)(1) of this section, the vehicle shall be sold, without 4354  
appraisal, if the value of the vehicle is two thousand dollars or 4355

more as determined by publications of the national auto dealer's 4356  
association, at a public auction to the highest bidder for cash. 4357  
Prior to the sale, the prosecuting attorney in the case shall 4358  
cause a notice of the proposed sale to be given in accordance with 4359  
law. The court shall cause notice of the sale of the vehicle to be 4360  
published in a newspaper of general circulation in the county in 4361  
which the court is located at least seven days prior to the date 4362  
of the sale. The proceeds of a sale under this division or 4363  
division (F) of this section shall be applied in the following 4364  
order: 4365

(a) First, they shall be applied to the payment of the costs 4366  
incurred in connection with the seizure, storage, and maintenance 4367  
of, and provision of security for, the vehicle, any proceeding 4368  
arising out of the forfeiture, and if any, the sale. 4369

(b) Second, the remaining proceeds after compliance with 4370  
division (C)(2)(a) of this section, shall be applied to the 4371  
payment of the value of any lien or ownership interest in the 4372  
vehicle preserved under division (B) of this section. 4373

(c) Third, the remaining proceeds, after compliance with 4374  
divisions (C)(2)(a) and (b) of this section, shall be applied to 4375  
the appropriate funds in accordance with divisions (B) and (C) of 4376  
section 2981.13 of the Revised Code, provided that the total of 4377  
the amount so deposited under this division shall not exceed one 4378  
thousand dollars. The remaining proceeds deposited under this 4379  
division shall be used only for the purposes authorized by those 4380  
divisions and division (D) of that section. 4381

(d) Fourth, the remaining proceeds after compliance with 4382  
divisions (C)(2)(a) and (b) of this section and after deposit of a 4383  
total amount of one thousand dollars under division (C)(2)(c) of 4384  
this section shall be applied so that fifty per cent of those 4385  
remaining proceeds is paid into the reparation fund established by 4386  
section 2743.191 of the Revised Code, twenty-five per cent is paid 4387

into the drug abuse resistance education programs fund created by 4388  
division (F)(2)(e) of section 4511.191 of the Revised Code and 4389  
shall be used only for the purposes authorized by division 4390  
(F)(2)(e) of that section, and twenty-five per cent is applied to 4391  
the appropriate funds in accordance with divisions (B) and (C) of 4392  
section 2981.13 of the Revised Code. The proceeds deposited into 4393  
any fund described in section 2981.13 of the Revised Code shall be 4394  
used only for the purposes authorized by divisions (B)(4)(c), (C), 4395  
and (D) of that section. 4396

(D) Except as provided in division (E) of section 4511.203 of 4397  
the Revised Code and notwithstanding any other provision of law, 4398  
neither the registrar of motor vehicles nor any deputy registrar 4399  
shall accept an application for the registration of any motor 4400  
vehicle in the name of any person, or register any motor vehicle 4401  
in the name of any person, if both of the following apply: 4402

(1) Any vehicle registered in the person's name was 4403  
criminally forfeited under this section and section 4503.233, 4404  
4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.41, 4511.19, 4405  
4511.193, or 4511.203 of the Revised Code; 4406

(2) Less than five years have expired since the issuance of 4407  
the most recent order of criminal forfeiture issued in relation to 4408  
a vehicle registered in the person's name. 4409

(E) If a court orders the criminal forfeiture to the state of 4410  
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 4411  
4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, 4412  
or 4511.203 of the Revised Code, the title to the motor vehicle is 4413  
assigned or transferred, and division (B)(2) or (3) of this 4414  
section applies, in addition to or independent of any other 4415  
penalty established by law, the court may fine the offender the 4416  
value of the vehicle as determined by publications of the national 4417  
auto dealer's association. The proceeds from any fine imposed 4418  
under this division shall be distributed in accordance with 4419

division (C)(2) of this section. 4420

(F) As used in this section and divisions (B)(4)(c), (C), and 4421  
(D) of section 2981.13 of the Revised Code in relation to proceeds 4422  
of the sale of a vehicle under division (C) of this section, 4423  
"prosecuting attorney" includes the prosecuting attorney, village 4424  
solicitor, city director of law, or similar chief legal officer of 4425  
a municipal corporation who prosecutes the case resulting in the 4426  
conviction or guilty plea in question. 4427

(G) If the vehicle to be forfeited has an average retail 4428  
value of less than two thousand dollars as determined by 4429  
publications of the national auto dealer's association, no public 4430  
auction is required to be held. In such a case, the court may 4431  
direct that the vehicle be disposed of in any manner that it 4432  
considers appropriate, including assignment of the certificate of 4433  
title to the motor vehicle to a salvage dealer or a scrap metal 4434  
processing facility. The court shall not transfer the vehicle to 4435  
the person who is the vehicle's immediate previous owner. 4436

If the court assigns the motor vehicle to a salvage dealer or 4437  
scrap metal processing facility and the court is in possession of 4438  
the certificate of title to the motor vehicle, it shall send the 4439  
assigned certificate of title to the motor vehicle to the clerk of 4440  
the court of common pleas of the county in which the salvage 4441  
dealer or scrap metal processing facility is located. The court 4442  
shall mark the face of the certificate of title with the words 4443  
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 4444  
of title to the salvage dealer or scrap metal processing facility 4445  
for its records. 4446

If the court is not in possession of the certificate of title 4447  
to the motor vehicle, the court shall issue an order transferring 4448  
ownership of the motor vehicle to a salvage dealer or scrap metal 4449  
processing facility, send the order to the clerk of the court of 4450  
common pleas of the county in which the salvage dealer or scrap 4451

metal processing facility is located, and send a photocopy of the 4452  
order to the salvage dealer or scrap metal processing facility for 4453  
its records. The clerk shall make the proper notations or entries 4454  
in the clerk's records concerning the disposition of the motor 4455  
vehicle. 4456

**Sec. 4507.02.** (A)(1) No person shall permit the operation of 4457  
a motor vehicle upon any public or private property used by the 4458  
public for purposes of vehicular travel or parking knowing the 4459  
operator does not have a valid driver's license issued to the 4460  
operator by the registrar of motor vehicles under this chapter or 4461  
a valid commercial driver's license issued under Chapter 4506. of 4462  
the Revised Code. Except as otherwise provided in this division, 4463  
whoever violates this division is guilty of an unclassified 4464  
misdemeanor. When the offense is an unclassified misdemeanor, the 4465  
offender shall be sentenced pursuant to sections 2929.21 to 4466  
2929.28 of the Revised Code, except that the offender shall not be 4467  
sentenced to a jail term; the offender shall not be sentenced to a 4468  
community residential sanction pursuant to section 2929.26 of the 4469  
Revised Code; notwithstanding division (A)(2)(a) of section 4470  
2929.28 of the Revised Code, the offender may be fined up to one 4471  
thousand dollars; and, notwithstanding division (A)(3) of section 4472  
2929.27 of the Revised Code, the offender may be ordered pursuant 4473  
to division (C) of that section to serve a term of community 4474  
service of up to five hundred hours. The failure of an offender to 4475  
complete a term of community service imposed by the court may be 4476  
punished as indirect criminal contempt under division (A) of 4477  
section 2705.02 of the Revised Code that may be filed in the 4478  
underlying case. 4479

If, within three years of the offense, the offender 4480  
previously has been convicted of or pleaded guilty to two or more 4481  
violations of this section or a substantially equivalent municipal 4482  
ordinance, the offense is a misdemeanor of the first degree. 4483

(2) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one valid license at any time.

(B)(1) If a person is convicted of a violation of section 4510.11, 4510.14, ~~4510.16 when division (C)(2) and (3) of that section applies,~~ or 4510.21 of the Revised Code or if division ~~(F)~~(E) of section 4507.164 of the Revised Code applies, the trial judge of any court, in addition to or independent of any other penalties provided by law or ordinance, may impound the identification license plates of any motor vehicle registered in the name of the person. ~~If a person is convicted of a violation of section 4510.16 of the Revised Code and division (C)(1) of that section applies, the trial judge of any court, in addition to or independent of any other penalties provided by law or ordinance, may impound the identification license plates of any motor vehicle registered in the name of the person.~~ The court shall send the impounded license plates to the registrar, who may retain the license plates until the driver's or commercial driver's license of the owner has been reinstated or destroy them pursuant to section 4503.232 of the Revised Code.

If the license plates of a person convicted of a violation of any provision of those sections have been impounded in accordance with the provisions of this division, the court shall notify the registrar of that action. The notice shall contain the name and address of the driver, the serial number of the driver's or

commercial driver's license, the serial numbers of the license 4516  
plates of the motor vehicle, and the length of time for which the 4517  
license plates have been impounded. The registrar shall record the 4518  
data in the notice as part of the driver's permanent record. 4519

(2) Any motor vehicle owner who has had the license plates of 4520  
a motor vehicle impounded pursuant to division (B)(1) of this 4521  
section may apply to the registrar, or to a deputy registrar, for 4522  
restricted license plates that shall conform to the requirements 4523  
of section 4503.231 of the Revised Code. The registrar or deputy 4524  
registrar forthwith shall notify the court of the application and, 4525  
upon approval of the court, shall issue restricted license plates 4526  
to the applicant. Until the driver's or commercial driver's 4527  
license of the owner is reinstated, any new license plates issued 4528  
to the owner also shall conform to the requirements of section 4529  
4503.231 of the Revised Code. 4530

The registrar or deputy registrar shall charge the owner of a 4531  
vehicle the fees provided in section 4503.19 of the Revised Code 4532  
for restricted license plates that are issued in accordance with 4533  
this division, except upon renewal as specified in section 4503.10 4534  
of the Revised Code, when the regular fee as provided in section 4535  
4503.04 of the Revised Code shall be charged. The registrar or 4536  
deputy registrar shall charge the owner of a vehicle the fees 4537  
provided in section 4503.19 of the Revised Code whenever 4538  
restricted license plates are exchanged, by reason of the 4539  
reinstatement of the driver's or commercial driver's license of 4540  
the owner, for those ordinarily issued. 4541

(3) If an owner wishes to sell a motor vehicle during the 4542  
time the restricted license plates provided under division (B)(2) 4543  
of this section are in use, the owner may apply to the court that 4544  
impounded the license plates of the motor vehicle for permission 4545  
to transfer title to the motor vehicle. If the court is satisfied 4546  
that the sale will be made in good faith and not for the purpose 4547

of circumventing the provisions of this section, it may certify 4548  
its consent to the owner and to the registrar of motor vehicles 4549  
who shall enter notice of the transfer of the title of the motor 4550  
vehicle in the vehicle registration record. 4551

If, during the time the restricted license plates provided 4552  
under division (B)(2) of this section are in use, the title to a 4553  
motor vehicle is transferred by the foreclosure of a chattel 4554  
mortgage, a sale upon execution, the cancellation of a conditional 4555  
sales contract, or by order of a court, the court shall notify the 4556  
registrar of the action and the registrar shall enter notice of 4557  
the transfer of the title to the motor vehicle in the vehicle 4558  
registration record. 4559

(C) This section is not intended to change or modify any 4560  
provision of Chapter 4503. of the Revised Code with respect to the 4561  
taxation of motor vehicles or the time within which the taxes on 4562  
motor vehicles shall be paid. 4563

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) 4564  
of this section, when the license of any person is suspended 4565  
pursuant to any provision of the Revised Code other than division 4566  
(G) of section 4511.19 of the Revised Code and other than section 4567  
4510.07 of the Revised Code for a violation of a municipal OVI 4568  
ordinance, the trial judge may impound the identification license 4569  
plates of any motor vehicle registered in the name of the person. 4570

(B)(1) When the license of any person is suspended pursuant 4571  
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 4572  
pursuant to section 4510.07 of the Revised Code for a municipal 4573  
OVI offense when the suspension is equivalent in length to the 4574  
suspension under division (G) of section 4511.19 of the Revised 4575  
Code that is specified in this division, the trial judge of the 4576  
court of record or the mayor of the mayor's court that suspended 4577  
the license may impound the identification license plates of any 4578

motor vehicle registered in the name of the person. 4579

(2) When the license of any person is suspended pursuant to 4580  
division (G)(1)(b) of section 4511.19 of the Revised Code, or 4581  
pursuant to section 4510.07 of the Revised Code for a municipal 4582  
OVI offense when the suspension is equivalent in length to the 4583  
suspension under division (G) of section 4511.19 of the Revised 4584  
Code that is specified in this division, the trial judge of the 4585  
court of record that suspended the license shall order the 4586  
impoundment of the identification license plates of the motor 4587  
vehicle the offender was operating at the time of the offense and 4588  
the immobilization of that vehicle in accordance with section 4589  
4503.233 and division (G)(1)(b) of section 4511.19 or division 4590  
(C)(2)(a) of section 4511.193 of the Revised Code and may impound 4591  
the identification license plates of any other motor vehicle 4592  
registered in the name of the person whose license is suspended. 4593

(3) When the license of any person is suspended pursuant to 4594  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 4595  
Code, or pursuant to section 4510.07 of the Revised Code for a 4596  
municipal OVI offense when the suspension is equivalent in length 4597  
to the suspension under division (G) of section 4511.19 of the 4598  
Revised Code that is specified in this division, the trial judge 4599  
of the court of record that suspended the license shall order the 4600  
criminal forfeiture to the state of the motor vehicle the offender 4601  
was operating at the time of the offense in accordance with 4602  
section 4503.234 and division (G)(1)(c), (d), or (e) of section 4603  
4511.19 or division (C)(2)(b) of section 4511.193 of the Revised 4604  
Code and may impound the identification license plates of any 4605  
other motor vehicle registered in the name of the person whose 4606  
license is suspended. 4607

(C)(1) When a person is convicted of or pleads guilty to a 4608  
violation of section 4510.14 of the Revised Code or a 4609  
substantially equivalent municipal ordinance and division (B)(1) 4610

or (2) of section 4510.14 or division ~~(C)~~(B)(1) or (2) of section 4611  
4510.161 of the Revised Code applies, the trial judge of the court 4612  
of record or the mayor of the mayor's court that imposes sentence 4613  
shall order the immobilization of the vehicle the person was 4614  
operating at the time of the offense and the impoundment of its 4615  
identification license plates in accordance with section 4503.233 4616  
and division (B)(1) or (2) of section 4510.14 or division 4617  
~~(C)~~(B)(1) or (2) of section 4510.161 of the Revised Code and may 4618  
impound the identification license plates of any other vehicle 4619  
registered in the name of that person. 4620

(2) When a person is convicted of or pleads guilty to a 4621  
violation of section 4510.14 of the Revised Code or a 4622  
substantially equivalent municipal ordinance and division (B)(3) 4623  
of section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of 4624  
the Revised Code applies, the trial judge of the court of record 4625  
that imposes sentence shall order the criminal forfeiture to the 4626  
state of the vehicle the person was operating at the time of the 4627  
offense in accordance with section 4503.234 and division (B)(3) of 4628  
section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of the 4629  
Revised Code and may impound the identification license plates of 4630  
any other vehicle registered in the name of that person. 4631

~~(D) When a person is convicted of or pleads guilty to a 4632  
violation of division (A) of section 4510.16 of the Revised Code 4633  
or a substantially equivalent municipal ordinance, division (D) or 4634  
(C) of section 4510.16 or division (B) of section 4510.161 of the 4635  
Revised Code applies in determining whether the immobilization of 4636  
the vehicle the person was operating at the time of the offense 4637  
and the impoundment of its identification license plates or the 4638  
criminal forfeiture to the state of the vehicle the person was 4639  
operating at the time of the offense is authorized or required. 4640  
The trial judge of the court of record or the mayor of the mayor's 4641  
court that imposes sentence may impound the identification license 4642~~

~~plates of any other vehicle registered in the name of that person.~~ 4643

~~(E)~~(1) When a person is convicted of or pleads guilty to a 4644  
violation of section 4511.203 of the Revised Code and the person 4645  
is sentenced pursuant to division (C)(3)(a) or (b) of section 4646  
4511.203 of the Revised Code, the trial judge of the court of 4647  
record or the mayor of the mayor's court that imposes sentence 4648  
shall order the immobilization of the vehicle that was involved in 4649  
the commission of the offense and the impoundment of its 4650  
identification license plates in accordance with division 4651  
(C)(3)(a) or (b) of section 4511.203 and section 4503.233 of the 4652  
Revised Code and may impound the identification license plates of 4653  
any other vehicle registered in the name of that person. 4654

(2) When a person is convicted of or pleads guilty to a 4655  
violation of section 4511.203 of the Revised Code and the person 4656  
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 4657  
the Revised Code, the trial judge of the court of record or the 4658  
mayor of the mayor's court that imposes sentence shall order the 4659  
criminal forfeiture to the state of the vehicle that was involved 4660  
in the commission of the offense in accordance with division 4661  
(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised 4662  
Code and may impound the identification license plates of any 4663  
other vehicle registered in the name of that person. 4664

~~(F)~~(E) Except as provided in section 4503.233 or 4503.234 of 4665  
the Revised Code, when the certificate of registration, the 4666  
identification license plates, or both have been impounded, 4667  
division (B) of section 4507.02 of the Revised Code is applicable. 4668

~~(G)~~(F) As used in this section, "municipal OVI offense" has 4669  
the same meaning as in section 4511.181 of the Revised Code. 4670

**Sec. 4509.06.** (A) The driver of any motor vehicle which is in 4671  
any manner involved in a motor vehicle accident within six months 4672  
of the accident may forward a written report of the accident to 4673

the registrar of motor vehicles on a form prescribed by the 4674  
registrar alleging that a driver or owner of any other vehicle 4675  
involved in the accident was uninsured at the time of the 4676  
accident. 4677

(B) Upon receipt of the accident report, the registrar shall 4678  
send a notice by regular mail to the driver and owner alleged to 4679  
be uninsured requiring the person to give evidence that the person 4680  
had proof of financial responsibility in effect at the time of the 4681  
accident. 4682

(C) Within thirty days after the mailing of the notice by the 4683  
registrar, the driver of the vehicle alleged to be uninsured shall 4684  
forward a report together with acceptable proof of financial 4685  
responsibility to the registrar in a form prescribed by the 4686  
registrar. The forwarding of the report by the owner of the motor 4687  
vehicle involved in the accident is deemed compliance with this 4688  
section by the driver. This section does not change or modify the 4689  
duties of the driver or operator of a motor vehicle as set forth 4690  
in section 4549.02 of the Revised Code. 4691

~~(D) In accordance with sections 4509.01 to 4509.78 of the 4692  
Revised Code, the registrar shall suspend the license of any 4693  
person who fails to give acceptable proof of financial 4694  
responsibility as required in this section. 4695~~

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 4696  
operation of, a motor vehicle in this state, unless proof of 4697  
financial responsibility is maintained continuously throughout the 4698  
registration period with respect to that vehicle, or, in the case 4699  
of a driver who is not the owner, with respect to that driver's 4700  
operation of that vehicle. 4701

(2) Whoever violates division (A)(1) of this section shall be 4702  
subject to the following civil penalties: 4703

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class E suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. ~~No~~ The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving

privileges ~~during~~ for the first thirty days of the suspension. 4736

(d) In addition to the suspension of an owner's license under 4737  
division (A)(2)(a), (b), or (c) of this section, the suspension of 4738  
the rights of the owner to register the motor vehicle and the 4739  
impoundment of the owner's certificate of registration and license 4740  
plates until the owner complies with division (A)(5) of this 4741  
section. 4742

(3) A person to whom this state has issued a certificate of 4743  
registration for a motor vehicle or a license to operate a motor 4744  
vehicle or who is determined to have operated any motor vehicle or 4745  
permitted the operation in this state of a motor vehicle owned by 4746  
the person shall be required to verify the existence of proof of 4747  
financial responsibility covering the operation of the motor 4748  
vehicle or the person's operation of the motor vehicle under any 4749  
of the following circumstances: 4750

(a) The person or a motor vehicle owned by the person is 4751  
involved in a traffic accident that requires the filing of an 4752  
accident report under section 4509.06 of the Revised Code. 4753

(b) The person receives a traffic ticket indicating that 4754  
proof of the maintenance of financial responsibility was not 4755  
produced upon the request of a peace officer or state highway 4756  
patrol trooper made in accordance with division (D)(2) of this 4757  
section. 4758

(c) Whenever, in accordance with rules adopted by the 4759  
registrar, the person is randomly selected by the registrar and 4760  
requested to provide such verification. 4761

(4) An order of the registrar that suspends and impounds a 4762  
license or registration, or both, shall state the date on or 4763  
before which the person is required to surrender the person's 4764  
license or certificate of registration and license plates. The 4765  
person is deemed to have surrendered the license or certificate of 4766

registration and license plates, in compliance with the order, if 4767  
the person does either of the following: 4768

(a) On or before the date specified in the order, personally 4769  
delivers the license or certificate of registration and license 4770  
plates, or causes the delivery of the items, to the registrar; 4771

(b) Mails the license or certificate of registration and 4772  
license plates to the registrar in an envelope or container 4773  
bearing a postmark showing a date no later than the date specified 4774  
in the order. 4775

(5) Except as provided in division (A)(6) or (L) of this 4776  
section, the registrar shall not restore any operating privileges 4777  
or registration rights suspended under this section, return any 4778  
license, certificate of registration, or license plates impounded 4779  
under this section, or reissue license plates under section 4780  
4503.232 of the Revised Code, if the registrar destroyed the 4781  
impounded license plates under that section, or reissue a license 4782  
under section 4510.52 of the Revised Code, if the registrar 4783  
destroyed the suspended license under that section, unless the 4784  
rights are not subject to suspension or revocation under any other 4785  
law and unless the person, in addition to complying with all other 4786  
conditions required by law for reinstatement of the operating 4787  
privileges or registration rights, complies with all of the 4788  
following: 4789

(a) Pays to the registrar or an eligible deputy registrar a 4790  
financial responsibility reinstatement fee of one hundred dollars 4791  
for the first violation of division (A)(1) of this section, three 4792  
hundred dollars for a second violation of that division, and six 4793  
hundred dollars for a third or subsequent violation of that 4794  
division; 4795

(b) If the person has not voluntarily surrendered the 4796  
license, certificate, or license plates in compliance with the 4797

order, pays to the registrar or an eligible deputy registrar a 4798  
financial responsibility nonvoluntary compliance fee in an amount, 4799  
not to exceed fifty dollars, determined by the registrar; 4800

(c) Files and continuously maintains proof of financial 4801  
responsibility under sections 4509.44 to 4509.65 of the Revised 4802  
Code; 4803

(d) Pays a deputy registrar a service fee of ten dollars to 4804  
compensate the deputy registrar for services performed under this 4805  
section. The deputy registrar shall retain eight dollars of the 4806  
service fee and shall transmit the reinstatement fee, any 4807  
nonvoluntary compliance fee, and two dollars of the service fee to 4808  
the registrar in the manner the registrar shall determine. 4809

(6) If the registrar issues an order under division (A)(2) of 4810  
this section resulting from the failure of a person to respond to 4811  
a financial responsibility random verification request under 4812  
division (A)(3)(c) of this section and the person successfully 4813  
maintains an affirmative defense to a violation of section 4510.16 4814  
of the Revised Code or is determined by the registrar or a deputy 4815  
registrar to have been in compliance with division (A)(1) of this 4816  
section at the time of the initial financial responsibility random 4817  
verification request, the registrar shall do both of the 4818  
following: 4819

(a) Terminate the order of suspension or impoundment; 4820

(b) Restore the operating privileges and registration rights 4821  
of the person without payment of the fees established in divisions 4822  
(A)(5)(a) and (b) of this section and without a requirement to 4823  
file proof of financial responsibility. 4824

(B)(1) Every party required to file an accident report under 4825  
section 4509.06 of the Revised Code also shall include with the 4826  
report a document described in division (G)(1) of this section. 4827

If the registrar determines, within forty-five days after the 4828

report is filed, that an operator or owner has violated division 4829  
(A)(1) of this section, the registrar shall do all of the 4830  
following: 4831

(a) Order the impoundment, with respect to the motor vehicle 4832  
involved, required under division (A)(2)(d) of this section, of 4833  
the certificate of registration and license plates of any owner 4834  
who has violated division (A)(1) of this section; 4835

(b) Order the suspension required under division (A)(2)(a), 4836  
(b), or (c) of this section of the license of any operator or 4837  
owner who has violated division (A)(1) of this section; 4838

(c) Record the name and address of the person whose 4839  
certificate of registration and license plates have been impounded 4840  
or are under an order of impoundment, or whose license has been 4841  
suspended or is under an order of suspension; the serial number of 4842  
the person's license; the serial numbers of the person's 4843  
certificate of registration and license plates; and the person's 4844  
social security account number, if assigned, or, where the motor 4845  
vehicle is used for hire or principally in connection with any 4846  
established business, the person's federal taxpayer identification 4847  
number. The information shall be recorded in such a manner that it 4848  
becomes a part of the person's permanent record, and assists the 4849  
registrar in monitoring compliance with the orders of suspension 4850  
or impoundment. 4851

(d) Send written notification to every person to whom the 4852  
order pertains, at the person's last known address as shown on the 4853  
records of the bureau. The person, within ten days after the date 4854  
of the mailing of the notification, shall surrender to the 4855  
registrar, in a manner set forth in division (A)(4) of this 4856  
section, any certificate of registration and registration plates 4857  
under an order of impoundment, or any license under an order of 4858  
suspension. 4859

(2) The registrar shall issue any order under division (B)(1) 4860  
of this section without a hearing. Any person adversely affected 4861  
by the order, within ten days after the issuance of the order, may 4862  
request an administrative hearing before the registrar, who shall 4863  
provide the person with an opportunity for a hearing in accordance 4864  
with this paragraph. A request for a hearing does not operate as a 4865  
suspension of the order. The scope of the hearing shall be limited 4866  
to whether the person in fact demonstrated to the registrar proof 4867  
of financial responsibility in accordance with this section. The 4868  
registrar shall determine the date, time, and place of any 4869  
hearing, provided that the hearing shall be held, and an order 4870  
issued or findings made, within thirty days after the registrar 4871  
receives a request for a hearing. If requested by the person in 4872  
writing, the registrar may designate as the place of hearing the 4873  
county seat of the county in which the person resides or a place 4874  
within fifty miles of the person's residence. The person shall pay 4875  
the cost of the hearing before the registrar, if the registrar's 4876  
order of suspension or impoundment is upheld. 4877

(C) Any order of suspension or impoundment issued under this 4878  
section or division (B) of section 4509.37 of the Revised Code may 4879  
be terminated at any time if the registrar determines upon a 4880  
showing of proof of financial responsibility that the operator or 4881  
owner of the motor vehicle was in compliance with division (A)(1) 4882  
of this section at the time of the traffic offense, motor vehicle 4883  
inspection, or accident that resulted in the order against the 4884  
person. A determination may be made without a hearing. This 4885  
division does not apply unless the person shows good cause for the 4886  
person's failure to present satisfactory proof of financial 4887  
responsibility to the registrar prior to the issuance of the 4888  
order. 4889

(D)(1) For the purpose of enforcing this section, every peace 4890  
officer is deemed an agent of the registrar. 4891

(a) Except as provided in division (D)(1)(b) of this section, 4892  
any peace officer who, in the performance of the peace officer's 4893  
duties as authorized by law, becomes aware of a person whose 4894  
license is under an order of suspension, or whose certificate of 4895  
registration and license plates are under an order of impoundment, 4896  
pursuant to this section, may confiscate the license, certificate 4897  
of registration, and license plates, and return them to the 4898  
registrar. 4899

(b) Any peace officer who, in the performance of the peace 4900  
officer's duties as authorized by law, becomes aware of a person 4901  
whose license is under an order of suspension, or whose 4902  
certificate of registration and license plates are under an order 4903  
of impoundment resulting from failure to respond to a financial 4904  
responsibility random verification, shall not, for that reason, 4905  
arrest the owner or operator or seize the vehicle or license 4906  
plates. Instead, the peace officer shall issue a citation for a 4907  
violation of section 4510.16 of the Revised Code specifying the 4908  
circumstances as failure to respond to a financial responsibility 4909  
random verification. 4910

(2) A peace officer shall request the owner or operator of a 4911  
motor vehicle to produce proof of financial responsibility in a 4912  
manner described in division (G) of this section at the time the 4913  
peace officer acts to enforce the traffic laws of this state and 4914  
during motor vehicle inspections conducted pursuant to section 4915  
4513.02 of the Revised Code. 4916

(3) A peace officer shall indicate on every traffic ticket 4917  
whether the person receiving the traffic ticket produced proof of 4918  
the maintenance of financial responsibility in response to the 4919  
officer's request under division (D)(2) of this section. The peace 4920  
officer shall inform every person who receives a traffic ticket 4921  
and who has failed to produce proof of the maintenance of 4922  
financial responsibility that the person must submit proof to the 4923

traffic violations bureau with any payment of a fine and costs for 4924  
the ticketed violation or, if the person is to appear in court for 4925  
the violation, the person must submit proof to the court. 4926

(4)(a) If a person who has failed to produce proof of the 4927  
maintenance of financial responsibility appears in court for a 4928  
ticketed violation, the court may permit the defendant to present 4929  
evidence of proof of financial responsibility to the court at such 4930  
time and in such manner as the court determines to be necessary or 4931  
appropriate. In a manner prescribed by the registrar, the clerk of 4932  
courts shall provide the registrar with the identity of any person 4933  
who fails to submit proof of the maintenance of financial 4934  
responsibility pursuant to division (D)(3) of this section. 4935

(b) If a person who has failed to produce proof of the 4936  
maintenance of financial responsibility also fails to submit that 4937  
proof to the traffic violations bureau with payment of a fine and 4938  
costs for the ticketed violation, the traffic violations bureau, 4939  
in a manner prescribed by the registrar, shall notify the 4940  
registrar of the identity of that person. 4941

(5)(a) Upon receiving notice from a clerk of courts or 4942  
traffic violations bureau pursuant to division (D)(4) of this 4943  
section, the registrar shall order the suspension of the license 4944  
of the person required under division (A)(2)(a), (b), or (c) of 4945  
this section and the impoundment of the person's certificate of 4946  
registration and license plates required under division (A)(2)(d) 4947  
of this section, effective thirty days after the date of the 4948  
mailing of notification. The registrar also shall notify the 4949  
person that the person must present the registrar with proof of 4950  
financial responsibility in accordance with this section, 4951  
surrender to the registrar the person's certificate of 4952  
registration, license plates, and license, or submit a statement 4953  
subject to section 2921.13 of the Revised Code that the person did 4954  
not operate or permit the operation of the motor vehicle at the 4955

time of the offense. Notification shall be in writing and shall be 4956  
sent to the person at the person's last known address as shown on 4957  
the records of the bureau of motor vehicles. The person, within 4958  
fifteen days after the date of the mailing of notification, shall 4959  
present proof of financial responsibility, surrender the 4960  
certificate of registration, license plates, and license to the 4961  
registrar in a manner set forth in division (A)(4) of this 4962  
section, or submit the statement required under this section 4963  
together with other information the person considers appropriate. 4964

If the registrar does not receive proof or the person does 4965  
not surrender the certificate of registration, license plates, and 4966  
license, in accordance with this division, the registrar shall 4967  
permit the order for the suspension of the license of the person 4968  
and the impoundment of the person's certificate of registration 4969  
and license plates to take effect. 4970

(b) In the case of a person who presents, within the 4971  
fifteen-day period, documents to show proof of financial 4972  
responsibility, the registrar shall terminate the order of 4973  
suspension and the impoundment of the registration and license 4974  
plates required under division (A)(2)(d) of this section and shall 4975  
send written notification to the person, at the person's last 4976  
known address as shown on the records of the bureau. 4977

(c) Any person adversely affected by the order of the 4978  
registrar under division (D)(5)(a) or (b) of this section, within 4979  
ten days after the issuance of the order, may request an 4980  
administrative hearing before the registrar, who shall provide the 4981  
person with an opportunity for a hearing in accordance with this 4982  
paragraph. A request for a hearing does not operate as a 4983  
suspension of the order. The scope of the hearing shall be limited 4984  
to whether, at the time of the hearing, the person presents proof 4985  
of financial responsibility covering the vehicle and whether the 4986  
person is eligible for an exemption in accordance with this 4987

section or any rule adopted under it. The registrar shall 4988  
determine the date, time, and place of any hearing; provided, that 4989  
the hearing shall be held, and an order issued or findings made, 4990  
within thirty days after the registrar receives a request for a 4991  
hearing. If requested by the person in writing, the registrar may 4992  
designate as the place of hearing the county seat of the county in 4993  
which the person resides or a place within fifty miles of the 4994  
person's residence. Such person shall pay the cost of the hearing 4995  
before the registrar, if the registrar's order of suspension or 4996  
impoundment under division (D)(5)(a) or (b) of this section is 4997  
upheld. 4998

(6) A peace officer may charge an owner or operator of a 4999  
motor vehicle with a violation of section 4510.16 of the Revised 5000  
Code when the owner or operator fails to show proof of the 5001  
maintenance of financial responsibility pursuant to a peace 5002  
officer's request under division (D)(2) of this section, if a 5003  
check of the owner or operator's driving record indicates that the 5004  
owner or operator, at the time of the operation of the motor 5005  
vehicle, is required to file and maintain proof of financial 5006  
responsibility under section 4509.45 of the Revised Code for a 5007  
previous violation of this chapter. 5008

(7) Any forms used by law enforcement agencies in 5009  
administering this section shall be prescribed, supplied, and paid 5010  
for by the registrar. 5011

(8) No peace officer, law enforcement agency employing a 5012  
peace officer, or political subdivision or governmental agency 5013  
that employs a peace officer shall be liable in a civil action for 5014  
damages or loss to persons arising out of the performance of any 5015  
duty required or authorized by this section. 5016

(9) As used in this division and divisions (E) and (G) of 5017  
this section, "peace officer" has the meaning set forth in section 5018  
2935.01 of the Revised Code. 5019

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the financial responsibility compliance fund. The financial responsibility compliance fund shall be used exclusively to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.

Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section or receives from a deputy registrar under division (A)(5)(d) of this section, the registrar shall deposit twenty-five dollars of each one-hundred-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

All investment earnings of the financial responsibility compliance fund shall be credited to the fund.

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G)(1) The registrar, court, traffic violations bureau, or 5052  
peace officer may require proof of financial responsibility to be 5053  
demonstrated by use of a standard form prescribed by the 5054  
registrar. If the use of a standard form is not required, a person 5055  
may demonstrate proof of financial responsibility under this 5056  
section by presenting to the traffic violations bureau, court, 5057  
registrar, or peace officer any of the following documents or a 5058  
copy of the documents: 5059

(a) A financial responsibility identification card as 5060  
provided in section 4509.103 of the Revised Code; 5061

(b) A certificate of proof of financial responsibility on a 5062  
form provided and approved by the registrar for the filing of an 5063  
accident report required to be filed under section 4509.06 of the 5064  
Revised Code; 5065

(c) A policy of liability insurance, a declaration page of a 5066  
policy of liability insurance, or liability bond, if the policy or 5067  
bond complies with section 4509.20 or sections 4509.49 to 4509.61 5068  
of the Revised Code; 5069

(d) A bond or certification of the issuance of a bond as 5070  
provided in section 4509.59 of the Revised Code; 5071

(e) A certificate of deposit of money or securities as 5072  
provided in section 4509.62 of the Revised Code; 5073

(f) A certificate of self-insurance as provided in section 5074  
4509.72 of the Revised Code. 5075

(2) If a person fails to demonstrate proof of financial 5076  
responsibility in a manner described in division (G)(1) of this 5077  
section, the person may demonstrate proof of financial 5078  
responsibility under this section by any other method that the 5079  
court or the bureau, by reason of circumstances in a particular 5080  
case, may consider appropriate. 5081

(3) A motor carrier certificated by the interstate commerce 5082  
commission or by the public utilities commission may demonstrate 5083  
proof of financial responsibility by providing a statement 5084  
designating the motor carrier's operating authority and averring 5085  
that the insurance coverage required by the certificating 5086  
authority is in full force and effect. 5087

(4)(a) A finding by the registrar or court that a person is 5088  
covered by proof of financial responsibility in the form of an 5089  
insurance policy or surety bond is not binding upon the named 5090  
insurer or surety or any of its officers, employees, agents, or 5091  
representatives and has no legal effect except for the purpose of 5092  
administering this section. 5093

(b) The preparation and delivery of a financial 5094  
responsibility identification card or any other document 5095  
authorized to be used as proof of financial responsibility under 5096  
this division does not do any of the following: 5097

(i) Create any liability or estoppel against an insurer or 5098  
surety, or any of its officers, employees, agents, or 5099  
representatives; 5100

(ii) Constitute an admission of the existence of, or of any 5101  
liability or coverage under, any policy or bond; 5102

(iii) Waive any defenses or counterclaims available to an 5103  
insurer, surety, agent, employee, or representative in an action 5104  
commenced by an insured or third-party claimant upon a cause of 5105  
action alleged to have arisen under an insurance policy or surety 5106  
bond or by reason of the preparation and delivery of a document 5107  
for use as proof of financial responsibility. 5108

(c) Whenever it is determined by a final judgment in a 5109  
judicial proceeding that an insurer or surety, which has been 5110  
named on a document accepted by a court or the registrar as proof 5111  
of financial responsibility covering the operation of a motor 5112

vehicle at the time of an accident or offense, is not liable to 5113  
pay a judgment for injuries or damages resulting from such 5114  
operation, the registrar, notwithstanding any previous contrary 5115  
finding, shall forthwith suspend the operating privileges and 5116  
registration rights of the person against whom the judgment was 5117  
rendered as provided in division (A)(2) of this section. 5118

(H) In order for any document described in division (G)(1)(b) 5119  
of this section to be used for the demonstration of proof of 5120  
financial responsibility under this section, the document shall 5121  
state the name of the insured or obligor, the name of the insurer 5122  
or surety company, and the effective and expiration dates of the 5123  
financial responsibility, and designate by explicit description or 5124  
by appropriate reference all motor vehicles covered which may 5125  
include a reference to fleet insurance coverage. 5126

(I) For purposes of this section, "owner" does not include a 5127  
licensed motor vehicle leasing dealer as defined in section 5128  
4517.01 of the Revised Code, but does include a motor vehicle 5129  
renting dealer as defined in section 4549.65 of the Revised Code. 5130  
Nothing in this section or in section 4509.51 of the Revised Code 5131  
shall be construed to prohibit a motor vehicle renting dealer from 5132  
entering into a contractual agreement with a person whereby the 5133  
person renting the motor vehicle agrees to be solely responsible 5134  
for maintaining proof of financial responsibility, in accordance 5135  
with this section, with respect to the operation, maintenance, or 5136  
use of the motor vehicle during the period of the motor vehicle's 5137  
rental. 5138

(J) The purpose of this section is to require the maintenance 5139  
of proof of financial responsibility with respect to the operation 5140  
of motor vehicles on the highways of this state, so as to minimize 5141  
those situations in which persons are not compensated for injuries 5142  
and damages sustained in motor vehicle accidents. The general 5143  
assembly finds that this section contains reasonable civil 5144

penalties and procedures for achieving this purpose. 5145

(K) Nothing in this section shall be construed to be subject 5146  
to section 4509.78 of the Revised Code. 5147

(L)(1) The registrar may terminate any suspension imposed 5148  
under this section and not require the owner to comply with 5149  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5150  
with or without a hearing determines that the owner of the vehicle 5151  
has established by clear and convincing evidence that all of the 5152  
following apply: 5153

(a) The owner customarily maintains proof of financial 5154  
responsibility. 5155

(b) Proof of financial responsibility was not in effect for 5156  
the vehicle on the date in question for one of the following 5157  
reasons: 5158

(i) The vehicle was inoperable. 5159

(ii) The vehicle is operated only seasonally, and the date in 5160  
question was outside the season of operation. 5161

(iii) A person other than the vehicle owner or driver was at 5162  
fault for the lapse of proof of financial responsibility through 5163  
no fault of the owner or driver. 5164

(iv) The lapse of proof of financial responsibility was 5165  
caused by excusable neglect under circumstances that are not 5166  
likely to recur and do not suggest a purpose to evade the 5167  
requirements of this chapter. 5168

(2) The registrar may grant an owner or driver relief for a 5169  
reason specified in division (L)(1)(b)(i) or (ii) of this section 5170  
whenever the owner or driver is randomly selected to verify the 5171  
existence of proof of financial responsibility for such a vehicle. 5172  
However, the registrar may grant an owner or driver relief for a 5173  
reason specified in division (L)(1)(b)(iii) or (iv) of this 5174

section only if the owner or driver has not previously been 5175  
granted relief under division (L)(1)(b)(iii) or (iv) of this 5176  
section. 5177

(M) The registrar shall adopt rules in accordance with 5178  
Chapter 119. of the Revised Code that are necessary to administer 5179  
and enforce this section. The rules shall include procedures for 5180  
the surrender of license plates upon failure to maintain proof of 5181  
financial responsibility and provisions relating to reinstatement 5182  
of registration rights, acceptable forms of proof of financial 5183  
responsibility, and verification of the existence of financial 5184  
responsibility during the period of registration. 5185

**Sec. 4510.10.** (A) As used in this section, "reinstatement 5186  
fees" means the fees that are required under section 4507.1612, 5187  
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 5188  
provision of the Revised Code, or under a schedule established by 5189  
the bureau of motor vehicles, in order to reinstate a driver's or 5190  
commercial driver's license or permit or nonresident operating 5191  
privilege of an offender under a suspension. 5192

(B) Reinstatement fees are those fees that compensate the 5193  
bureau of motor vehicles for suspensions, cancellations, or 5194  
disqualifications of a person's driving privileges and to 5195  
compensate the bureau and other agencies in their administration 5196  
of programs intended to reduce and eliminate threats to public 5197  
safety through education, treatment, and other activities. The 5198  
registrar of motor vehicles shall not reinstate a driver's or 5199  
commercial driver's license or permit or nonresident operating 5200  
privilege of a person until the person has paid all reinstatement 5201  
fees and has complied with all conditions for each suspension, 5202  
cancellation, or disqualification incurred by that person. 5203

(C) When a municipal court or county court determines in a 5204  
pending case involving an offender that the offender cannot 5205

reasonably pay reinstatement fees due and owing by the offender 5206  
relative to one or more suspensions that have been or will be 5207  
imposed by the bureau of motor vehicles or by a court of this 5208  
state, the court, by order, may undertake an installment payment 5209  
plan or a payment extension plan for the payment of reinstatement 5210  
fees due and owing to the bureau in that pending case. The court 5211  
shall establish an installment payment plan or a payment extension 5212  
plan under this division in accordance with the requirements of 5213  
divisions (D)(1) and (2) of this section. 5214

(D) Independent of the provisions of division (C) of this 5215  
section, an offender who cannot reasonably pay reinstatement fees 5216  
due and owing by the offender relative to a suspension that has 5217  
been imposed on the offender may file a petition in the municipal 5218  
court, county court, or, if the person is under the age of 5219  
eighteen, the juvenile division of the court of common pleas in 5220  
whose jurisdiction the person resides or, if the person is not a 5221  
resident of this state, in the Franklin county municipal court or 5222  
juvenile division of the Franklin county court of common pleas for 5223  
an order that does either of the following, in order of 5224  
preference: 5225

(1) Establishes a reasonable payment plan of not less than 5226  
fifty dollars per month, to be paid by the offender to the 5227  
registrar of motor vehicles or an eligible deputy registrar, in 5228  
all succeeding months until all reinstatement fees required of the 5229  
offender are paid in full. If the person is making payments to a 5230  
deputy registrar, the deputy registrar shall collect a service fee 5231  
of ten dollars each time the deputy registrar collects a payment 5232  
to compensate the deputy registrar for services performed under 5233  
this section. The deputy registrar shall retain eight dollars of 5234  
the service fee and shall transmit the reinstatement payments, 5235  
plus two dollars of each service fee, to the registrar in the 5236  
manner the registrar shall determine. 5237

(2) If the offender, but for the payment of the reinstatement fees, otherwise would be entitled to operate a vehicle in this state or to obtain reinstatement of the offender's operating privileges, permits the offender to operate a motor vehicle, as authorized by the court, until a future date upon which date all reinstatement fees must be paid in full. A payment extension granted under this division shall not exceed one hundred eighty days, and any operating privileges granted under this division shall be solely for the purpose of permitting the offender occupational or "family necessity" privileges in order to enable the offender to reasonably acquire the delinquent reinstatement fees due and owing.

(E) If a municipal court, county court, or juvenile division enters an order of the type described in division (C) or division (D)(1) or (2) of this section, the court, at any time after the issuance of the order, may determine that a change of circumstances has occurred and may amend the order as justice requires, provided that the amended order also shall be an order that is permitted under division (C) or division (D)(1) or (2) of this section.

(F) If a court enters an order of the type described in division (C), (D)(1), (D)(2), or (E) of this section, during the pendency of the order, the offender in relation to whom it applies is not subject to prosecution for failing to pay the reinstatement fees covered by the order.

(G) In addition to divisions (A) to (F) of this section, the registrar, with the approval of the director of public safety and in accordance with Chapter 119. of the Revised Code, may adopt rules that permit a person to pay reinstatement fees in installments in accordance with this division. The rules may contain any of the following provisions:

(1) A schedule establishing a minimum monthly payment amount;

(2) If the person otherwise would have valid driving privileges but for the payment of the reinstatement fees, the registrar may record the person's driving privileges as "valid" so long as the person's installments are current. 5270  
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(3) If the person's installments are not current, the registrar may record the person's driving privileges as "suspended" or "failure to reinstate," as appropriate. 5274  
5275  
5276

(4) Any other provision the registrar reasonably may prescribe. 5277  
5278

(H) Reinstatement fees are debts that may be discharged in bankruptcy. 5279  
5280

**Sec. 4510.11.** (A) Except as provided in division (B) of this section and in sections 4510.111 and 4510.16 of the Revised Code, 5281  
5282  
no person whose driver's or commercial driver's license or permit 5283  
or nonresident operating privilege has been suspended under any 5284  
provision of the Revised Code, other than Chapter 4509. of the 5285  
Revised Code, or under any applicable law in any other 5286  
jurisdiction in which the person's license or permit was issued, 5287  
shall operate any motor vehicle upon the public roads and highways 5288  
or upon any public or private property used by the public for 5289  
purposes of vehicular travel or parking within this state during 5290  
the period of suspension unless the person is granted limited 5291  
driving privileges and is operating the vehicle in accordance with 5292  
the terms of the limited driving privileges. 5293

(B) No person shall operate any motor vehicle upon a highway 5294  
or any public or private property used by the public for purposes 5295  
of vehicular travel or parking in this state in violation of any 5296  
restriction of the person's driver's or commercial driver's 5297  
license or permit imposed under division (D) of section 4506.10 or 5298  
under section 4507.14 of the Revised Code. 5299

(C) Upon the request or motion of the prosecuting authority, 5300  
a noncertified copy of the law enforcement automated data system 5301  
report or a noncertified copy of a record of the registrar of 5302  
motor vehicles that shows the name, date of birth, and social 5303  
security number of a person charged with a violation of division 5304  
(A) or (B) of this section may be admitted into evidence as 5305  
prima-facie evidence that the license of the person was under 5306  
suspension at the time of the alleged violation of division (A) of 5307  
this section or the person operated a motor vehicle in violation 5308  
of a restriction at the time of the alleged violation of division 5309  
(B) of this section. The person charged with a violation of 5310  
division (A) or (B) of this section may offer evidence to rebut 5311  
this prima-facie evidence. 5312

(D)(1) Whoever violates division (A) or (B) of this section 5313  
is guilty of a misdemeanor of the first degree. The court may 5314  
impose upon the offender a class seven suspension of the 5315  
offender's driver's license, commercial driver's license, 5316  
temporary instruction permit, probationary license, or nonresident 5317  
operating privilege from the range specified in division (A)(7) of 5318  
section 4510.02 of the Revised Code. 5319

(2)(a) Except as provided in division (D)(2)(b) or (c) of 5320  
this section, the court, in addition to any other penalty that it 5321  
imposes on the offender and if the vehicle is registered in the 5322  
offender's name and if, within three years of the offense, the 5323  
offender previously has been convicted of or pleaded guilty to one 5324  
violation of this section or section 4510.111 or 4510.16 of the 5325  
Revised Code, or a substantially equivalent municipal ordinance, 5326  
the court, in addition to or independent of any other sentence 5327  
that it imposes upon the offender, may order the immobilization of 5328  
the vehicle involved in the offense for thirty days and the 5329  
impoundment of that vehicle's license plates for thirty days in 5330  
accordance with section 4503.233 of the Revised Code. 5331

(b) If the vehicle is registered in the offender's name and 5332  
if, within three years of the offense, the offender previously has 5333  
been convicted of or pleaded guilty to two violations of this 5334  
section, or any combination of two violations of this section or 5335  
section 4510.111 or 4510.16 of the Revised Code, or of a 5336  
substantially similar municipal ordinance, the court, in addition 5337  
to any other sentence that it imposes on the offender, may order 5338  
the immobilization of the vehicle involved in the offense for 5339  
sixty days and the impoundment of that vehicle's license plates 5340  
for sixty days in accordance with section 4503.233 of the Revised 5341  
Code. 5342

(c)(i) If the vehicle is registered in the offender's name 5343  
and if, within three years of the offense, the offender previously 5344  
has been convicted of or pleaded guilty to three or more 5345  
violations of this section, or any combination of three or more 5346  
violations of this section or section 4510.111 or 4510.16 of the 5347  
Revised Code, or of a substantially similar municipal ordinance, 5348  
the court, in addition to any other sentence that it imposes on 5349  
the offender, may order the criminal forfeiture of the vehicle 5350  
involved in the offense to the state. 5351

(ii) If the vehicle is registered in the offender's name and 5352  
if, at the time the offender violated division (A) of this 5353  
section, the offender's driver's or commercial driver's license or 5354  
permit or nonresident operating privilege was suspended under 5355  
division (B)(2)(d) of section 2903.06 of the Revised Code, the 5356  
court shall order the criminal forfeiture of the vehicle involved 5357  
in the offense to the state. 5358

(E) Any order for immobilization and impoundment under this 5359  
section shall be issued and enforced under sections 4503.233 and 5360  
4507.02 of the Revised Code, as applicable. The court shall not 5361  
release a vehicle from immobilization ordered under this section 5362  
unless the court is presented with current proof of financial 5363

responsibility with respect to that vehicle. 5364

(F) Any order of criminal forfeiture under this section shall 5365  
be issued and enforced under section 4503.234 of the Revised Code. 5366  
Upon receipt of the copy of the order from the court, neither the 5367  
registrar of motor vehicles nor a deputy registrar shall accept 5368  
any application for the registration or transfer of registration 5369  
of any motor vehicle owned or leased by the person named in the 5370  
declaration of forfeiture. The period of registration denial shall 5371  
be five years after the date of the order, unless, during that 5372  
period, the court having jurisdiction of the offense that led to 5373  
the order terminates the forfeiture and notifies the registrar of 5374  
the termination. The registrar then shall take necessary measures 5375  
to permit the person to register a vehicle owned or leased by the 5376  
person or to transfer registration of the vehicle. 5377

(G) The offender shall provide the court with proof of 5378  
financial responsibility as defined in section 4509.01 of the 5379  
Revised Code. If the offender fails to provide that proof of 5380  
financial responsibility, then, in addition to any other penalties 5381  
provided by law, the court may order restitution pursuant to 5382  
section 2929.28 of the Revised Code in an amount not exceeding 5383  
five thousand dollars for any economic loss arising from an 5384  
accident or collision that was the direct and proximate result of 5385  
the offender's operation of the vehicle before, during, or after 5386  
committing the offense for which the offender is sentenced under 5387  
this section. 5388

**Sec. 4510.111.** (A) No person shall operate any motor vehicle 5389  
upon a highway or any public or private property used by the 5390  
public for purposes of vehicular travel or parking in this state 5391  
whose driver's or commercial driver's license has been suspended 5392  
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 5393  
4510.032, 4510.22, or 4510.33 of the Revised Code ~~for failing to~~ 5394

~~appear in court or to pay a fine, resulting in license forfeiture.~~ 5395

~~(B) No person shall operate any motor vehicle upon a highway 5396  
or any public or private property used by the public for purposes 5397  
of vehicular travel or parking in this state whose driver's or 5398  
commercial driver's license has been suspended pursuant to section 5399  
3123.58 of the Revised Code for being in default in payment of 5400  
child support. 5401~~

~~(C) Upon the request or motion of the prosecuting authority, 5402  
a noncertified copy of the law enforcement automated data system 5403  
report or a noncertified copy of a record of the registrar of 5404  
motor vehicles that shows the name, date of birth, and social 5405  
security number of a person charged with a violation of division 5406  
(A) ~~or (B)~~ of this section may be admitted into evidence as 5407  
prima-facie evidence that the license of the person was under 5408  
suspension at the time of the alleged violation of division (A) ~~or~~ 5409  
~~(B)~~ of this section. The person charged with a violation of 5410  
division (A) ~~or (B)~~ of this section may offer evidence to rebut 5411  
this prima-facie evidence. 5412~~

~~(D) Whoever (C) Except as otherwise provided in this 5413  
division, whoever violates division (A) ~~or (B)~~ of this section is 5414  
guilty of driving under suspension, and ~~shall be punished as 5415  
provided in division (D) of this section.~~ 5416~~

~~(1) Except as otherwise provided in division (D)(2) of this 5417  
section, the offense is an unclassified a minor misdemeanor. The 5418  
offender shall be sentenced pursuant to sections 2929.21 to 5419  
2929.28 of the Revised Code, except that the offender shall not be 5420  
sentenced to a jail term; the offender shall not be sentenced to a 5421  
community residential sanction pursuant to section 2929.26 of the 5422  
Revised Code; notwithstanding division (A)(2)(a) of section 5423  
2929.28 of the Revised Code, the offender may be fined up to one 5424  
thousand dollars; and, notwithstanding division (A)(3) of section 5425~~

~~2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.~~

~~(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of division (A) ~~or (B)~~ of this section, or any combination of two or more violations of division (A) ~~or (B)~~ of this section or section 4510.11 or 4510.16 of the Revised Code, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the ~~first~~ fourth degree. ~~The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.~~~~

~~(3) In all cases, the court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in division (A)(7) of section 4507.02 of the Revised Code.~~

~~(4)(a) In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one~~

~~violation of division (A) or (B) of this section or section 5458  
4510.11 or 4510.16 of the Revised Code, or a substantially 5459  
equivalent municipal ordinance, the court, in addition to any 5460  
other sentence that it imposes upon the offender, may order the 5461  
immobilization of the vehicle involved in the offense for thirty 5462  
days and the impoundment of that vehicle's license plates for 5463  
thirty days in accordance with section 4503.233 of the Revised 5464  
Code. 5465~~

~~(b) In all cases, if the vehicle is registered in the 5466  
offender's name and if, within three years of the offense, the 5467  
offender previously has been convicted of or pleaded guilty to two 5468  
violations of division (A) or (B) of this section, or any 5469  
combination of two violations of division (A) or (B) of this 5470  
section or section 4510.11 or 4510.16 of the Revised Code, or a 5471  
substantially equivalent municipal ordinance, the court, in 5472  
addition to any other sentence that it imposes upon the offender, 5473  
may order the immobilization of the vehicle involved in the 5474  
offense for sixty days and the impoundment of that vehicle's 5475  
license plates for sixty days in accordance with section 4503.233 5476  
of the Revised Code. 5477~~

~~(c) In all cases, if the vehicle is registered in the 5478  
offender's name and if, within three years of the offense, the 5479  
offender previously has been convicted of or pleaded guilty to 5480  
three or more violations of this section, or any combination of 5481  
three or more violations of this section or section 4510.11 or 5482  
4510.16 of the Revised Code, or a substantially equivalent 5483  
municipal ordinance, the court, in addition to any other sentence 5484  
that it imposes upon the offender, may order the criminal 5485  
forfeiture of the vehicle involved in the offense to the state. 5486~~

~~(E) An order for immobilization and impoundment under this 5487  
section shall be issued and enforced under sections 4503.233 and 5488  
4507.02 of the Revised Code, as applicable. The court shall not 5489~~

~~release a motor vehicle from immobilization ordered under this 5490  
section unless the court is presented with current proof of 5491  
financial responsibility with respect to that motor vehicle. 5492~~

~~(F) An order for criminal forfeiture under this section shall 5493  
be issued and enforced under section 4503.234 of the Revised Code. 5494  
Upon receipt of a copy of the order from the court, neither the 5495  
registrar of motor vehicles nor a deputy registrar shall accept 5496  
any application for the registration or transfer of registration 5497  
of any motor vehicle owned or leased by the person named in the 5498  
declaration of forfeiture. The period of registration denial shall 5499  
be five years after the date of the order unless, during that 5500  
period, the court having jurisdiction of the offense that led to 5501  
the order terminates the forfeiture and notifies the registrar of 5502  
the termination. The registrar then shall take the necessary 5503  
measures to permit the person to register a vehicle owned or 5504  
leased by the person or to transfer registration of the vehicle. 5505~~

**Sec. 4510.16.** (A) No person, whose driver's or commercial 5506  
driver's license or temporary instruction permit or nonresident's 5507  
operating privilege has been suspended or canceled pursuant to 5508  
Chapter 4509. of the Revised Code, shall operate any motor vehicle 5509  
within this state, or knowingly permit any motor vehicle owned by 5510  
the person to be operated by another person in the state, during 5511  
the period of the suspension or cancellation, except as 5512  
specifically authorized by Chapter 4509. of the Revised Code. No 5513  
person shall operate a motor vehicle within this state, or 5514  
knowingly permit any motor vehicle owned by the person to be 5515  
operated by another person in the state, during the period in 5516  
which the person is required by section 4509.45 of the Revised 5517  
Code to file and maintain proof of financial responsibility for a 5518  
violation of section 4509.101 of the Revised Code, unless proof of 5519  
financial responsibility is maintained with respect to that 5520  
vehicle. 5521

(B) No person shall operate any motor vehicle upon a highway 5522  
or any public or private property used by the public for purposes 5523  
of vehicular travel or parking in this state if the person's 5524  
driver's or commercial driver's license or temporary instruction 5525  
permit or nonresident operating privilege has been suspended 5526  
pursuant to section 4509.37 or 4509.40 of the Revised Code for 5527  
nonpayment of a judgment. 5528

(C) Upon the request or motion of the prosecuting authority, 5529  
a noncertified copy of the law enforcement automated data system 5530  
report or a noncertified copy of a record of the registrar of 5531  
motor vehicles that shows the name, date of birth, and social 5532  
security number of a person charged with a violation of division 5533  
(A) or (B) of this section may be admitted into evidence as 5534  
prima-facie evidence that the license of the person was under 5535  
either a financial responsibility law suspension at the time of 5536  
the alleged violation of division (A) of this section or a 5537  
nonpayment of judgment suspension at the time of the alleged 5538  
violation of division (B) of this section. The person charged with 5539  
a violation of division (A) or (B) of this section may offer 5540  
evidence to rebut this prima-facie evidence. 5541

(D) ~~Whoever~~ (1) Except as otherwise provided in division 5542  
(D)(1) of this section, whoever violates division (A) of this 5543  
section is guilty of driving under financial responsibility law 5544  
suspension or cancellation, ~~and shall be punished as provided in~~ 5545  
~~divisions (D) to (I) of this section. Whoever~~ the offense is a 5546  
minor misdemeanor. If, within three years of the offense, the 5547  
offender previously was convicted of or pleaded guilty to two or 5548  
more violations of this section, or any combination of two 5549  
violations of this section or section 4510.11 or 4510.111 of the 5550  
Revised Code, or a substantially equivalent municipal ordinance, 5551  
the offense is a misdemeanor of the fourth degree. 5552

(2) Except as otherwise provided in division (D)(2) of this 5553

~~section, whoever violates division (B) of this section is guilty 5554  
of driving under a nonpayment of judgment suspension, and shall be 5555  
punished as provided in divisions (D) to (I) of this section. 5556~~

~~(1) Except as otherwise provided in division (D)(2) of this 5557  
section, the offense is an unclassified a minor misdemeanor. When 5558  
the offense is an unclassified misdemeanor, the offender shall be 5559  
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 5560  
Code, except that the offender shall not be sentenced to a jail 5561  
term; the offender shall not be sentenced to a community 5562  
residential sanction pursuant to section 2929.26 of the Revised 5563  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 5564  
Revised Code, the offender may be fined up to one thousand 5565  
dollars; and, notwithstanding division (A)(3) of section 2929.27 5566  
of the Revised Code, the offender may be ordered pursuant to 5567  
division (C) of that section to serve a term of community service 5568  
of up to five hundred hours. The failure of an offender to 5569  
complete a term of community service imposed by the court may be 5570  
punished as indirect criminal contempt under division (A) of 5571  
section 2705.02 of the Revised Code that may be filed in the 5572  
underlying case. 5573~~

~~(2) If, within three years of the offense, the offender 5574  
previously was convicted of or pleaded guilty to two or more 5575  
violations of this section, or any combination of two violations 5576  
of this section or section 4510.11 or 4510.111 of the Revised 5577  
Code, or a substantially equivalent municipal ordinance, the 5578  
offense is a misdemeanor of the ~~first~~ fourth degree. 5579~~

~~(E) The offender shall provide the court with proof of 5580  
financial responsibility as defined in section 4509.01 of the 5581  
Revised Code. If the offender fails to provide that proof of 5582  
financial responsibility, then, in addition to any other penalties 5583  
provided by law, the court may order restitution pursuant to 5584  
section 2929.28 of the Revised Code in an amount not exceeding 5585~~

~~five thousand dollars for any economic loss arising from an 5586  
accident or collision that was the direct and proximate result of 5587  
the offender's operation of the vehicle before, during, or after 5588  
committing the offense for which the offender is sentenced under 5589  
this section. 5590~~

~~(F) The court may impose a class seven suspension of the 5591  
offender's driver's or commercial driver's license or permit or 5592  
nonresident operating privilege from the range of time specified 5593  
in division (A)(7) of section 4510.02 of the Revised Code. 5594~~

~~(G)(1) If the vehicle is registered in the offender's name 5595  
and if, within three years of the offense, the offender previously 5596  
has been convicted of or pleaded guilty to one violation of 5597  
division (A) or (B) of this section or section 4510.11 or 4510.111 5598  
of the Revised Code or a substantially equivalent municipal 5599  
ordinance, the court, in addition to or independent of any other 5600  
sentence that it imposes upon the offender, may order the 5601  
immobilization for thirty days of the vehicle involved in the 5602  
offense and the impoundment for thirty days of the license plates 5603  
of that vehicle in accordance with section 4503.233 of the Revised 5604  
Code. 5605~~

~~(2) If the vehicle is registered in the offender's name and 5606  
if, within three years of the offense, the offender has been 5607  
convicted of or pleaded guilty to two violations of division (A) 5608  
or (B) of this section or section 4510.11 or 4510.111 of the 5609  
Revised Code, or any combination of two violations of this section 5610  
or section 4510.11 or 4510.111 of the Revised Code, or a 5611  
substantially similar municipal ordinance, the court, in addition 5612  
to or independent of any other sentence that it imposes on the 5613  
offender, may order the immobilization for sixty days of the 5614  
vehicle involved in the offense and the impoundment for sixty days 5615  
of the license plates of that vehicle in accordance with section 5616  
4503.233 of the Revised Code. 5617~~

~~(3) If the vehicle is registered in the offender's name and  
if, within three years of the offense, the offender has been  
convicted of or pleaded guilty to three or more violations of this  
section or section 4510.11 or 4510.111 of the Revised Code, or any  
combination of three or more violations of this section or section  
4510.11 or 4510.111 of the Revised Code, or a substantially  
similar municipal ordinance, the court, in addition to or  
independent of any other sentence that it imposes upon the  
offender, may order the criminal forfeiture to the state of the  
vehicle involved in the offense. If title to a motor vehicle that  
is subject to an order for criminal forfeiture under this division  
is assigned or transferred and division (B)(2) or (3) of section  
4503.234 of the Revised Code applies, in addition to or  
independent of any other penalty established by law, the court may  
fine the offender the value of the vehicle as determined by  
publications of the national automobile dealers association. The  
proceeds from any fine so imposed shall be distributed in  
accordance with division (C)(2) of that section.~~

~~(H) Any order for immobilization and impoundment under this  
section shall be issued and enforced in accordance with sections  
4503.233 and 4507.02 of the Revised Code, as applicable. The court  
shall not release a vehicle from immobilization ordered under this  
section unless the court is presented with current proof of  
financial responsibility with respect to that vehicle.~~

~~(I) An order for criminal forfeiture under this section shall  
be issued and enforced under section 4503.234 of the Revised Code.  
Upon receipt of a copy of the order from the court, neither the  
registrar of motor vehicles nor a deputy registrar shall accept  
any application for the registration or transfer of registration  
of any motor vehicle owned or leased by the person named in the  
declaration of forfeiture. The period of registration denial shall  
be five years after the date of the order unless, during that~~

~~period, the court having jurisdiction of the offense that led to 5650  
the order terminates the forfeiture and notifies the registrar of 5651  
the termination. The registrar then shall take the necessary 5652  
measures to permit the person to register a vehicle owned or 5653  
leased by the person or to transfer registration of the vehicle. 5654~~

**Sec. 4510.161.** (A) The requirements and sanctions imposed by 5655  
divisions (B) and (C) of this section are an adjunct to and derive 5656  
from the state's exclusive authority over the registration and 5657  
titling of motor vehicles and do not comprise a part of the 5658  
criminal sentence to be imposed upon a person who violates a 5659  
municipal ordinance that is substantially equivalent to section 5660  
4510.14 ~~or to division (A) of section 4510.16~~ of the Revised Code. 5661

~~(B) If a person is convicted of or pleads guilty to a 5662  
violation of a municipal ordinance that is substantially 5663  
equivalent to division (A) of section 4510.16 of the Revised Code 5664  
or former division (B)(1) of section 4507.02 of the Revised Code 5665  
or a municipal ordinance that is substantially equivalent to 5666  
either of those divisions, the court, in addition to or 5667  
independent of any sentence that it imposes upon the offender for 5668  
the offense, may do whichever of the following is applicable: 5669~~

~~(1) If the vehicle is registered in the offender's name and 5670  
if, within three years of the current offense, the offender 5671  
previously has been convicted of or pleaded guilty to one 5672  
violation of this section or section 4510.11, 4510.111, or 4510.16 5673  
of the Revised Code or a substantially equivalent municipal 5674  
ordinance, the court, in addition to or independent of any other 5675  
sentence that it imposes upon the offender, may order the 5676  
immobilization of the vehicle involved in the offense for thirty 5677  
days and the impoundment of that vehicle's license plates for 5678  
thirty days in accordance with section 4503.233 of the Revised 5679  
Code. 5680~~

~~(2) If the vehicle is registered in the offender's name and if, within three years of the current offense, the offender previously has been convicted of or pleaded guilty to two violations of this section or any combination of two violations of this section or section 4510.11, 4510.111, or 4510.16 of the Revised Code, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization for sixty days of the vehicle involved in the offense and the impoundment of that vehicle's license plates for sixty days in accordance with section 4503.233 of the Revised Code.~~

~~(3) If the vehicle is registered in the offender's name and if, within three years of the current offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section or any combination of three or more violations of this section or section 4510.11, 4510.111, or 4510.16 of the Revised Code, or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the motor vehicle as determined by publications of the national automobile dealers association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of that section.~~

~~(C) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to section 4510.14 of the Revised Code, the court, in addition to and independent of any sentence that it imposes upon~~

the offender for the offense, if the vehicle the offender was 5713  
operating at the time of the offense is registered in the 5714  
offender's name, shall do whichever of the following is 5715  
applicable: 5716

(1) If, within six years of the current offense, the offender 5717  
has not been convicted of or pleaded guilty to a violation of 5718  
section 4510.14 or former division (D)(2) of section 4507.02 of 5719  
the Revised Code or a municipal ordinance that is substantially 5720  
equivalent to that section or former division, the court shall 5721  
order the immobilization for thirty days of the vehicle involved 5722  
in the offense and the impoundment for thirty days of the license 5723  
plates of that vehicle in accordance with section 4503.233 of the 5724  
Revised Code. 5725

(2) If, within six years of the current offense, the offender 5726  
has been convicted of or pleaded guilty to one violation of 5727  
section 4510.14 or former division (D)(2) of section 4507.02 of 5728  
the Revised Code or a municipal ordinance that is substantially 5729  
equivalent to that section or former division, the court shall 5730  
order the immobilization for sixty days of the vehicle involved in 5731  
the offense and the impoundment for sixty days of the license 5732  
plates of that vehicle in accordance with section 4503.233 of the 5733  
Revised Code. 5734

(3) If, within six years of the current offense, the offender 5735  
has been convicted of or pleaded guilty to two or more violations 5736  
of section 4510.14 or former division (D)(2) of section 4507.02 of 5737  
the Revised Code or a municipal ordinance that is substantially 5738  
equivalent to that section or former division, the court shall 5739  
order the criminal forfeiture to the state of the vehicle the 5740  
offender was operating at the time of the offense. 5741

~~(D)~~(C) An order for immobilization and impoundment of a 5742  
vehicle under this section shall be issued and enforced in 5743  
accordance with sections 4503.233 and 4507.02 of the Revised Code, 5744

as applicable. The court shall not release a vehicle from 5745  
immobilization ordered under this section unless the court is 5746  
presented with current proof of financial responsibility with 5747  
respect to that vehicle. 5748

~~(E)~~(D) An order for criminal forfeiture of a vehicle under 5749  
this section shall be issued and enforced under section 4503.234 5750  
of the Revised Code. Upon receipt of a copy of the order from the 5751  
court, neither the registrar of motor vehicles nor a deputy 5752  
registrar shall accept any application for the registration or 5753  
transfer of registration of any motor vehicle owned or leased by 5754  
the person named in the declaration of forfeiture. The period of 5755  
registration denial shall be five years after the date of the 5756  
order unless, during that period, the court having jurisdiction of 5757  
the offense that led to the order terminates the forfeiture and 5758  
notifies the registrar of the termination. The registrar then 5759  
shall take the necessary measures to permit the person to register 5760  
a vehicle owned or leased by the person or to transfer 5761  
registration of the vehicle. 5762

**Sec. 4510.41.** (A) As used in this section: 5763

(1) "Arrested person" means a person who is arrested for a 5764  
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 5765  
Code, or a municipal ordinance that is substantially equivalent to 5766  
~~any~~ either of those sections, and whose arrest results in a 5767  
vehicle being seized under division (B) of this section. 5768

(2) "Vehicle owner" means either of the following: 5769

(a) The person in whose name is registered, at the time of 5770  
the seizure, a vehicle that is seized under division (B) of this 5771  
section; 5772

(b) A person to whom the certificate of title to a vehicle 5773  
that is seized under division (B) of this section has been 5774

assigned and who has not obtained a certificate of title to the 5775  
vehicle in that person's name, but who is deemed by the court as 5776  
being the owner of the vehicle at the time the vehicle was seized 5777  
under division (B) of this section. 5778

(3) "Interested party" includes the owner of a vehicle seized 5779  
under this section, all lienholders, the arrested person, the 5780  
owner of the place of storage at which a vehicle seized under this 5781  
section is stored, and the person or entity that caused the 5782  
vehicle to be removed. 5783

(B)(1) If a person is arrested for a violation of section 5784  
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 5785  
that is substantially equivalent to either of those sections ~~or if~~ 5786  
~~a person is arrested for a violation of section 4510.16 of the~~ 5787  
~~Revised Code or a municipal ordinance that is substantially~~ 5788  
~~equivalent to that section and if division (G)(2) of section~~ 5789  
~~4510.16 or division (B) of section 4510.161 of the Revised Code~~ 5790  
~~applies~~, the arresting officer or another officer of the law 5791  
enforcement agency that employs the arresting officer, in addition 5792  
to any action that the arresting officer is required or authorized 5793  
to take by any other provision of law, shall seize the vehicle 5794  
that the person was operating at the time of, or that was involved 5795  
in, the alleged offense if the vehicle is registered in the 5796  
arrested person's name and its license plates. A law enforcement 5797  
agency that employs a law enforcement officer who makes an arrest 5798  
of a type that is described in this division and that involves a 5799  
rented or leased vehicle that is being rented or leased for a 5800  
period of thirty days or less shall notify, within twenty-four 5801  
hours after the officer makes the arrest, the lessor or owner of 5802  
the vehicle regarding the circumstances of the arrest and the 5803  
location at which the vehicle may be picked up. At the time of the 5804  
seizure of the vehicle, the law enforcement officer who made the 5805  
arrest shall give the arrested person written notice that the 5806

vehicle and its license plates have been seized; that the vehicle 5807  
either will be kept by the officer's law enforcement agency or 5808  
will be immobilized at least until the person's initial appearance 5809  
on the charge of the offense for which the arrest was made; that, 5810  
at the initial appearance, the court in certain circumstances may 5811  
order that the vehicle and license plates be released to the 5812  
arrested person until the disposition of that charge; that, if the 5813  
arrested person is convicted of that charge, the court generally 5814  
must order the immobilization of the vehicle and the impoundment 5815  
of its license plates or the forfeiture of the vehicle; and that 5816  
the arrested person may be charged expenses or charges incurred 5817  
under this section and section 4503.233 of the Revised Code for 5818  
the removal and storage of the vehicle. 5819

(2) The arresting officer or a law enforcement officer of the 5820  
agency that employs the arresting officer shall give written 5821  
notice of the seizure under division (B)(1) of this section to the 5822  
court that will conduct the initial appearance of the arrested 5823  
person on the charges arising out of the arrest. Upon receipt of 5824  
the notice, the court promptly shall determine whether the 5825  
arrested person is the vehicle owner. If the court determines that 5826  
the arrested person is not the vehicle owner, it promptly shall 5827  
send by regular mail written notice of the seizure to the 5828  
vehicle's registered owner. The written notice shall contain all 5829  
of the information required by division (B)(1) of this section to 5830  
be in a notice to be given to the arrested person and also shall 5831  
specify the date, time, and place of the arrested person's initial 5832  
appearance. The notice also shall inform the vehicle owner that if 5833  
title to a motor vehicle that is subject to an order for criminal 5834  
forfeiture under this section is assigned or transferred and 5835  
division (B)(2) or (3) of section 4503.234 of the Revised Code 5836  
applies, the court may fine the arrested person the value of the 5837  
vehicle. The notice also shall state that if the vehicle is 5838  
immobilized under division (A) of section 4503.233 of the Revised 5839

Code, seven days after the end of the period of immobilization a 5840  
law enforcement agency will send the vehicle owner a notice, 5841  
informing the owner that if the release of the vehicle is not 5842  
obtained in accordance with division (D)(3) of section 4503.233 of 5843  
the Revised Code, the vehicle shall be forfeited. The notice also 5844  
shall inform the vehicle owner that the owner may be charged 5845  
expenses or charges incurred under this section and section 5846  
4503.233 of the Revised Code for the removal and storage of the 5847  
vehicle. 5848

The written notice that is given to the arrested person also 5849  
shall state that if the person is convicted of or pleads guilty to 5850  
the offense and the court issues an immobilization and impoundment 5851  
order relative to that vehicle, division (D)(4) of section 5852  
4503.233 of the Revised Code prohibits the vehicle from being sold 5853  
during the period of immobilization without the prior approval of 5854  
the court. 5855

(3) At or before the initial appearance, the vehicle owner 5856  
may file a motion requesting the court to order that the vehicle 5857  
and its license plates be released to the vehicle owner. Except as 5858  
provided in this division and subject to the payment of expenses 5859  
or charges incurred in the removal and storage of the vehicle, the 5860  
court, in its discretion, then may issue an order releasing the 5861  
vehicle and its license plates to the vehicle owner. Such an order 5862  
may be conditioned upon such terms as the court determines 5863  
appropriate, including the posting of a bond in an amount 5864  
determined by the court. If the arrested person is not the vehicle 5865  
owner and if the vehicle owner is not present at the arrested 5866  
person's initial appearance, and if the court believes that the 5867  
vehicle owner was not provided with adequate notice of the initial 5868  
appearance, the court, in its discretion, may allow the vehicle 5869  
owner to file a motion within seven days of the initial 5870  
appearance. If the court allows the vehicle owner to file such a 5871

motion after the initial appearance, the extension of time granted 5872  
by the court does not extend the time within which the initial 5873  
appearance is to be conducted. If the court issues an order for 5874  
the release of the vehicle and its license plates, a copy of the 5875  
order shall be made available to the vehicle owner. If the vehicle 5876  
owner presents a copy of the order to the law enforcement agency 5877  
that employs the law enforcement officer who arrested the arrested 5878  
person, the law enforcement agency promptly shall release the 5879  
vehicle and its license plates to the vehicle owner upon payment 5880  
by the vehicle owner of any expenses or charges incurred in the 5881  
removal or storage of the vehicle. 5882

(4) A vehicle seized under division (B)(1) of this section 5883  
either shall be towed to a place specified by the law enforcement 5884  
agency that employs the arresting officer to be safely kept by the 5885  
agency at that place for the time and in the manner specified in 5886  
this section or shall be otherwise immobilized for the time and in 5887  
the manner specified in this section. A law enforcement officer of 5888  
that agency shall remove the identification license plates of the 5889  
vehicle, and they shall be safely kept by the agency for the time 5890  
and in the manner specified in this section. No vehicle that is 5891  
seized and either towed or immobilized pursuant to this division 5892  
shall be considered contraband for purposes of Chapter 2981. of 5893  
the Revised Code. The vehicle shall not be immobilized at any 5894  
place other than a commercially operated private storage lot, a 5895  
place owned by a law enforcement or other government agency, or a 5896  
place to which one of the following applies: 5897

(a) The place is leased by or otherwise under the control of 5898  
a law enforcement or other government agency. 5899

(b) The place is owned by the arrested person, the arrested 5900  
person's spouse, or a parent or child of the arrested person. 5901

(c) The place is owned by a private person or entity, and, 5902  
prior to the immobilization, the private entity or person that 5903

owns the place, or the authorized agent of that private entity or 5904  
person, has given express written consent for the immobilization 5905  
to be carried out at that place. 5906

(d) The place is a public street or highway on which the 5907  
vehicle is parked in accordance with the law. 5908

(C)(1) A vehicle seized under division (B)(1) of this section 5909  
shall be safely kept at the place to which it is towed or 5910  
otherwise moved by the law enforcement agency that employs the 5911  
arresting officer until the initial appearance of the arrested 5912  
person relative to the charge in question. The license plates of 5913  
the vehicle that are removed pursuant to division (B)(1) of this 5914  
section shall be safely kept by the law enforcement agency that 5915  
employs the arresting officer until at least the initial 5916  
appearance of the arrested person relative to the charge in 5917  
question. 5918

(2)(a) At the initial appearance or not less than seven days 5919  
prior to the date of final disposition, the court shall notify the 5920  
arrested person that, if title to a motor vehicle that is subject 5921  
to an order for criminal forfeiture under this section is assigned 5922  
or transferred and division (B)(2) or (3) of section 4503.234 of 5923  
the Revised Code applies, the court may fine the arrested person 5924  
the value of the vehicle. If, at the initial appearance, the 5925  
arrested person pleads guilty to the violation of section 4510.14, 5926  
~~4510.16~~, or 4511.203 of the Revised Code, or a municipal ordinance 5927  
that is substantially equivalent to ~~any~~ either of those sections 5928  
or pleads no contest to and is convicted of the violation, the 5929  
following sentencing provisions apply: 5930

(i) If the person violated section 4510.14 of the Revised 5931  
Code or a municipal ordinance that is substantially equivalent to 5932  
that section, the court shall impose sentence upon the person as 5933  
provided by law or ordinance; the court shall order the 5934  
immobilization of the vehicle the arrested person was operating at 5935

the time of, or that was involved in, the offense if registered in 5936  
the arrested person's name and the impoundment of its license 5937  
plates under sections 4503.233 and 4510.14 of the Revised Code or 5938  
the criminal forfeiture to the state of the vehicle if registered 5939  
in the arrested person's name under sections 4503.234 and 4510.14 5940  
of the Revised Code, whichever is applicable; and the vehicle and 5941  
its license plates shall not be returned or released to the 5942  
arrested person. 5943

(ii) If the person violated section 4511.203 of the Revised 5944  
Code or a municipal ordinance that is substantially equivalent to 5945  
that section, ~~or violated section 4510.16 of the Revised Code or a~~ 5946  
~~municipal ordinance that is substantially equivalent to that~~ 5947  
~~section and division (C)(2) of section 4510.16 or division (B) of~~ 5948  
~~section 4510.161 of the Revised Code applies,~~ the court shall 5949  
impose sentence upon the person as provided by law or ordinance; 5950  
the court may order the immobilization of the vehicle the arrested 5951  
person was operating at the time of, or that was involved in, the 5952  
offense if registered in the arrested person's name and the 5953  
impoundment of its license plates under section 4503.233 and 5954  
section ~~4510.16, 4510.161,~~ or 4511.203 of the Revised Code or the 5955  
criminal forfeiture to the state of the vehicle if registered in 5956  
the arrested person's name under section 4503.234 and section 5957  
~~4510.16, 4510.161,~~ or 4511.203 of the Revised Code, whichever is 5958  
applicable; and the vehicle and its license plates shall not be 5959  
returned or released to the arrested person. 5960

~~(ii) If the person violated section 4510.16 of the Revised~~ 5961  
~~Code or a municipal ordinance that is substantially equivalent to~~ 5962  
~~that section and division (C)(1) of section 4510.16 or division~~ 5963  
~~(B) of section 4510.161 applies,~~ the court shall impose sentence 5964  
upon the person as provided by law or ordinance and may order the 5965  
immobilization of the vehicle the person was operating at the time 5966  
of, or that was involved in, the offense if it is registered in 5967

~~the arrested person's name and the impoundment of its license 5968  
plates under section 4503.233 and section 4510.16 or 4510.161 of 5969  
the Revised Code, and the vehicle and its license plates shall not 5970  
be returned or released to the arrested person. 5971~~

(b) If, at any time, the charge that the arrested person 5972  
violated section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 5973  
Code, or a municipal ordinance that is substantially equivalent to 5974  
~~any~~ either of those sections is dismissed for any reason, the 5975  
court shall order that the vehicle seized at the time of the 5976  
arrest and its license plates immediately be released to the 5977  
person. 5978

(D) If a vehicle and its license plates are seized under 5979  
division (B)(1) of this section and are not returned or released 5980  
to the arrested person pursuant to division (C) of this section, 5981  
the vehicle and its license plates shall be retained until the 5982  
final disposition of the charge in question. Upon the final 5983  
disposition of that charge, the court shall do whichever of the 5984  
following is applicable: 5985

(1) If the arrested person is convicted of or pleads guilty 5986  
to the violation of section 4510.14 of the Revised Code or a 5987  
municipal ordinance that is substantially equivalent to that 5988  
section, the court shall impose sentence upon the person as 5989  
provided by law or ordinance and shall order the immobilization of 5990  
the vehicle the person was operating at the time of, or that was 5991  
involved in, the offense if it is registered in the arrested 5992  
person's name and the impoundment of its license plates under 5993  
sections 4503.233 and 4510.14 of the Revised Code or the criminal 5994  
forfeiture of the vehicle if it is registered in the arrested 5995  
person's name under sections 4503.234 and 4510.14 of the Revised 5996  
Code, whichever is applicable. 5997

(2) If the arrested person is convicted of or pleads guilty 5998  
to the violation of section 4511.203 of the Revised Code, or a 5999

municipal ordinance that is substantially equivalent to that 6000  
section, ~~or to the violation of section 4510.16 of the Revised~~ 6001  
~~Code or a municipal ordinance that is substantially equivalent to~~ 6002  
~~that section and division (F)(2) of section 4510.16 or division~~ 6003  
~~(B) of section 4510.161 of the Revised Code applies,~~ the court 6004  
shall impose sentence upon the person as provided by law or 6005  
ordinance and may order the immobilization of the vehicle the 6006  
person was operating at the time of, or that was involved in, the 6007  
offense if it is registered in the arrested person's name and the 6008  
impoundment of its license plates under section 4503.233 and 6009  
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 6010  
criminal forfeiture of the vehicle if it is registered in the 6011  
arrested person's name under section 4503.234 and section ~~4510.16,~~ 6012  
~~4510.161, or~~ 4511.203 of the Revised Code, whichever is 6013  
applicable. 6014

~~(2) If the person violated section 4510.16 of the Revised~~ 6015  
~~Code or a municipal ordinance that is substantially equivalent to~~ 6016  
~~that section and division (G)(1) of section 4510.16 or division~~ 6017  
~~(B) of section 4510.161 applies, the court shall impose sentence~~ 6018  
~~upon the person as provided by law or ordinance and may order the~~ 6019  
~~immobilization of the vehicle the person was operating at the time~~ 6020  
~~of, or that was involved in, the offense if it is registered in~~ 6021  
~~the person's name and the impoundment of its license plates under~~ 6022  
~~section 4503.233 and section 4510.16 or 4510.161 of the Revised~~ 6023  
~~Code.~~ 6024

(3) If the arrested person is found not guilty of the 6025  
violation of section 4510.14, ~~4510.16,~~ or 4511.203 of the Revised 6026  
Code, or a municipal ordinance that is substantially equivalent to 6027  
~~any~~ either of those sections, the court shall order that the 6028  
vehicle and its license plates immediately be released to the 6029  
arrested person. 6030

(4) If the charge that the arrested person violated section 6031

4510.14, ~~4510.16~~, or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to ~~any~~ either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this section, the time between the seizure of the vehicle and either its release to the arrested person pursuant to division (C) of this section or the issuance of an order of immobilization of the vehicle under section 4503.233 of the Revised Code shall be credited against the period of immobilization ordered by the court.

(F)(1) Except as provided in division (D)(4) of this section, the arrested person may be charged expenses or charges incurred in the removal and storage of the immobilized vehicle. The court with jurisdiction over the case, after notice to all interested parties, including lienholders, and after an opportunity for them to be heard, if the court finds that the arrested person does not intend to seek release of the vehicle at the end of the period of immobilization under section 4503.233 of the Revised Code or that the arrested person is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the person or entity that removed it, next into

the name of a lienholder, or lastly into the name of the owner of 6064  
the place of storage. 6065

Any lienholder that receives title under a court order shall 6066  
do so on the condition that it pay any expenses or charges 6067  
incurred in the vehicle's removal and storage. If the person or 6068  
entity that receives title to the vehicle is the person or entity 6069  
that removed it, the person or entity shall receive title on the 6070  
condition that it pay any lien on the vehicle. The court shall not 6071  
order that title be transferred to any person or entity other than 6072  
the owner of the place of storage if the person or entity refuses 6073  
to receive the title. Any person or entity that receives title 6074  
either may keep title to the vehicle or may dispose of the vehicle 6075  
in any legal manner that it considers appropriate, including 6076  
assignment of the certificate of title to the motor vehicle to a 6077  
salvage dealer or a scrap metal processing facility. The person or 6078  
entity shall not transfer the vehicle to the person who is the 6079  
vehicle's immediate previous owner. 6080

If the person or entity that receives title assigns the motor 6081  
vehicle to a salvage dealer or scrap metal processing facility, 6082  
the person or entity shall send the assigned certificate of title 6083  
to the motor vehicle to the clerk of the court of common pleas of 6084  
the county in which the salvage dealer or scrap metal processing 6085  
facility is located. The person or entity shall mark the face of 6086  
the certificate of title with the words "FOR DESTRUCTION" and 6087  
shall deliver a photocopy of the certificate of title to the 6088  
salvage dealer or scrap metal processing facility for its records. 6089

(2) Whenever a court issues an order under division (F)(1) of 6090  
this section, the court also shall order removal of the license 6091  
plates from the vehicle and cause them to be sent to the registrar 6092  
if they have not already been sent to the registrar. Thereafter, 6093  
no further proceedings shall take place under this section or 6094  
under section 4503.233 of the Revised Code. 6095

(3) Prior to initiating a proceeding under division (F)(1) of 6096  
this section, and upon payment of the fee under division (B) of 6097  
section 4505.14, any interested party may cause a search to be 6098  
made of the public records of the bureau of motor vehicles or the 6099  
clerk of the court of common pleas, to ascertain the identity of 6100  
any lienholder of the vehicle. The initiating party shall furnish 6101  
this information to the clerk of the court with jurisdiction over 6102  
the case, and the clerk shall provide notice to the arrested 6103  
person, any lienholder, and any other interested parties listed by 6104  
the initiating party, at the last known address supplied by the 6105  
initiating party, by certified mail, or, at the option of the 6106  
initiating party, by personal service or ordinary mail. 6107

**Sec. 4513.02.** (A) No person shall drive or move, or cause or 6108  
knowingly permit to be driven or moved, on any highway any vehicle 6109  
or combination of vehicles which is in such unsafe condition as to 6110  
endanger any person. 6111

(B) When directed by any state highway patrol trooper, the 6112  
operator of any motor vehicle shall stop and submit such motor 6113  
vehicle to an inspection under division (B)(1) or (2) of this 6114  
section, as appropriate, and such tests as are necessary. 6115

(1) Any motor vehicle not subject to inspection by the public 6116  
utilities commission shall be inspected and tested to determine 6117  
whether it is unsafe or not equipped as required by law, or that 6118  
its equipment is not in proper adjustment or repair, or in 6119  
violation of the equipment provisions of Chapter 4513. of the 6120  
Revised Code. 6121

Such inspection shall be made with respect to the brakes, 6122  
lights, turn signals, steering, horns and warning devices, glass, 6123  
mirrors, exhaust system, windshield wipers, tires, and such other 6124  
items of equipment as designated by the superintendent of the 6125  
state highway patrol by rule or regulation adopted pursuant to 6126

sections 119.01 to 119.13 of the Revised Code. 6127

Upon determining that a motor vehicle is in safe operating 6128  
condition and its equipment in conformity with Chapter 4513. of 6129  
the Revised Code, the inspecting officer shall issue to the 6130  
operator an official inspection sticker, which shall be in such 6131  
form as the superintendent prescribes except that its color shall 6132  
vary from year to year. 6133

(2) Any motor vehicle subject to inspection by the public 6134  
utilities commission shall be inspected and tested in accordance 6135  
with rules adopted by the commission. Upon determining that the 6136  
vehicle and operator are in compliance with rules adopted by the 6137  
commission, the inspecting officer shall issue to the operator an 6138  
appropriate official inspection sticker. 6139

(C) The superintendent of the state highway patrol, pursuant 6140  
to sections 119.01 to 119.13 of the Revised Code, shall determine 6141  
and promulgate standards for any inspection program conducted by a 6142  
political subdivision of this state. These standards shall exempt 6143  
licensed collector's vehicles and historical motor vehicles from 6144  
inspection. Any motor vehicle bearing a valid certificate of 6145  
inspection issued by another state or a political subdivision of 6146  
this state whose inspection program conforms to the 6147  
superintendent's standards, and any licensed collector's vehicle 6148  
or historical motor vehicle which is not in a condition which 6149  
endangers the safety of persons or property, shall be exempt from 6150  
the tests provided in division (B) of this section. 6151

(D) Every person, firm, association, or corporation that, in 6152  
the conduct of its business, owns and operates not less than 6153  
fifteen motor vehicles in this state that are not subject to 6154  
regulation by the public utilities commission and that, for the 6155  
purpose of storing, repairing, maintaining, and servicing such 6156  
motor vehicles, equips and operates one or more service 6157  
departments within this state, may file with the superintendent of 6158

the state highway patrol applications for permits for such service 6159  
departments as official inspection stations for its own motor 6160  
vehicles. Upon receiving an application for each such service 6161  
department, and after determining that it is properly equipped and 6162  
has competent personnel to perform the inspections referred to in 6163  
this section, the superintendent shall issue the necessary 6164  
inspection stickers and permit to operate as an official 6165  
inspection station. Any such person who has had one or more 6166  
service departments so designated as official inspection stations 6167  
may have motor vehicles that are owned and operated by the person 6168  
and that are not subject to regulation by the public utilities 6169  
commission, excepting private passenger cars owned by the person 6170  
or the person's employees, inspected at such service department; 6171  
and any motor vehicle bearing a valid certificate of inspection 6172  
issued by such service department shall be exempt from the tests 6173  
provided in division (B) of this section. 6174

No permit for an official inspection station shall be 6175  
assigned or transferred or used at any location other than therein 6176  
designated, and every such permit shall be posted in a conspicuous 6177  
place at the location designated. 6178

If a person, firm, association, or corporation owns and 6179  
operates fifteen or more motor vehicles in the conduct of business 6180  
and is subject to regulation by the public utilities commission, 6181  
that person, firm, association, or corporation is not eligible to 6182  
apply to the superintendent for permits to enable any of its 6183  
service departments to serve as official inspection stations for 6184  
its own motor vehicles. 6185

(E) When any motor vehicle is found to be unsafe for 6186  
operation, the inspecting officer may order it removed from the 6187  
highway and not operated, except for purposes of removal and 6188  
repair, until it has been repaired pursuant to a repair order as 6189  
provided in division (F) of this section. 6190

(F) When any motor vehicle is found to be defective or in violation of Chapter 4513. of the Revised Code, the inspecting officer may issue a repair order, in such form and containing such information as the superintendent shall prescribe, to the owner or operator of the motor vehicle. The owner or operator shall thereupon obtain such repairs as are required and shall, as directed by the inspecting officer, return the repair order together with proof of compliance with its provisions. When any motor vehicle or operator subject to rules of the public utilities commission fails the inspection, the inspecting officer shall issue an appropriate order to obtain compliance with such rules.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

(H) ~~Except as otherwise provided in this division, whoever~~ Whoever violates this section is guilty of a minor misdemeanor. ~~If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree.~~

**Sec. 4513.021.** (A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a

gross vehicle weight rating of ten thousand pounds or less. 6221

(4) "Manufacturer" has the same meaning as in section 4501.01 6222  
of the Revised Code. 6223

(5) "Gross vehicle weight rating" means the manufacturer's 6224  
gross vehicle weight rating established for that vehicle. 6225

(B) The director of public safety, in accordance with Chapter 6226  
119. of the Revised Code, shall adopt rules in conformance with 6227  
standards of the vehicle equipment safety commission, that shall 6228  
govern the maximum bumper height or, in the absence of bumpers and 6229  
in cases where bumper heights have been lowered or modified, the 6230  
maximum height to the bottom of the frame rail, of any passenger 6231  
car, multipurpose passenger vehicle, or truck. 6232

(C) No person shall operate upon a street or highway any 6233  
passenger car, multipurpose passenger vehicle, or truck registered 6234  
in this state that does not conform to the requirements of this 6235  
section or to any applicable rule adopted pursuant to this 6236  
section. 6237

(D) No person shall modify any motor vehicle registered in 6238  
this state in such a manner as to cause the vehicle body or 6239  
chassis to come in contact with the ground, expose the fuel tank 6240  
to damage from collision, or cause the wheels to come in contact 6241  
with the body under normal operation, and no person shall 6242  
disconnect any part of the original suspension system of the 6243  
vehicle to defeat the safe operation of that system. 6244

(E) Nothing contained in this section or in the rules adopted 6245  
pursuant to this section shall be construed to prohibit either of 6246  
the following: 6247

(1) The installation upon a passenger car, multipurpose 6248  
passenger vehicle, or truck registered in this state of heavy duty 6249  
equipment, including shock absorbers and overload springs; 6250

(2) The operation on a street or highway of a passenger car, 6251  
multipurpose passenger vehicle, or truck registered in this state 6252  
with normal wear to the suspension system if the normal wear does 6253  
not adversely affect the control of the vehicle. 6254

(F) This section and the rules adopted pursuant to it do not 6255  
apply to any specially designed or modified passenger car, 6256  
multipurpose passenger vehicle, or truck when operated off a 6257  
street or highway in races and similar events. 6258

(G) ~~Except as otherwise provided in this division, whoever~~ 6259  
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 6260  
~~the offender previously has been convicted of a violation of this~~ 6261  
~~section, whoever violates this section is guilty of a misdemeanor~~ 6262  
~~of the third degree.~~ 6263

**Sec. 4513.99.** (A) Any violation of section 4513.10, 4513.182, 6264  
4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 4513.27, 4513.29, 6265  
4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be 6266  
punished under division (B) of this section. 6267

(B) Whoever violates the sections of this chapter that are 6268  
specifically required to be punished under this division, or any 6269  
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 6270  
the Revised Code for which violation no penalty is otherwise 6271  
provided, is guilty of a minor misdemeanor ~~on a first offense; on~~ 6272  
~~a second offense within one year after the first offense, the~~ 6273  
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 6274  
~~subsequent offense within one year after the first offense, the~~ 6275  
~~person is guilty of a misdemeanor of the third degree.~~ 6276

**Sec. 4713.07.** The state board of cosmetology shall do all of 6277  
the following: 6278

(A) Prescribe and make available application forms to be used 6279  
by persons seeking admission to an examination conducted under 6280

section 4713.24 of the Revised Code or a license issued under this chapter; 6281  
6282

(B) Prescribe and make available application forms to be used by persons seeking renewal of a license issued under this chapter; 6283  
6284

(C) Report to the proper prosecuting officer all violations of section 4713.14 of the Revised Code of which the board is aware; 6285  
6286  
6287

(D) Submit a written report annually to the governor that provides all of the following: 6288  
6289

(1) A discussion of the conditions in this state of the branches of cosmetology; 6290  
6291

(2) A brief summary of the board's proceedings during the year the report covers; 6292  
6293

(3) A statement of all money that the board received and expended during the year the report covers. 6294  
6295

(E) Keep a record of all of the following: 6296

(1) The board's proceedings; 6297

(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code; 6298  
6299  
6300

(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code; 6301  
6302  
6303

(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code; 6304  
6305

(5) The date and number of each license and permit that the board issues; 6306  
6307

(F) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or 6308  
6309

other facilities within this state; 6310

(G) All other duties that this chapter imposes on the board. 6311

**Sec. 4713.28.** The state board of cosmetology shall issue a 6312  
practicing license to an applicant who, except as provided in 6313  
section 4713.30 of the Revised Code, satisfies all of the 6314  
following applicable conditions: 6315

(A) Is at least sixteen years of age; 6316

(B) Is of good moral character; 6317

(C) Has the equivalent of an Ohio public school tenth grade 6318  
education; 6319

(D) Passes an examination conducted under section 4713.24 of 6320  
the Revised Code for the branch of cosmetology the applicant seeks 6321  
to practice; 6322

(E) Pays to the board the applicable fee; 6323

(F) In the case of an applicant for an initial cosmetologist 6324  
license, has successfully completed at least fifteen hundred hours 6325  
of board-approved cosmetology training in a school of cosmetology 6326  
licensed in this state, except that only one thousand hours of 6327  
board-approved cosmetology training in a school of cosmetology 6328  
licensed in this state is required of a person licensed as a 6329  
barber under Chapter 4709. of the Revised Code; 6330

(G) In the case of an applicant for an initial esthetician 6331  
license, has successfully completed at least six hundred hours of 6332  
board-approved esthetics training in a school of cosmetology 6333  
licensed in this state; 6334

(H) In the case of an applicant for an initial hair designer 6335  
license, has successfully completed at least one thousand two 6336  
hundred hours of board-approved hair designer training in a school 6337  
of cosmetology licensed in this state, except that only one 6338

thousand hours of board-approved hair designer training in a 6339  
school of cosmetology licensed in this state is required of a 6340  
person licensed as a barber under Chapter 4709. of the Revised 6341  
Code; 6342

(I) In the case of an applicant for an initial manicurist 6343  
license, has successfully completed at least two hundred hours of 6344  
board-approved manicurist training in a school of cosmetology 6345  
licensed in this state; 6346

(J) In the case of an applicant for an initial natural hair 6347  
stylist license, has successfully completed at least four hundred 6348  
fifty hours of instruction in subjects relating to sanitation, 6349  
scalp care, anatomy, hair styling, communication skills, and laws 6350  
and rules governing the practice of cosmetology; 6351

(K) The board shall not deny a license to any applicant based 6352  
on prior incarceration or conviction for any crime. 6353

**Sec. 4725.44.** (A) The Ohio optical dispensers board shall be 6354  
responsible for the administration of sections 4725.40 to 4725.59 6355  
of the Revised Code and, in particular, shall process applications 6356  
for licensure as licensed dispensing opticians and ocularists; 6357  
schedule, administer, and supervise the qualifying examinations 6358  
for licensure or contract with a testing service to schedule, 6359  
administer, and supervise the qualifying examination for 6360  
licensure; issue licenses to qualified individuals; revoke and 6361  
suspend licenses; and maintain adequate records with respect to 6362  
its operations and responsibilities. 6363

(B) The board shall adopt, amend, or rescind rules, pursuant 6364  
to Chapter 119. of the Revised Code, for the licensure of 6365  
dispensing opticians and ocularists, and such other rules as are 6366  
required by or necessary to carry out the responsibilities imposed 6367  
by sections 4725.40 to 4725.59 of the Revised Code, including 6368  
rules establishing criminal records check requirements under 6369

section 4776.03 of the Revised Code and rules establishing 6370  
disqualifying offenses for licensure as a dispensing optician or 6371  
certification as an apprentice dispensing optician pursuant to 6372  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 6373  
Code. 6374

(C) The board shall have no authority to adopt rules 6375  
governing the employment of dispensing opticians, the location or 6376  
number of optical stores, advertising of optical products or 6377  
services, or the manner in which optical products can be 6378  
displayed. 6379

**Sec. 4725.48.** (A) Any person who desires to engage in optical 6380  
dispensing, except as provided in section 4725.47 of the Revised 6381  
Code, shall file a properly completed written application for an 6382  
examination with the Ohio optical dispensers board or with the 6383  
testing service the board has contracted with pursuant to section 6384  
4725.49 of the Revised Code. The application for examination shall 6385  
be made on a form provided by the board or testing service and 6386  
shall be accompanied by an examination fee the board shall 6387  
establish by rule. Applicants must return the application to the 6388  
board or testing service at least sixty days prior to the date the 6389  
examination is scheduled to be administered. 6390

(B) Except as provided in section 4725.47 of the Revised 6391  
Code, any person who desires to engage in optical dispensing shall 6392  
file a properly completed written application for a license with 6393  
the board with a licensure application fee of fifty dollars. 6394

No person shall be eligible to apply for a license under this 6395  
division, unless the person is at least eighteen years of age, ~~is~~ 6396  
~~of good moral character~~, is free of contagious or infectious 6397  
disease, has received a passing score, as determined by the board, 6398  
on the examination administered under division (A) of this 6399  
section, is a graduate of an accredited high school of any state, 6400

or has received an equivalent education and has successfully 6401  
completed either of the following: 6402

(1) Two years of supervised experience under a licensed 6403  
dispensing optician, optometrist, or physician engaged in the 6404  
practice of ophthalmology, up to one year of which may be 6405  
continuous experience of not less than thirty hours a week in an 6406  
optical laboratory; 6407

(2) A two-year college level program in optical dispensing 6408  
that has been approved by the board and that includes, but is not 6409  
limited to, courses of study in mathematics, science, English, 6410  
anatomy and physiology of the eye, applied optics, ophthalmic 6411  
optics, measurement and inspection of lenses, lens grinding and 6412  
edging, ophthalmic lens design, keratometry, and the fitting and 6413  
adjusting of spectacle lenses and frames and contact lenses, 6414  
including methods of fitting contact lenses and post-fitting care. 6415

(C) Any person who desires to obtain a license to practice as 6416  
an ocularist shall file a properly completed written application 6417  
with the board accompanied by the appropriate fee and proof that 6418  
the applicant has met the requirements for licensure. The board 6419  
shall establish, by rule, the application fee and the minimum 6420  
requirements for licensure, including education, examination, or 6421  
experience standards recognized by the board as national standards 6422  
for ocularists. The board shall issue a license to practice as an 6423  
ocularist to an applicant who satisfies the requirements of this 6424  
division and rules adopted pursuant to this division. 6425

(D) The board shall not adopt, maintain, renew, or enforce 6426  
any rule that precludes an individual from receiving or renewing a 6427  
license as a dispensing optician issued under sections 4725.40 to 6428  
4725.59 of the Revised Code due to any past criminal activity or 6429  
interpretation of moral character, unless the individual has 6430  
committed a crime of moral turpitude or a disqualifying offense as 6431  
those terms are defined in section 4776.10 of the Revised Code. 6432

**Sec. 4725.52.** Any licensed dispensing optician may supervise 6433  
a maximum of three apprentices who shall be permitted to engage in 6434  
optical dispensing only under the supervision of the licensed 6435  
dispensing optician. 6436

To serve as an apprentice, a person shall register with the 6437  
Ohio optical dispensers board either on a form provided by the 6438  
board or in the form of a statement giving the name and address of 6439  
the supervising licensed dispensing optician, the location at 6440  
which the apprentice will be employed, and any other information 6441  
required by the board. For the duration of the apprenticeship, the 6442  
apprentice shall register annually on the form provided by the 6443  
board or in the form of a statement. 6444

Each apprentice shall pay an initial registration fee of 6445  
twenty dollars. For each registration renewal thereafter, each 6446  
apprentice shall pay a registration renewal fee of twenty dollars. 6447

The board shall not deny certification as an apprentice under 6448  
this section to any individual based on the individual's past 6449  
criminal history or an interpretation of moral character unless 6450  
the individual has committed a disqualifying offense or crime of 6451  
moral turpitude as those terms are defined in section 4776.10 of 6452  
the Revised Code. 6453

A person who is gaining experience under the supervision of a 6454  
licensed optometrist or ophthalmologist that would qualify the 6455  
person under division (B)(1) of section 4725.48 of the Revised 6456  
Code to take the examination for optical dispensing is not 6457  
required to register with the board. 6458

**Sec. 4725.53.** (A) The Ohio optical dispensers board, by a 6459  
majority vote of its members, may refuse to grant a license and, 6460  
in accordance with Chapter 119. of the Revised Code, may suspend 6461  
or revoke the license of a licensed dispensing optician or impose 6462

a fine or order restitution pursuant to division (B) of this 6463  
section on any of the following grounds: 6464

(1) Conviction of a ~~felony or~~ a crime involving moral 6465  
turpitude or a disqualifying offense as those terms are defined in 6466  
section 4776.10 of the Revised Code; 6467

(2) Obtaining or attempting to obtain a license by fraud or 6468  
deception; 6469

(3) Obtaining any fee or making any sale of an optical aid by 6470  
means of fraud or misrepresentation; 6471

(4) Habitual indulgence in the use of controlled substances 6472  
or other habit-forming drugs, or in the use of alcoholic liquors 6473  
to an extent that affects professional competency; 6474

(5) Finding by a court of competent jurisdiction that the 6475  
applicant or licensee is incompetent by reason of mental illness 6476  
and no subsequent finding by the court of competency; 6477

(6) Finding by a court of law that the licensee is guilty of 6478  
incompetence or negligence in the dispensing of optical aids; 6479

(7) Knowingly permitting or employing a person whose license 6480  
has been suspended or revoked or an unlicensed person to engage in 6481  
optical dispensing; 6482

(8) Permitting another person to use ~~his~~ the licensee's 6483  
license; 6484

(9) Engaging in optical dispensing not pursuant to the 6485  
prescription of a licensed physician or licensed optometrist, but 6486  
nothing in this section shall prohibit the duplication or 6487  
replacement of previously prepared optical aids, except contact 6488  
lenses shall not be duplicated or replaced without a written 6489  
prescription; 6490

(10) Violation of sections 4725.40 to 4725.59 of the Revised 6491  
Code; 6492

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider.

(12) Advertising that ~~he~~ the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full ~~knowledge~~ knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

**Sec. 4738.04.** Each person applying for a motor vehicle

salvage dealer license or a salvage motor vehicle auction license 6523  
or a salvage motor vehicle pool license shall make out and deliver 6524  
to the registrar of motor vehicles, upon a blank to be furnished 6525  
by the registrar for that purpose, a separate application for 6526  
license for each county in which the business is to be conducted. 6527  
The application for each type of license shall be in the form 6528  
prescribed by the registrar and shall be signed and sworn to by 6529  
the applicant. The application for a license for a motor vehicle 6530  
salvage dealer, a salvage motor vehicle auction, or salvage motor 6531  
vehicle pool, in addition to other information as is required by 6532  
the registrar, shall include the following: 6533

(A) Name of applicant and location of principal place of 6534  
business; 6535

(B) Name or style under which business is to be conducted 6536  
and, if a corporation, the state of incorporation; 6537

(C) Name and address of each owner or partner and, if a 6538  
corporation, the names of the officers and directors; 6539

(D) The county in which the business is to be conducted and 6540  
the address of each place of business therein; 6541

(E) A financial statement of the applicant showing the true 6542  
financial condition as of a date not earlier than six months prior 6543  
to the date of the application; 6544

(F) A statement of the previous history, record, and 6545  
association of the applicant and of each owner, partner, officer, 6546  
and director, which statement shall be sufficient to establish to 6547  
the satisfaction of the registrar the reputation in business of 6548  
the applicant; 6549

(G) A statement showing whether the applicant has previously 6550  
been convicted of a ~~felony~~ crime of moral turpitude or a 6551  
disqualifying offense as those terms are defined in section 6552  
4776.10 of the Revised Code; 6553

(H) A statement showing whether the applicant has previously 6554  
applied for a license under this chapter and the result of the 6555  
application, and whether the applicant has ever been the holder of 6556  
any such license which was revoked or suspended; 6557

(I) If the applicant is a corporation or partnership, a 6558  
statement showing whether any of the partners, officers, or 6559  
directors have been refused a license under this chapter, or have 6560  
been the holder of any such license which was revoked or 6561  
suspended. 6562

**Sec. 4738.07.** The registrar of motor vehicles shall deny the 6563  
application of any person for a license under this chapter and 6564  
refuse to issue ~~him~~ the person a license if the registrar finds 6565  
that the applicant: 6566

(A) Has made false statement of a material fact in ~~his~~ the 6567  
individual's application; 6568

(B) Has not complied with sections 4738.01 to 4738.15 of the 6569  
Revised Code: 6570

(C) Is of bad business repute or has habitually defaulted on 6571  
financial obligations; 6572

(D) Has been convicted of a ~~felony~~ crime of moral turpitude 6573  
or a disqualifying offense as those terms are defined in section 6574  
4776.10 of the Revised Code; 6575

(E) Has been guilty of a fraudulent act in connection with 6576  
dealing in salvage motor vehicles or when operating as a motor 6577  
vehicle salvage dealer, salvage motor vehicle auction, or salvage 6578  
motor vehicle pool; 6579

(F) Is insolvent; 6580

(G) Is of insufficient responsibility to assure the prompt 6581  
payment of any final judgments which might reasonably be entered 6582  
against ~~him~~ the individual because of the transaction of ~~his~~ the 6583

individual's business during the period of the license applied 6584  
for; 6585

(H) Has no established place of business; 6586

(I) Has less than twelve months prior to said application, 6587  
been denied a license under this chapter. 6588

If the applicant is a corporation or partnership, the 6589  
registrar may refuse to issue a license if any officer, director, 6590  
or partner of the applicant has been guilty of any act or omission 6591  
which would be cause for refusing or revoking a license issued to 6592  
the officer, director, or partner as an individual. The 6593  
registrar's finding may be based upon facts contained in the 6594  
application or upon any other information which he may have. 6595  
Immediately upon denying an application for any of the reasons in 6596  
this section, the registrar shall enter a final order together 6597  
with ~~his~~ the registrar's findings and certify the same to the 6598  
motor vehicle salvage dealer's licensing board. 6599

An applicant who has been refused a license may appeal from 6600  
the action of the registrar to the motor vehicle salvage dealer's 6601  
licensing board in the manner prescribed in section 4738.12 of the 6602  
Revised Code. 6603

The registrar of motor vehicles shall not adopt, maintain, 6604  
renew, or enforce any rule, or otherwise preclude in any way, an 6605  
individual from receiving or renewing a license under this chapter 6606  
due to any past criminal activity or interpretation of moral 6607  
character, except as pursuant to division (D) of this section. 6608

**Sec. 4740.05.** (A) Each section of the Ohio construction 6609  
industry licensing board, other than the administrative section, 6610  
shall do all of the following: 6611

(1) Adopt rules in accordance with Chapter 119. of the 6612  
Revised Code that are limited to the following: 6613

- (a) Criteria for the section to use in evaluating the qualifications of an individual; 6614  
6615
- (b) Criteria for the section to use in deciding whether to authorize the administrative section to issue, renew, suspend, revoke, or refuse to issue or renew a license; 6616  
6617  
6618
- (c) The determinations and approvals the section makes under the reciprocity provision of section 4740.08 of the Revised Code; 6619  
6620
- (d) Criteria for continuing education courses conducted pursuant to this chapter; 6621  
6622
- (e) A requirement that persons seeking approval to provide continuing education courses submit the required information to the appropriate section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 6623  
6624  
6625  
6626  
6627
- (f) A prohibition against any person providing a continuing education course unless the administrative section of the board approved that person not more than one year prior to the date the course is offered; 6628  
6629  
6630  
6631
- (g) A list of disqualifying offenses pursuant to sections 4740.06, 4740.10, and 4776.10 of the Revised Code. 6632  
6633
- (2) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the section and determine by rule a procedure to conduct investigations and hearings on these allegations; 6634  
6635  
6636  
6637
- (3) Maintain a record of its proceedings; 6638
- (4) Grant approval to a person to offer continuing education courses pursuant to rules the board adopts; 6639  
6640
- (5) As required, do all things necessary to carry out this chapter. 6641  
6642
- (B) In accordance with rules they establish, the trade 6643

sections of the board shall authorize the administrative section 6644  
to issue, renew, suspend, revoke, or refuse to issue or renew 6645  
licenses for the classes of contractors for which each has primary 6646  
responsibility as set forth in section 4740.02 of the Revised 6647  
Code. 6648

(C) Each trade section of the board shall establish or 6649  
approve a continuing education curriculum for license renewal for 6650  
each class of contractors for which the section has primary 6651  
responsibility. No curriculum may require more than five hours per 6652  
year in specific course requirements. No contractor may be 6653  
required to take more than ten hours per year in continuing 6654  
education courses. The ten hours shall be the aggregate of hours 6655  
of continuing education for all licenses the contractor holds. 6656

**Sec. 4740.06.** (A) Any individual who applies for a license 6657  
shall file a written application with the appropriate section of 6658  
the Ohio construction industry licensing board, accompanied with 6659  
the application fee as determined pursuant to section 4740.09 of 6660  
the Revised Code. The individual shall file the application not 6661  
more than sixty days nor less than thirty days prior to the date 6662  
of the examination. The application shall be on the form the 6663  
section prescribes and verified by the applicant's oath. The 6664  
applicant shall provide information satisfactory to the section 6665  
showing that the applicant meets the requirements of division (B) 6666  
of this section. 6667

(B) To qualify to take an examination, an individual shall: 6668

(1) Be at least eighteen years of age; 6669

(2) Be a United States citizen or legal alien who produces 6670  
valid documentation to demonstrate the individual is a legal 6671  
resident of the United States; 6672

(3) Either have been a tradesperson in the type of licensed 6673

trade for which the application is filed for not less than five 6674  
years immediately prior to the date the application is filed, be a 6675  
currently registered engineer in this state with three years of 6676  
business experience in the construction industry in the trade for 6677  
which the engineer is applying to take an examination, or have 6678  
other experience acceptable to the appropriate section of the 6679  
board; 6680

(4) Maintain contractor's liability insurance, including 6681  
without limitation, complete operations coverage, in an amount the 6682  
appropriate section of the board determines; 6683

(5) Not have done any of the following: 6684

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 6685  
~~involving~~ crime of moral turpitude or of any felony a 6686  
disqualifying offense as those terms are defined in section 6687  
4776.10 of the Revised Code; 6688

(b) Violated this chapter or any rule adopted pursuant to it; 6689

(c) Obtained or renewed a license issued pursuant to this 6690  
chapter, or any order, ruling, or authorization of the board or a 6691  
section of the board by fraud, misrepresentation, or deception; 6692

(d) Engaged in fraud, misrepresentation, or deception in the 6693  
conduct of business. 6694

(C) When an applicant for licensure as a contractor in a 6695  
licensed trade meets the qualifications set forth in division (B) 6696  
of this section and passes the required examination, the 6697  
appropriate section of the board, within ninety days after the 6698  
application was filed, shall authorize the administrative section 6699  
of the board to license the applicant for the type of contractor's 6700  
license for which the applicant qualifies. A section of the board 6701  
may withdraw its authorization to the administrative section for 6702  
issuance of a license for good cause shown, on the condition that 6703  
notice of that withdrawal is given prior to the administrative 6704

section's issuance of the license. 6705

(D) All licenses a contractor holds pursuant to this chapter 6706  
shall expire annually on the same date, which shall be the 6707  
expiration date of the original license the contractor holds. An 6708  
individual holding a valid, unexpired license may renew the 6709  
license, without reexamination, by submitting an application to 6710  
the appropriate section of the board not more than ninety calendar 6711  
days before the expiration of the license, along with the renewal 6712  
fee the section requires and proof of compliance with the 6713  
applicable continuing education requirements. The applicant shall 6714  
provide information in the renewal application satisfactory to 6715  
demonstrate to the appropriate section that the applicant 6716  
continues to meet the requirements of division (B) of this 6717  
section. 6718

Upon application and within one calendar year after a license 6719  
has expired, a section may waive any of the requirements for 6720  
renewal of a license upon finding that an applicant substantially 6721  
meets the renewal requirements or that failure to timely apply for 6722  
renewal is due to excusable neglect. A section that waives 6723  
requirements for renewal of a license may impose conditions upon 6724  
the licensee and assess a late filing fee of not more than double 6725  
the usual renewal fee. An applicant shall satisfy any condition 6726  
the section imposes before a license is reissued. 6727

(E) An individual holding a valid license may request the 6728  
section of the board that authorized that license to place the 6729  
license in inactive status under conditions, and for a period of 6730  
time, as that section determines. 6731

(F) Except for the ninety-day extension provided for a 6732  
license assigned to a business entity under division (D) of 6733  
section 4740.07 of the Revised Code, a license held by an 6734  
individual immediately terminates upon the death of the 6735  
individual. 6736

(G) Nothing in any license issued by the Ohio construction industry licensing board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

(H) No trade section of the board shall adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from receiving or renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division (B)(5)(a) of this section.

**Sec. 4740.10.** (A) The appropriate section of the Ohio construction industry licensing board, upon an affirmative vote of four of its members, may take any of the following actions against a licensee who violates Chapter 4740. of the Revised Code:

(1) Impose a fine on the licensee, not exceeding one thousand dollars per violation per day;

(2) Direct the administrative section to suspend the licensee's license for a period of time the section establishes;

(3) Direct the administrative section to revoke the licensee's license;

(4) Require the licensee to complete additional continuing education course work. Any continuing education course work completed pursuant to this division may not count toward any other continuing education requirements this chapter establishes.

(5) Direct the administrative section to refuse to issue or renew a license if the section finds that the applicant or licensee has done any of the following:

(a) Been convicted of a ~~misdemeanor~~ involving crime of moral turpitude or a felony disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(b) Violated any provision of this chapter or the rules

adopted pursuant thereto; 6767

(c) Obtained a license or any order, ruling, or authorization 6768  
of the board by fraud, misrepresentation, or deception; 6769

(d) Engaged in fraud, misrepresentation, or deception in the 6770  
conduct of business. 6771

(B) The appropriate section of the board shall determine the 6772  
length of time that a license is to be suspended and whether or 6773  
when an individual whose license has been revoked may apply for 6774  
reinstatement. The appropriate section of the board may accept or 6775  
refuse an application for reinstatement and may require an 6776  
examination for reinstatement. 6777

(C) The appropriate section of the board may investigate any 6778  
alleged violation of this chapter or the rules adopted pursuant to 6779  
it. If, after an investigation, a section determines that any 6780  
person has engaged or is engaging in any practice that violates 6781  
this chapter or the rules adopted pursuant to it, that section may 6782  
apply to the court of common pleas of the county in which the 6783  
violation occurred or is occurring for an injunction or other 6784  
appropriate relief to enjoin or terminate the violation. 6785

(D) Any person who wishes to make a complaint against a 6786  
person who holds a license shall submit the complaint in writing 6787  
to the appropriate section of the board within three years after 6788  
the date of the action or event upon which the complaint is based. 6789

**Sec. 4747.04.** The hearing aid dealers and fitters licensing 6790  
board shall meet annually to elect a ~~chairman~~ chairperson and a 6791  
~~vice-chairman~~ vice-chairperson, who shall act as ~~chairman~~ 6792  
chairperson in the absence of the ~~chairman~~ chairperson. A majority 6793  
of the board constitutes a quorum. The board shall meet when 6794  
called by the ~~chairman~~ chairperson. The board shall: 6795

(A) Adopt rules for the transaction of its business; 6796

(B) Design and prepare qualifying examinations for licensing of hearing aid dealers, fitters, and trainees;	6797 6798
(C) Determine whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for licensing in this state;	6799 6800 6801 6802
(D) Determine whether charges made against any licensee warrant a hearing before the board;	6803 6804
(E) Hold hearings to determine the truth and circumstances of all charges filed in writing with the board against any licensee and determine whether any license held by any person shall be revoked, suspended, or reissued;	6805 6806 6807 6808
(F) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;	6809 6810
(G) Advise and assist the department of health in all matters relating to this chapter;	6811 6812
(H) Deposit all payments collected under this chapter into the general operations fund created under section 3701.83 of the Revised Code to be used in administering and enforcing this chapter;	6813 6814 6815 6816
<u>(I) Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.</u>	6817 6818 6819 6820
Nothing in this section shall be interpreted as granting to the hearing aid dealers and fitters licensing board the right to restrict advertising which is not false or misleading, or to prohibit or in any way restrict a hearing aid dealer or fitter from renting or leasing space from any person, firm or corporation in a mercantile establishment for the purpose of using such space	6821 6822 6823 6824 6825 6826

for the lawful sale of hearing aids or to prohibit a mercantile 6827  
establishment from selling hearing aids if the sale would be 6828  
otherwise lawful under this chapter. 6829

**Sec. 4747.05.** (A) The hearing aid dealers and fitters 6830  
licensing board shall issue to each applicant, within sixty days 6831  
of receipt of a properly completed application and payment of two 6832  
hundred sixty-two dollars, a hearing aid dealer's or fitter's 6833  
license if the applicant, if an individual: 6834

(1) Is at least eighteen years of age; 6835

(2) ~~Is a person of good moral character~~ Has not committed a 6836  
disqualifying offense or a crime of moral turpitude, as those 6837  
terms are defined in section 4776.10 of the Revised Code; 6838

(3) Is free of contagious or infectious disease; 6839

(4) Has successfully passed a qualifying examination 6840  
specified and administered by the board. 6841

(B) If the applicant is a firm, partnership, association, or 6842  
corporation, the application, in addition to such information as 6843  
the board requires, shall be accompanied by an application for a 6844  
license for each person, whether owner or employee, of the firm, 6845  
partnership, association, or corporation, who engages in dealing 6846  
in or fitting of hearing aids, or shall contain a statement that 6847  
such applications are submitted separately. No firm, partnership, 6848  
association, or corporation licensed pursuant to this chapter 6849  
shall permit any unlicensed person to sell or fit hearing aids. 6850

(C) The board shall not adopt, maintain, renew, or enforce 6851  
any rule that precludes an individual from receiving or renewing a 6852  
license issued under this chapter due to any past criminal 6853  
activity or interpretation of moral character, unless the 6854  
individual has committed a crime of moral turpitude or a 6855  
disqualifying offense as those terms are defined in section 6856

4776.10 of the Revised Code. 6857

(D) Each license issued expires on the thirtieth day of 6858  
January of the year following that in which it was issued. 6859

**Sec. 4747.10.** Each person currently engaged in training to 6860  
become a licensed hearing aid dealer or fitter shall apply to the 6861  
hearing aid dealers and fitters licensing board for a hearing aid 6862  
dealer's and fitter's trainee permit. The board shall issue to 6863  
each applicant within thirty days of receipt of a properly 6864  
completed application and payment of one hundred fifty dollars, a 6865  
trainee permit if such applicant ~~is~~ meets all of the following 6866  
criteria: 6867

(A) ~~At~~ Is at least eighteen years of age; 6868

(B) ~~The~~ Is the holder of a diploma from an accredited high 6869  
school, or possesses an equivalent education; 6870

(C) ~~A person of good moral character~~ Has not committed a 6871  
disqualifying offense or a crime of moral turpitude, as those 6872  
terms are defined in section 4776.10 of the Revised Code; 6873

(D) ~~Free~~ Is free of contagious or infectious disease. 6874

The board shall not deny a trainee permit issued under this 6875  
section to any individual based on the individual's past criminal 6876  
history or an interpretation of moral character unless the 6877  
individual has committed a disqualifying offense or crime of moral 6878  
turpitude as those terms are defined in section 4776.10 of the 6879  
Revised Code. 6880

Each trainee permit issued by the board expires one year from 6881  
the date it was first issued, and may be renewed once if the 6882  
trainee has not successfully completed the qualifying requirements 6883  
for licensing as a hearing aid dealer or fitter before the 6884  
expiration date of such permit. The board shall issue a renewed 6885  
permit to each applicant upon receipt of a properly completed 6886

application and payment of one hundred five dollars. No person 6887  
holding a trainee permit shall engage in the practice of dealing 6888  
in or fitting of hearing aids except while under supervision by a 6889  
licensed hearing aid dealer or fitter. 6890

**Sec. 4747.12.** The hearing aid dealers and fitters licensing 6891  
board may revoke or suspend a license or permit if the person who 6892  
holds such license or permit: 6893

(A) Is convicted of a ~~felony~~ disqualifying offense or a 6894  
~~misdemeanor involving~~ crime of moral turpitude as those terms are 6895  
defined in section 4776.10 of the Revised Code. The record of 6896  
conviction, or a copy thereof certified by the clerk of the court 6897  
or by the judge in whose court the conviction occurs, is 6898  
conclusive evidence of such conviction; 6899

(B) Procured a license or permit by fraud or deceit practiced 6900  
upon the board; 6901

(C) Obtained any fee or made any sale of a hearing aid by 6902  
fraud or misrepresentation; 6903

(D) Knowingly employed any person without a license or a 6904  
person whose license was suspended or revoked to engage in the 6905  
fitting or sale of hearing aids; 6906

(E) Used or caused or promoted the use of any advertising 6907  
matter, promotional literature, testimonial, guarantee, warranty, 6908  
label, brand, insignia, or any other representation, however 6909  
disseminated or published, which is misleading, deceptive, or 6910  
untruthful; 6911

(F) Advertised a particular model or type of hearing aid for 6912  
sale when purchasers or prospective purchasers responding to the 6913  
advertisement cannot purchase the specified model or type of 6914  
hearing aid; 6915

(G) Represented or advertised that the service or advice of a 6916

person licensed to practice medicine will be used or made 6917  
available in the selection, fitting, adjustment, maintenance, or 6918  
repair of hearing aids when such is not true, or using the words 6919  
"doctor," "clinic," or similar words, abbreviations, or symbols 6920  
which connote the medical profession when such use is not 6921  
accurate; 6922

(H) Is found by the board to be a person of habitual 6923  
intemperance or gross immorality; 6924

(I) Advertised a manufacturer's product or used a 6925  
manufacturer's name or trademark in a manner which suggested the 6926  
existence of a relationship with the manufacturer which did not or 6927  
does not exist; 6928

(J) Fitted or sold, or attempted to fit or sell, a hearing 6929  
aid to a person without first utilizing the appropriate procedures 6930  
and instruments required for proper fitting of hearing aids; 6931

(K) Engaged in the fitting and sale of hearing aids under a 6932  
false name or an alias; 6933

(L) Engaged in the practice of dealing in or fitting of 6934  
hearing aids while suffering from a contagious or infectious 6935  
disease; 6936

(M) Was found by the board to be guilty of gross incompetence 6937  
or negligence in the fitting or sale of hearing aids; 6938

(N) Permitted another person to use ~~his~~ the licensee's 6939  
license. 6940

**Sec. 4749.03.** (A)(1) Any individual, including a partner in a 6941  
partnership, may be licensed as a private investigator under a 6942  
class B license, or as a security guard provider under a class C 6943  
license, or as a private investigator and a security guard 6944  
provider under a class A license, if the individual meets all of 6945  
the following requirements: 6946

(a) Has a good reputation for integrity, has not been 6947  
convicted of a ~~felony~~ disqualifying offense as defined in section 6948  
4776.10 of the Revised Code within the last ~~twenty~~ three years or 6949  
any ~~offense involving~~ crime of moral turpitude as that term is 6950  
defined in section 4776.10 of the Revised Code, and has not been 6951  
adjudicated incompetent for the purpose of holding the license, as 6952  
provided in section 5122.301 of the Revised Code, without having 6953  
been restored to legal capacity for that purpose. 6954

(b) Depending upon the class of license for which application 6955  
is made, for a continuous period of at least two years immediately 6956  
preceding application for a license, has been engaged in 6957  
investigatory or security services work for a law enforcement or 6958  
other public agency engaged in investigatory activities, or for a 6959  
private investigator or security guard provider, or engaged in the 6960  
practice of law, or has acquired equivalent experience as 6961  
determined by rule of the director of public safety. 6962

(c) Demonstrates competency as a private investigator or 6963  
security guard provider by passing an examination devised for this 6964  
purpose by the director, except that any individually licensed 6965  
person who qualifies a corporation for licensure shall not be 6966  
required to be reexamined if the person qualifies the corporation 6967  
in the same capacity that the person was individually licensed. 6968

(d) Submits evidence of comprehensive general liability 6969  
insurance coverage, or other equivalent guarantee approved by the 6970  
director in such form and in principal amounts satisfactory to the 6971  
director, but not less than one hundred thousand dollars for each 6972  
person and three hundred thousand dollars for each occurrence for 6973  
bodily injury liability, and one hundred thousand dollars for 6974  
property damage liability. 6975

(e) Pays the requisite examination and license fees. 6976

(2) A corporation may be licensed as a private investigator 6977

under a class B license, or as a security guard provider under a 6978  
class C license, or as a private investigator and a security guard 6979  
provider under a class A license, if an application for licensure 6980  
is filed by an officer of the corporation and the officer, another 6981  
officer, or the qualifying agent of the corporation satisfies the 6982  
requirements of divisions (A)(1) and (F)(1) of this section. 6983  
Officers and the statutory agent of a corporation shall be 6984  
determined in accordance with Chapter 1701. of the Revised Code. 6985

(3) At least one partner in a partnership shall be licensed 6986  
as a private investigator, or as a security guard provider, or as 6987  
a private investigator and a security guard provider. Partners in 6988  
a partnership shall be determined as provided for in Chapter 1775. 6989  
or 1776. of the Revised Code. 6990

(B) An application for a class A, B, or C license shall be 6991  
completed in the form the director prescribes. In the case of an 6992  
individual, the application shall state the applicant's name, 6993  
birth date, citizenship, physical description, current residence, 6994  
residences for the preceding ten years, current employment, 6995  
employment for the preceding seven years, experience 6996  
qualifications, the location of each of the applicant's offices in 6997  
this state, and any other information that is necessary in order 6998  
for the director to comply with the requirements of this chapter. 6999  
In the case of a corporation, the application shall state the name 7000  
of the officer or qualifying agent filing the application; the 7001  
state in which the corporation is incorporated and the date of 7002  
incorporation; the states in which the corporation is authorized 7003  
to transact business; the name of its qualifying agent; the name 7004  
of the officer or qualifying agent of the corporation who 7005  
satisfies the requirements of divisions (A)(1) and (F)(1) of this 7006  
section and the birth date, citizenship, physical description, 7007  
current residence, residences for the preceding ten years, current 7008  
employment, employment for the preceding seven years, and 7009

experience qualifications of that officer or qualifying agent; and 7010  
other information that the director requires. A corporation may 7011  
specify in its application information relative to one or more 7012  
individuals who satisfy the requirements of divisions (A)(1) and 7013  
(F)(1) of this section. 7014

The application described in this division shall be 7015  
accompanied by all of the following: 7016

(1) One recent full-face photograph of the applicant or, in 7017  
the case of a corporation, of each officer or qualifying agent 7018  
specified in the application as satisfying the requirements of 7019  
divisions (A)(1) and (F)(1) of this section; 7020

(2) Character references from at least five reputable 7021  
citizens for the applicant or, in the case of a corporation, for 7022  
each officer or qualifying agent specified in the application as 7023  
satisfying the requirements of divisions (A)(1) and (F)(1) of this 7024  
section, each of whom has known the applicant, officer, or 7025  
qualifying agent for at least five years preceding the 7026  
application, and none of whom are connected with the applicant, 7027  
officer, or qualifying agent by blood or marriage; 7028

(3) An examination fee of twenty-five dollars for the 7029  
applicant or, in the case of a corporation, for each officer or 7030  
qualifying agent specified in the application as satisfying the 7031  
requirements of divisions (A)(1) and (F)(1) of this section, and a 7032  
license fee in the amount the director determines, not to exceed 7033  
three hundred seventy-five dollars. The license fee shall be 7034  
refunded if a license is not issued. 7035

(C)(1) Each individual applying for a license and each 7036  
individual specified by a corporation as an officer or qualifying 7037  
agent in an application shall submit one complete set of 7038  
fingerprints directly to the superintendent of the bureau of 7039  
criminal identification and investigation for the purpose of 7040

conducting a criminal records check. The individual shall provide 7041  
the fingerprints using a method the superintendent prescribes 7042  
pursuant to division (C)(2) of section 109.572 of the Revised Code 7043  
and fill out the form the superintendent prescribes pursuant to 7044  
division (C)(1) of section 109.572 of the Revised Code. An 7045  
applicant who intends to carry a firearm as defined in section 7046  
2923.11 of the Revised Code in the course of business or 7047  
employment shall so notify the superintendent. This notification 7048  
is in addition to any other requirement related to carrying a 7049  
firearm that applies to the applicant. The individual or 7050  
corporation requesting the criminal records check shall pay the 7051  
fee the superintendent prescribes. 7052

(2) The superintendent shall conduct the criminal records 7053  
check as set forth in division (B) of section 109.572 of the 7054  
Revised Code. If an applicant intends to carry a firearm in the 7055  
course of business or employment, the superintendent shall make a 7056  
request to the federal bureau of investigation for any information 7057  
and review the information the bureau provides pursuant to 7058  
division (B)(2) of section 109.572 of the Revised Code. The 7059  
superintendent shall submit all results of the completed 7060  
investigation to the director of public safety. 7061

(3) If the director determines that the applicant, officer, 7062  
or qualifying agent meets the requirements of divisions (A)(1)(a), 7063  
(b), and (d) of this section and that an officer or qualifying 7064  
agent meets the requirement of division (F)(1) of this section, 7065  
the director shall notify the applicant, officer, or agent of the 7066  
time and place for the examination. If the director determines 7067  
that an applicant does not meet the requirements of divisions 7068  
(A)(1)(a), (b), and (d) of this section, the director shall notify 7069  
the applicant that the applicant's application is refused and 7070  
refund the license fee. If the director determines that none of 7071  
the individuals specified in the application of a corporation as 7072

satisfying the requirements of divisions (A)(1) and (F)(1) of this 7073  
section meet the requirements of divisions (A)(1)(a), (b), and (d) 7074  
and (F)(1) of this section, the director shall notify the 7075  
corporation that its application is refused and refund the license 7076  
fee. If the bureau assesses the director a fee for any 7077  
investigation, the director, in addition to any other fee assessed 7078  
pursuant to this chapter, may assess the applicant, officer, or 7079  
qualifying agent, as appropriate, a fee that is equal to the fee 7080  
assessed by the bureau. 7081

(4) The superintendent shall not adopt, maintain, renew, or 7082  
enforce any rule, or otherwise preclude in any way, an individual 7083  
from receiving or renewing a license under this chapter due to any 7084  
past criminal activity or interpretation of moral character, 7085  
except as pursuant to division (A)(1)(a) of this section. 7086

(D) If upon application, investigation, and examination, the 7087  
director finds that the applicant or, in the case of a 7088  
corporation, any officer or qualifying agent specified in the 7089  
application as satisfying the requirements of divisions (A)(1) and 7090  
(F)(1) of this section, meets the applicable requirements, the 7091  
director shall issue the applicant or the corporation a class A, 7092  
B, or C license. The director also shall issue an identification 7093  
card to an applicant, but not an officer or qualifying agent of a 7094  
corporation, who meets the applicable requirements. The license 7095  
and identification card shall state the licensee's name, the 7096  
classification of the license, the location of the licensee's 7097  
principal place of business in this state, and the expiration date 7098  
of the license, and, in the case of a corporation, it also shall 7099  
state the name of each officer or qualifying agent who satisfied 7100  
the requirements of divisions (A)(1) and (F)(1) of this section. 7101

Licenses expire on the first day of March following the date 7102  
of initial issue, and on the first day of March of each year 7103  
thereafter. Annual renewals shall be according to the standard 7104

renewal procedures contained in Chapter 4745. of the Revised Code, 7105  
upon payment of an annual renewal fee the director determines, not 7106  
to exceed two hundred seventy-five dollars. No license shall be 7107  
renewed if the licensee or, in the case of a corporation, each 7108  
officer or qualifying agent who qualified the corporation for 7109  
licensure no longer meets the applicable requirements of this 7110  
section. No license shall be renewed unless the licensee provides 7111  
evidence of workers' compensation risk coverage and unemployment 7112  
compensation insurance coverage, other than for clerical employees 7113  
and excepting sole proprietors who are exempted therefrom, as 7114  
provided for in Chapters 4123. and 4141. of the Revised Code, 7115  
respectively, as well as the licensee's state tax identification 7116  
number. No reexamination shall be required for renewal of a 7117  
current license. 7118

For purposes of this chapter, a class A, B, or C license 7119  
issued to a corporation shall be considered as also having 7120  
licensed the individuals who qualified the corporation for 7121  
licensure, for as long as they are associated with the 7122  
corporation. 7123

For purposes of this division, "sole proprietor" means an 7124  
individual licensed under this chapter who does not employ any 7125  
other individual. 7126

(E) The director may issue a duplicate copy of a license 7127  
issued under this section for the purpose of replacement of a 7128  
lost, spoliated, or destroyed license, upon payment of a fee the 7129  
director determines, not exceeding twenty-five dollars. Any change 7130  
in license classification requires new application and application 7131  
fees. 7132

(F)(1) In order to qualify a corporation for a class A, B, or 7133  
C license, an officer or qualifying agent may qualify another 7134  
corporation for similar licensure, provided that the officer or 7135  
qualifying agent is actively engaged in the business of both 7136

corporations. 7137

(2) Each officer or qualifying agent who qualifies a 7138  
corporation for class A, B, or C licensure shall surrender any 7139  
personal license of a similar nature that the officer or 7140  
qualifying agent possesses. 7141

(3) Upon written notification to the director, completion of 7142  
an application similar to that for original licensure, surrender 7143  
of the corporation's current license, and payment of a 7144  
twenty-five-dollar fee, a corporation's class A, B, or C license 7145  
may be transferred to another corporation. 7146

(4) Upon written notification to the director, completion of 7147  
an application similar to that for an individual seeking class A, 7148  
B, or C licensure, payment of a twenty-five-dollar fee, and, if 7149  
the individual was the only individual that qualified a 7150  
corporation for licensure, surrender of the corporation's license, 7151  
any officer or qualifying agent who qualified a corporation for 7152  
licensure under this chapter may obtain a similar license in the 7153  
individual's own name without reexamination. A request by an 7154  
officer or qualifying agent for an individual license shall not 7155  
affect a corporation's license unless the individual is the only 7156  
individual that qualified the corporation for licensure or all the 7157  
other individuals who qualified the corporation for licensure 7158  
submit such requests. 7159

(G) If a corporation is for any reason no longer associated 7160  
with an individual who qualified it for licensure under this 7161  
chapter, an officer of the corporation shall notify the director 7162  
of that fact by certified mail, return receipt requested, within 7163  
ten days after the association terminates. If the notification is 7164  
so given, the individual was the only individual that qualified 7165  
the corporation for licensure, and the corporation submits the 7166  
name of another officer or qualifying agent to qualify the 7167  
corporation for the license within thirty days after the 7168

association terminates, the corporation may continue to operate in 7169  
the business of private investigation, the business of security 7170  
services, or both businesses in this state under that license for 7171  
ninety days after the association terminates. If the officer or 7172  
qualifying agent whose name is submitted satisfies the 7173  
requirements of divisions (A)(1) and (F)(1) of this section, the 7174  
director shall issue a new license to the corporation within that 7175  
ninety-day period. The names of more than one individual may be 7176  
submitted. 7177

**Sec. 4749.04.** (A) The director of public safety may revoke, 7178  
suspend, or refuse to renew, when a renewal form has been 7179  
submitted, the license of any private investigator or security 7180  
guard provider, or the registration of any employee of a private 7181  
investigator or security guard provider, for any of the following: 7182

(1) Violation of any of the provisions of division (B) or (C) 7183  
of section 4749.13 of the Revised Code; 7184

(2) Conviction of a ~~felony or~~ disqualifying offense as 7185  
defined in section 4776.10 of the Revised Code if the offense 7186  
occurred within the last three years; 7187

(3) Conviction of a crime involving moral turpitude as 7188  
defined in section 4776.10 of the Revised Code; 7189

~~(3)~~(4) Violation of any rule of the director governing 7190  
private investigators, the business of private investigation, 7191  
security guard providers, or the business of security services; 7192

~~(4)~~(5) Testifying falsely under oath, or suborning perjury, 7193  
in any judicial proceeding; 7194

~~(5)~~(6) Failure to satisfy the requirements specified in 7195  
division (D) of section 4749.03 of the Revised Code. 7196

Any person whose license or registration is revoked, 7197  
suspended, or not renewed when a renewal form is submitted may 7198

appeal in accordance with Chapter 119. of the Revised Code. 7199

(B) In lieu of suspending, revoking, or refusing to renew the 7200  
class A, B, or C license, or of suspending, revoking, or refusing 7201  
to renew the registration of an employee of a class A, B, or C 7202  
licensee, the director may impose a civil penalty of not more than 7203  
one hundred dollars for each calendar day of a violation of any of 7204  
the provisions of this section or of division (B) or (C) of 7205  
section 4749.13 of the Revised Code or of a violation of any rule 7206  
of the director governing private investigators, the business of 7207  
private investigation, security guard providers, or the business 7208  
of security services. 7209

**Sec. 4749.06.** (A) Each class A, B, or C licensee shall 7210  
register the licensee's investigator or security guard employees, 7211  
with the department of public safety, which shall maintain a 7212  
record of each licensee and registered employee and make it 7213  
available, upon request, to any law enforcement agency. The class 7214  
A, B, or C licensee shall file an application to register a new 7215  
employee no sooner than three days nor later than seven calendar 7216  
days after the date on which the employee is hired. 7217

(B)(1) Each employee's registration application shall be 7218  
accompanied by one recent photograph of the employee, the 7219  
employee's physical description, and the registration fee the 7220  
director determines, not to exceed forty dollars. 7221

(2) The employee shall submit one complete set of 7222  
fingerprints directly to the superintendent of the bureau of 7223  
criminal identification and investigation for the purpose of 7224  
conducting a criminal records check. The employee shall provide 7225  
the fingerprints using a method the superintendent prescribes 7226  
pursuant to division (C)(2) of section 109.572 of the Revised Code 7227  
and fill out the form the superintendent prescribes pursuant to 7228  
division (C)(1) of section 109.572 of the Revised Code. An 7229

employee who intends to carry a firearm as defined in section 7230  
2923.11 of the Revised Code in the course of business or 7231  
employment shall so notify the superintendent. This notification 7232  
is in addition to any other requirement related to carrying a 7233  
firearm that applies to the employee. The individual or 7234  
corporation requesting the criminal records check shall pay the 7235  
fee the superintendent prescribes. 7236

The superintendent shall conduct the criminal records check 7237  
as set forth in division (B) of section 109.572 of the Revised 7238  
Code. If an employee intends to carry a firearm in the course of 7239  
business or employment, pursuant to division (B)(2) of section 7240  
109.572 of the Revised Code the superintendent shall make a 7241  
request of the federal bureau of investigation for any information 7242  
and review the information the bureau provides. The superintendent 7243  
shall submit all results of the completed investigation to the 7244  
director of public safety. 7245

(3) If, after investigation, the bureau finds that the 7246  
employee has not been convicted of a ~~felony~~ disqualifying offense 7247  
as defined in section 4776.10 of the Revised Code within the last 7248  
~~twenty~~ three years, the director shall issue to the employee an 7249  
identification card bearing the license number and signature of 7250  
the licensee, which in the case of a corporation shall be the 7251  
signature of its president or its qualifying agent, and containing 7252  
the employee's name, address, age, physical description, and right 7253  
thumb print or other identifying mark as the director prescribes, 7254  
a recent photograph of the employee, and the employee's signature. 7255  
The director may issue a duplicate of a lost, spoliated, or 7256  
destroyed identification card issued under this section, upon 7257  
payment of a fee fixed by the director, not exceeding five 7258  
dollars. 7259

(C) Except as provided in division (E) of this section, no 7260  
class A, B, or C licensee shall permit an employee, other than an 7261

individual who qualified a corporation for licensure, to engage in 7262  
the business of private investigation, the business of security 7263  
services, or both businesses until the employee receives an 7264  
identification card from the department, except that pending the 7265  
issuance of an identification card, a class A, B, or C licensee 7266  
may offer for hire security guard or investigator employees 7267  
provided the licensee obtains a waiver from the person who 7268  
receives, for hire, security guard or investigative services, 7269  
acknowledging that the person is aware the employees have not 7270  
completed their registration and agreeing to their employment. 7271

(D) If a class A, B, or C licensee, or a registered employee 7272  
of a class A, B, or C licensee, intends to carry a firearm, as 7273  
defined in section 2923.11 of the Revised Code, in the course of 7274  
engaging in the business or employment, the licensee or registered 7275  
employee shall satisfactorily complete a firearms basic training 7276  
program that includes twenty hours of handgun training and five 7277  
hours of training in the use of other firearms, if any other 7278  
firearm is to be used, or equivalency training, if authorized, or 7279  
shall be a former peace officer who previously had successfully 7280  
completed a firearms training course, shall receive a certificate 7281  
of satisfactory completion of that program or written evidence of 7282  
approval of the equivalency training, shall file an application 7283  
for registration, shall receive a firearm-bearer notation on the 7284  
licensee's or registered employee's identification card, and shall 7285  
annually requalify on a firearms range, all as described in 7286  
division (A) of section 4749.10 of the Revised Code. A private 7287  
investigator, security guard provider, or employee is authorized 7288  
to carry a firearm only in accordance with that division. 7289

(E) This section does not apply to commissioned peace 7290  
officers, as defined in division (B) of section 2935.01 of the 7291  
Revised Code, working for, either as an employee or independent 7292  
contractor, a class A, B, or C licensee. For purposes of this 7293

chapter, a commissioned peace officer is an employee exempt from registration. 7294  
7295

(F) The registration of an investigator or security guard 7296  
employee expires annually on the anniversary date of its initial 7297  
issuance. Annual renewals shall be made pursuant to procedures the 7298  
director establishes by rule and upon payment of a renewal fee the 7299  
director determines, not to exceed thirty-five dollars. The 7300  
director shall not renew the registration of any investigator or 7301  
security guard employee who no longer meets the requirements of 7302  
this section. No background check is required for annual renewal, 7303  
but an investigator or security guard employee shall report any 7304  
~~felony~~ conviction of a disqualifying offense to the employer and 7305  
the director of public safety as a condition of continued 7306  
registration. 7307

Sec. 4776.10. As used in Chapters 3772., 4713., 4738., 4740., 7308  
4747., and 4749. and sections 4725.40 to 4725.59 of the Revised 7309  
Code: 7310

(A) "Crime of moral turpitude" or "moral turpitude" means all 7311  
of the following: 7312

(1) A violation of section 2903.01 or 2903.02 of the Revised 7313  
Code; 7314

(2) A sexually oriented offense as defined in section 2950.01 7315  
of the Revised Code; 7316

(3) An offense that is an offense of violence as defined in 7317  
section 2901.01 of the Revised Code, if the offense is a felony of 7318  
the first or second degree; 7319

(4) Complicity in committing an offense described in division 7320  
(A)(1) of this section; 7321

(5) An attempt or conspiracy to commit or complicity in 7322  
committing any offense described in division (A)(1), (2), (3), or 7323

(4) of this section if the attempt, conspiracy, or complicity is a 7324  
felony of the first or second degree; 7325

(6) A violation of any former law of this state, any existing 7326  
or former municipal ordinance or law of another state or the 7327  
United States, any existing or former law applicable in a military 7328  
court or in an Indian tribal court, or any existing or former law 7329  
of any nation other than the United States that is or was 7330  
substantially equivalent to any offense listed in division (A)(1), 7331  
(2), (3), (4), or (5) of this section. 7332

(B) "Direct nexus" means that the nature of the offense for 7333  
which the individual was convicted or to which the individual 7334  
pleaded guilty has a direct bearing on the fitness or ability of 7335  
the individual to perform one or more of the duties or 7336  
responsibilities necessarily related to a particular occupation, 7337  
profession, or trade. 7338

(C) "Disqualifying offense" means an offense that is a felony 7339  
and that has a direct nexus to an individual's proposed or current 7340  
field of licensure, certification, or employment. 7341

**Sec. 5120.07.** (A) There is hereby created the ex-offender 7342  
reentry coalition consisting of the following ~~seventeen~~ eighteen 7343  
members or their designees: 7344

(1) The director of rehabilitation and correction; 7345

(2) The director of aging; 7346

(3) The director of alcohol and drug addiction services; 7347

(4) The director of development; 7348

(5) The superintendent of public instruction; 7349

(6) The director of health; 7350

(7) The director of job and family services; 7351

(8) The director of mental health; 7352

(9) The director of developmental disabilities;	7353
(10) The director of public safety;	7354
(11) The director of youth services;	7355
(12) The chancellor of the Ohio board of regents;	7356
(13) A representative or member of the governor's staff;	7357
(14) The director of the rehabilitation services commission;	7358
(15) The director of the department of commerce;	7359
(16) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	7360 7361 7362
(17) The director of veterans services;	7363
<u>(18) An ex-offender appointed by the director of rehabilitation and correction.</u>	7364 7365
(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.	7366 7367 7368
(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, service providers, community-based organizations, and local governments, the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and the president of the senate a report, including recommendations for legislative action, the activities of the coalition, and the barriers affecting the successful reentry of ex-offenders into the community. The report shall analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, including but	7369 7370 7371 7372 7373 7374 7375 7376 7377 7378 7379 7380 7381 7382

not limited to, the following:	7383
(1) Admission to public and other housing;	7384
(2) Child support obligations and procedures;	7385
(3) Parental incarceration and family reunification;	7386
(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	7387 7388
(5) Employment;	7389
(6) Education programs and financial assistance;	7390
(7) Substance abuse, mental health, and sex offender treatment programs and financial assistance;	7391 7392
(8) Civic and political participation;	7393
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	7394 7395 7396
(D)(1) The report shall also include the following information:	7397 7398
(a) Identification of state appropriations for reentry programs;	7399 7400
(b) Identification of other funding sources for reentry programs that are not funded by the state;	7401 7402
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	7403 7404 7405 7406
(a) The amount of funding received;	7407
(b) The number of program participants;	7408
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	7409 7410

(d) The type of post-program tracking that is utilized;	7411
(e) Information about employment rates and recidivism rates of ex-offenders.	7412 7413
(E) The coalition shall cease to exist on December 31, 2014.	7414
<b>Sec. 5502.011.</b> (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.	7415 7416 7417
(B) The director <del>of the department</del> of public safety is the chief executive and administrative officer of the department. The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property. The director also may authorize and approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee.	7418 7419 7420 7421 7422 7423 7424 7425 7426 7427 7428 7429
(C) In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following:	7430 7431 7432
(1) Administer and direct the performance of the duties of the department;	7433 7434
(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department;	7435 7436 7437
(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering	7438 7439 7440

into contracts, agreements, and other business arrangements; 7441

(4) Make appointments for the department as needed to comply 7442  
with requirements of the Revised Code; 7443

(5) Approve employment actions of the department, including 7444  
appointments, promotions, discipline, investigations, and 7445  
terminations; 7446

(6) Accept, hold, and use, for the benefit of the department, 7447  
any gift, donation, bequest, or devise, and may agree to and 7448  
perform all conditions of the gift, donation, bequest, or devise, 7449  
that are not contrary to law; 7450

(7) Apply for, allocate, disburse, and account for grants 7451  
made available under federal law or from other federal, state, or 7452  
private sources; 7453

(8) Develop a list of disqualifying offenses for licensure as 7454  
a private investigator or a security guard provider pursuant to 7455  
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 7456  
Code; 7457

(9) Do all other acts necessary or desirable to carry out 7458  
this chapter. 7459

(D)(1) The director of public safety may assess a reasonable 7460  
fee, plus the amount of any charge or fee passed on from a 7461  
financial institution, on a drawer or indorser for each of the 7462  
following: 7463

(a) A check, draft, or money order that is returned or 7464  
dishonored; 7465

(b) An automatic bank transfer that is declined, due to 7466  
insufficient funds or for any other reason; 7467

(c) Any financial transaction device that is returned or 7468  
dishonored for any reason. 7469

(2) The director shall deposit any fee collected under this 7470

division in an appropriate fund as determined by the director 7471  
based on the tax, fee, or fine being paid. 7472

(3) As used in this division, "financial transaction device" 7473  
has the same meaning as in section 113.40 of the Revised Code. 7474

(E) The director shall establish a homeland security advisory 7475  
council to advise the director on homeland security, including 7476  
homeland security funding efforts. The advisory council shall 7477  
include, but not be limited to, state and local government 7478  
officials who have homeland security or emergency management 7479  
responsibilities and who represent first responders. The director 7480  
shall appoint the members of the council, who shall serve without 7481  
compensation. 7482

(F) The director of public safety shall adopt rules in 7483  
accordance with Chapter 119. of the Revised Code as required by 7484  
section 2909.28 of the Revised Code and division (A)(1) of section 7485  
2909.32 of the Revised Code. The director shall adopt rules as 7486  
required by division (D) of section 2909.32 of the Revised Code, 7487  
division (E) of section 2909.33 of the Revised Code, and division 7488  
(D) of section 2909.34 of the Revised Code. The director may adopt 7489  
rules pursuant to division (A)(2) of section 2909.32 of the 7490  
Revised Code, division (A)(2) of section 2909.33 of the Revised 7491  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 7492

**Sec. 5743.99.** (A)(1) Except as provided in division (A)(2) of 7493  
this section, whoever violates section 5743.10, 5743.11, or 7494  
5743.12 or division (C) of section 5743.54 of the Revised Code is 7495  
guilty of a misdemeanor of the first degree. If the offender has 7496  
been previously convicted of an offense under this division, 7497  
violation is a felony of the fourth degree. 7498

(2) Unless the total number of cigarettes exceeds one 7499  
thousand two hundred, an individual who violates section 5743.10 7500  
of the Revised Code is guilty of a minor misdemeanor. If the 7501

offender has been previously convicted of an offense under this 7502  
division, violation is a misdemeanor of the first degree. 7503

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 7504  
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 7505  
felony of the fourth degree. If the offender has been previously 7506  
convicted of an offense under this division, violation is a felony 7507  
of the second degree. 7508

(C) Whoever violates section 5743.41 or 5743.42 of the 7509  
Revised Code is guilty of a misdemeanor of the fourth degree. If 7510  
the offender has been previously convicted of an offense under 7511  
this division, violation is a misdemeanor of the third degree. 7512

(D) Whoever violates section 5743.21 of the Revised Code is 7513  
guilty of a misdemeanor of the first degree. If the offender has 7514  
been previously convicted of an offense under this division, 7515  
violation is a felony of the fifth degree. 7516

(E) Whoever violates division (F) of section 5743.03 of the 7517  
Revised Code is guilty of a misdemeanor of the fourth degree. 7518

(F) Whoever violates any provision of this chapter, or any 7519  
rule promulgated by the tax commissioner under authority of this 7520  
chapter, for the violation of which no penalty is provided 7521  
elsewhere, is guilty of a misdemeanor of the fourth degree. 7522

(G) In addition to any other penalty imposed upon a person 7523  
convicted of a violation of section 5743.112 or 5743.60 of the 7524  
Revised Code who was the operator of a motor vehicle used in the 7525  
violation, the court ~~shall~~ may suspend for not less than thirty 7526  
days or more than three years the offender's driver's license, 7527  
commercial driver's license, temporary instruction permit, 7528  
probationary license, or nonresident operating privilege. ~~The~~ If 7529  
the court imposes such a suspension, the court shall send a copy 7530  
of its suspension order and determination to the registrar of 7531  
motor vehicles, and the registrar, pursuant to the order and 7532

determination, shall impose a suspension of the same duration. No 7533  
judge shall suspend the first thirty days of suspension of an 7534  
offender's license, permit, or privilege required by this 7535  
division. The court, in lieu of suspending the offender's driver's 7536  
or commercial driver's license or permit or nonresident operating 7537  
privilege, instead may require the offender to perform community 7538  
service for a number of hours determined by the court. 7539

**Section 2.** That existing sections 109.572, 109.578, 149.43, 7540  
2151.356, 2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2913.02, 7541  
2923.122, 2925.14, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 7542  
2967.01, 2967.04, 2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 7543  
3772.07, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 7544  
4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 7545  
4510.41, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 7546  
4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 7547  
4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 7548  
4749.06, 5120.07, 5502.011, and 5743.99 of the Revised Code are 7549  
hereby repealed. 7550

**Section 3.** The Bureau of Motor Vehicles shall conduct a study 7551  
on the advisability and feasibility of there being held in this 7552  
state a one-time amnesty program for the payment of fees and fines 7553  
owed by persons who have pleaded guilty to or been convicted of 7554  
motor vehicle traffic and equipment offenses or have had their 7555  
driver's license, commercial driver's license, or temporary 7556  
instruction permit suspended for any reason by this state. The 7557  
Bureau may confer with any public or private organization or 7558  
entity that the Bureau determines could be of assistance to the 7559  
Bureau in conducting the study. The Bureau shall study all aspects 7560  
of such a program, including its scope, duration, the amounts or 7561  
percentages of fees or fines persons would be permitted to pay 7562  
under the program, and which persons would be eligible to 7563

participate in the program. 7564

Not later than six months after the effective date of this 7565  
section, the Bureau shall issue a report containing the results of 7566  
the study. The Bureau shall furnish copies of its report to the 7567  
Governor, the Ohio Senate, and the Ohio House of Representatives. 7568

**Section 4.** The General Assembly, applying the principle 7569  
stated in division (B) of section 1.52 of the Revised Code that 7570  
amendments are to be harmonized if reasonably capable of 7571  
simultaneous operation, finds that the following sections, 7572  
presented in this act as composites of the sections as amended by 7573  
the acts indicated, are the resulting versions of the sections in 7574  
effect prior to the effective date of the sections as presented in 7575  
this act: 7576

Section 149.43 of the Revised Code as amended by both Sub. 7577  
H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly. 7578

Section 4503.234 of the Revised Code as amended by both Sub. 7579  
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 7580

Section 4507.164 of the Revised Code as amended by both Sub. 7581  
H.B. 5 and Am. Sub. H.B. 153 of the 129th General Assembly. 7582

**Section 5.** The amendment of section 5120.07 of the Revised 7583  
Code is not intended to supersede the earlier repeal, with delayed 7584  
effective date, of that section. 7585